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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/05/2011	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1356 and 1357  
insert:

Section 38. Sections 39.0015, 39.305, 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, 39.318, 39.816, 39.817, 383.0115, 393.22, 393.503, 394.922, 402.3045, 402.50, 402.55, 409.1672, 409.1673, 409.1685, 409.801, 409.802, and 409.803, Florida Statutes, are repealed.

Section 39. Paragraph (a) of subsection (4) of section 20.195, Florida Statutes, is amended to read:

20.195 Department of Children and Family Services; trust



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13 funds.—The following trust funds shall be administered by the  
14 Department of Children and Family Services:

15 (4) Domestic Violence Trust Fund.

16 (a) Funds to be credited to and uses of the trust fund  
17 shall be administered in accordance with the provisions of s.  
18 28.101, part XII ~~XIII~~ of chapter 39, and chapter 741.

19 Section 40. Subsection (1) of section 39.00145, Florida  
20 Statutes, is amended to read:

21 39.00145 Records concerning children.—

22 (1) The case record of every child under the supervision of  
23 or in the custody of the department, the department's authorized  
24 agents, or providers contracting with the department, including  
25 community-based care lead agencies and their subcontracted  
26 providers, must be maintained in a complete and accurate manner.  
27 The case record must contain, at a minimum, the child's case  
28 plan required under part VII ~~VIII~~ of this chapter and the full  
29 name and street address of all shelters, foster parents, group  
30 homes, treatment facilities, or locations where the child has  
31 been placed.

32 Section 41. Subsection (10) of section 39.0121, Florida  
33 Statutes, is amended to read:

34 39.0121 Specific rulemaking authority.—Pursuant to the  
35 requirements of s. 120.536, the department is specifically  
36 authorized to adopt, amend, and repeal administrative rules  
37 which implement or interpret law or policy, or describe the  
38 procedure and practice requirements necessary to implement this  
39 chapter, including, but not limited to, the following:

40 (10) The ~~Family Builders Program,~~ the Intensive Crisis  
41 Counseling Program, and any other early intervention programs



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42 and kinship care assistance programs.

43 Section 42. Paragraph (a) of subsection (15) of section  
44 39.301, Florida Statutes, is amended to read:

45 39.301 Initiation of protective investigations.—

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

48 1. Medical or other health care; or

49 2. Homemaker care, day care, protective supervision, or  
50 other services to stabilize the home environment, including  
51 intensive family preservation services through ~~the Family~~  
52 ~~Builders Program~~ or the Intensive Crisis Counseling Program, ~~or~~  
53 ~~both,~~

54  
55 such services shall first be offered for voluntary acceptance  
56 unless there are high-risk factors that may impact the ability  
57 of the parents or legal custodians to exercise judgment. Such  
58 factors may include the parents' or legal custodians' young age  
59 or history of substance abuse or domestic violence.

60 Section 43. Section 39.3031, Florida Statutes, is amended  
61 to read:

62 39.3031 Rules for implementation of s. ss. 39.303 and  
63 ~~39.305~~.—The Department of Health, in consultation with the  
64 Department of Children and Family Services, shall adopt rules  
65 governing the child protection teams ~~and the sexual abuse~~  
66 ~~treatment program~~ pursuant to s. ss. 39.303 and ~~39.305~~,  
67 including definitions, organization, roles and responsibilities,  
68 eligibility, services and their availability, qualifications of  
69 staff, and a waiver-request process.

70 Section 44. Subsection (13) of section 49.011, Florida



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71 Statutes, is amended to read:

72 49.011 Service of process by publication; cases in which  
73 allowed.—Service of process by publication may be made in any  
74 court on any party identified in s. 49.021 in any action or  
75 proceeding:

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

78 Section 45. Subsection (18) of section 381.006, Florida  
79 Statutes, is amended to read:

80 381.006 Environmental health.—The department shall conduct  
81 an environmental health program as part of fulfilling the  
82 state's public health mission. The purpose of this program is to  
83 detect and prevent disease caused by natural and manmade factors  
84 in the environment. The environmental health program shall  
85 include, but not be limited to:

86 (18) A food service inspection function for domestic  
87 violence centers that are certified and monitored by the  
88 Department of Children and Family Services under part XII ~~XIII~~  
89 of chapter 39 and group care homes as described in subsection  
90 (16), which shall be conducted annually and be limited to the  
91 requirements in department rule applicable to community-based  
92 residential facilities with five or fewer residents.

