

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 14.2019, 14.20195, 16.615, 17.61, 20.195, 20.197,
4 20.506, 28.101, 39.001, 39.0016, 39.01, 39.2021,
5 39.303, 39.3031, 39.3032, 39.3035, 39.3065, 39.308,
6 39.395, 39.5085, 39.604, 39.9055, 61.20, 61.21,
7 63.022, 63.032, 63.039, 63.054, 63.202, 90.503,
8 110.205, 120.80, 121.0515, 125.0109, 125.901, 125.902,
9 154.067, 154.306, 166.0445, 186.901, 194.013, 196.095,
10 212.04, 212.08, 213.053, 215.5601, 218.65, 252.355,
11 253.034, 282.201, 284.40, 287.0575, 287.155, 288.0656,
12 288.975, 316.6135, 318.14, 320.0848, 322.055, 364.10,
13 379.353, 381.0022, 381.006, 381.0072, 381.0303,
14 381.0407, 382.016, 383.011, 383.402, 393.002, 393.065,
15 393.0661, 393.0673, 393.125, 393.135, 393.18, 394.453,
16 394.455, 394.457, 394.4574, 394.461, 394.4612,
17 394.4615, 394.46715, 394.4781, 394.47865, 394.480,
18 394.492, 394.493, 394.4985, 394.499, 394.656, 394.657,
19 394.658, 394.66, 394.67, 394.745, 394.75, 394.78,
20 394.9084, 394.912, 394.913, 394.9135, 394.9151,
21 394.917, 394.9215, 394.929, 394.930, 394.931,
22 395.1023, 395.3025, 397.311, 397.333, 397.334,
23 397.6758, 397.753, 397.754, 397.801, 397.998,
24 400.0065, 400.0069, 400.021, 400.022, 400.462,
25 400.464, 400.925, 402.04, 402.06, 402.07, 402.115,
26 402.12, 402.16, 402.161, 402.164, 402.17, 402.18,

27 402.181, 402.185, 402.19, 402.20, 402.22, 402.281,
 28 402.302, 402.30501, 402.3115, 402.33, 402.35, 402.40,
 29 402.401, 402.47, 402.49, 402.56, 402.70, 402.73,
 30 402.7305, 402.7306, 402.731, 402.80, 402.81, 402.86,
 31 402.87, 408.033, 408.20, 408.301, 408.302, 408.809,
 32 408.916, 409.016, 409.017, 409.141, 409.146, 409.147,
 33 409.153, 409.166, 409.167, 409.1671, 409.16715,
 34 409.16745, 409.1675, 409.1676, 409.1679, 409.175,
 35 409.1755, 409.221, 409.2355, 409.2572, 409.2577,
 36 409.2599, 409.285, 409.403, 409.404, 409.406, 409.407,
 37 409.4101, 409.441, 409.813, 409.8135, 409.8177,
 38 409.818, 409.821, 409.901, 409.902, 409.90201,
 39 409.903, 409.906, 409.9102, 409.91195, 409.912,
 40 409.9122, 409.913, 409.919, 409.962, 410.032, 410.602,
 41 410.603, 411.223, 411.224, 411.226, 411.227, 413.031,
 42 413.208, 413.271, 413.402, 414.0252, 414.175, 414.27,
 43 414.32, 414.37, 414.39, 414.391, 414.40, 414.411,
 44 414.42, 415.102, 415.107, 415.1071, 419.001, 420.621,
 45 420.622, 420.628, 421.10, 427.012, 429.01, 429.075,
 46 429.08, 429.19, 429.23, 429.26, 429.31, 429.34,
 47 429.41, 429.67, 429.73, 429.75, 430.2053, 430.705,
 48 435.02, 445.016, 445.021, 445.028, 445.029, 445.033,
 49 445.034, 445.035, 445.048, 445.051, 450.191, 456.0391,
 50 464.0205, 466.003, 466.023, 489.503, 490.012, 491.012,
 51 509.013, 553.80, 561.19, 561.20, 624.351, 624.91,
 52 651.117, 683.331, 718.115, 720.309, 741.01, 741.29,

53 742.107, 743.045, 743.046, 743.0645, 744.1075, 753.01,
 54 765.110, 766.101, 775.0837, 775.16, 784.046, 784.074,
 55 784.081, 787.06, 796.07, 817.505, 839.13, 877.111,
 56 893.11, 893.15, 893.165, 916.105, 916.106, 921.0022,
 57 937.021, 938.01, 938.10, 938.23, 943.0311, 943.04353,
 58 943.053, 943.06, 943.17296, 944.024, 944.17, 944.706,
 59 945.025, 945.10, 945.12, 945.46, 945.47, 945.49,
 60 947.13, 947.146, 948.01, 984.01, 984.03, 984.071,
 61 984.085, 984.086, 984.10, 984.15, 984.19, 984.22,
 62 984.225, 984.226, 985.03, 985.046, 985.047, 985.11,
 63 985.145, 985.155, 985.18, 985.19, 985.433, 985.461,
 64 985.48, 985.556, 985.565, 985.601, 985.61, 985.614,
 65 985.64, 985.731, 985.8025, 1001.42, 1002.3305,
 66 1002.395, 1002.57, 1003.27, 1003.49, 1003.51, 1003.57,
 67 1003.58, 1004.44, 1004.61, 1004.93, 1006.03, 1006.061,
 68 1008.39, 1009.25, 1010.57, 1011.62, 1012.32, 1012.62,
 69 and 1012.98, F.S.; to conform references within the
 70 Florida Statutes to the redesignation of the
 71 Department of Children and Family Services as the
 72 Department of Children and Families by section 2 of
 73 chapter 2012-84, Laws of Florida; providing an
 74 effective date.

75
 76 Be It Enacted by the Legislature of the State of Florida:
 77

78 Section 1. Subsections (1) and (3) of section 14.2019,

79 Florida Statutes, are amended to read:

80 14.2019 Statewide Office for Suicide Prevention.—

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

83 (3) The Statewide Office for Suicide Prevention may seek
 84 and accept grants or funds from any federal, state, or local
 85 source to support the operation and defray the authorized
 86 expenses of the office and the Suicide Prevention Coordinating
 87 Council. Revenues from grants shall be deposited in the Grants
 88 and Donations Trust Fund within the Department of Children and
 89 Families ~~Family Services~~. In accordance with s. 216.181(11), the
 90 Executive Office of the Governor may request changes to the
 91 approved operating budget to allow the expenditure of any
 92 additional grant funds collected pursuant to this subsection.

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

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

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

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

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

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

120 16.615 Council on the Social Status of Black Men and
 121 Boys.—

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

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

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

130 Section 4. Paragraph (c) of subsection (3) of section

131 17.61, Florida Statutes, is amended to read:

132 17.61 Chief Financial Officer; powers and duties in the
 133 investment of certain funds.—

134 (3)

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

141 1. The Agency for Health Care Administration, except for
 142 the Tobacco Settlement Trust Fund.

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

144 a. The Federal Grants Trust Fund.

145 b. The Tobacco Settlement Trust Fund.

146 3. The Department of Children and Families ~~Family~~

147 ~~Services~~, except for:

148 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

149 b. The Social Services Block Grant Trust Fund.

150 c. The Tobacco Settlement Trust Fund.

151 d. The Working Capital Trust Fund.

152 4. The Department of Corrections.

153 5. The Department of Elderly Affairs, except for:

154 a. The Federal Grants Trust Fund.

155 b. The Tobacco Settlement Trust Fund.

156 6. The Department of Health, except for:

- 157 a. The Federal Grants Trust Fund.
- 158 b. The