93  
94 The department may adopt rules to carry out the provisions of  
95 this section.

96 Section 46. Paragraph (b) of subsection (1) of section  
97 381.0072, Florida Statutes, is amended to read:

98 381.0072 Food service protection.—It shall be the duty of  
99 the Department of Health to adopt and enforce sanitation rules



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100 consistent with law to ensure the protection of the public from  
101 food-borne illness. These rules shall provide the standards and  
102 requirements for the storage, preparation, serving, or display  
103 of food in food service establishments as defined in this  
104 section and which are not permitted or licensed under chapter  
105 500 or chapter 509.

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

107 (b) "Food service establishment" means detention  
108 facilities, public or private schools, migrant labor camps,  
109 assisted living facilities, adult family-care homes, adult day  
110 care centers, short-term residential treatment centers,  
111 residential treatment facilities, homes for special services,  
112 transitional living facilities, crisis stabilization units,  
113 hospices, prescribed pediatric extended care centers,  
114 intermediate care facilities for persons with developmental  
115 disabilities, boarding schools, civic or fraternal  
116 organizations, bars and lounges, vending machines that dispense  
117 potentially hazardous foods at facilities expressly named in  
118 this paragraph, and facilities used as temporary food events or  
119 mobile food units at any facility expressly named in this  
120 paragraph, where food is prepared and intended for individual  
121 portion service, including the site at which individual portions  
122 are provided, regardless of whether consumption is on or off the  
123 premises and regardless of whether there is a charge for the  
124 food. The term does not include any entity not expressly named  
125 in this paragraph; nor does the term include a domestic violence  
126 center certified and monitored by the Department of Children and  
127 Family Services under part XII ~~XIII~~ of chapter 39 if the center  
128 does not prepare and serve food to its residents and does not



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129 advertise food or drink for public consumption.

130 Section 47. Paragraph (b) of subsection (2) of section  
131 390.01114, Florida Statutes, is amended to read:

132 390.01114 Parental Notice of Abortion Act.—

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

134 (b) "Child abuse" means abandonment, abuse, harm, mental  
135 injury, neglect, physical injury, or sexual abuse of a child as  
136 those terms are defined in ss. 39.01, 827.04, and 984.03 ~~has the~~  
137 same meaning as s. 39.0015(3).

138 Section 48. Section 409.1685, Florida Statutes, is amended  
139 to read:

140 409.1685 Children in foster care; annual report to  
141 Legislature.—The Department of Children and Family Services  
142 shall submit a written report to the Governor and the  
143 Legislature concerning the status of children in foster care and  
144 the judicial review mandated by part IX ~~✕~~ of chapter 39. The  
145 report shall be submitted by May 1 of each year and must include  
146 the following information for the prior calendar year:

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

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

152 (3) The number of termination of parental rights  
153 proceedings instituted during that period, including:

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

156 (b) The total number of terminations of parental rights  
157 ordered.



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158 (4) The number of foster care children placed for adoption.  
159 Section 49. Paragraph (a) of subsection (3) of section  
160 411.01013, Florida Statutes, is amended to read:

161 411.01013 Prevailing market rate schedule.-

162 (3) The prevailing market rate schedule, at a minimum,  
163 must:

164 (a) Differentiate rates by type, including, but not limited  
165 to, a child care provider that holds a Gold Seal Quality Care  
166 designation under s. 402.281, a child care facility licensed  
167 under s. 402.305, a public or nonpublic school exempt from  
168 licensure under s. 402.3025, a faith-based child care facility  
169 exempt from licensure under s. 402.316 that does not hold a Gold  
170 Seal Quality Care designation, a large family child care home  
171 licensed under s. 402.3131, or a family day care home licensed  
172 or registered under s. 402.313, ~~or an after-school program that~~  
173 ~~is not defined as child care under rules adopted pursuant to s.~~  
174 ~~402.3045.~~

175 Section 50. Paragraph (j) of subsection (2) of section  
176 753.03, Florida Statutes, is redesignated as paragraph (i), and  
177 present paragraph (i) of that subsection is amended to read:

178 753.03 Standards for supervised visitation and supervised  
179 exchange programs.-

180 (2) The clearinghouse shall use an advisory board to assist  
181 in developing the standards. The advisory board must include:

182 ~~(i) A representative of the Commission on Marriage and~~  
183 ~~Family Support Initiatives.~~

184 Section 51. Subsection (4) of section 877.22, Florida  
185 Statutes, is amended to read:

186 877.22 Minors prohibited in public places and



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187 establishments during certain hours; penalty; procedure.-  
188 (4) If a minor violates a curfew and is taken into custody,  
189 the minor shall be transported immediately to a police station  
190 or to a facility operated by a religious, charitable, or civic  
191 organization that conducts a curfew program in cooperation with  
192 a local law enforcement agency. After recording pertinent  
193 information about the minor, the law enforcement agency shall  
194 attempt to contact the parent of the minor and, if successful,  
195 shall request that the parent take custody of the minor and  
196 shall release the minor to the parent. If the law enforcement  
197 agency is not able to contact the minor's parent within 2 hours  
198 after the minor is taken into custody, or if the parent refuses  
199 to take custody of the minor, the law enforcement agency may  
200 transport the minor to her or his residence or proceed as  
201 authorized under part IV ~~V~~ of chapter 39.

202  
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:

205  
206 Delete line 79  
207 and insert:  
208 asbestos surveyors; repealing s. 39.0015, F.S.,  
209 relating to child abuse prevention training in the  
210 district school system; repealing s. 39.305, F.S.,  
211 relating to the development by the Department of  
212 Children and Family Services of a model plan for  
213 community intervention and treatment in intrafamily  
214 sexual abuse cases; repealing ss. 39.311, 39.312,  
215 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318,



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216 F.S., relating to the Family Builders Program;  
217 repealing 39.816, F.S., relating to authorization for  
218 pilot and demonstration projects; repealing s. 39.817,  
219 F.S., relating to a foster care privatization  
220 demonstration project; repealing s. 383.0115, F.S.,  
221 relating to the Commission on Marriage and Family  
222 Support Initiatives; repealing s. 393.22, F.S.,  
223 relating to financial commitment to community services  
224 programs; repealing s. 393.503, F.S., relating to  
225 respite and family care subsidy expenditures and  
226 funding recommendations; repealing s. 394.922, F.S.,  
227 relating to constitutional requirements regarding  
228 long-term control, care, and treatment of sexually  
229 violent predators; repealing s. 402.3045, F.S.,  
230 relating to a requirement that the Department of  
231 Children and Family Services adopt distinguishable  
232 definitions of child care programs by rule; repealing  
233 s. 402.50, F.S., relating to the development of  
234 administrative infrastructure standards by the  
235 Department of Children and Family Services; repealing  
236 s. 402.55, F.S., relating to the management fellows  
237 program; repealing s. 409.1672, F.S., relating to  
238 performance incentives for department employees with  
239 respect to the child welfare system; repealing s.  
240 409.1673, F.S., relating to legislative findings  
241 regarding the foster care system and the development  
242 of alternate care plans; repealing s. 409.1685, F.S.,  
243 relating to an annual report to the Legislature by the  
244 Department of Children and Family Services with



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245       respect to children in foster care; repealing ss.  
246       409.801 and 409.802, F.S., relating to the Family  
247       Policy Act; repealing s. 409.803, F.S., relating to  
248       pilot programs to provide shelter and foster care  
249       services to dependent children; amending ss. 20.195,  
250       39.00145, 39.0121, 39.301, 39.3031, 49.011, 381.006,  
251       381.0072, 390.01114, 409.1685, 411.01013, 753.03, and  
252       877.22, F.S.; conforming references to changes made by  
253       the act; providing an effective date.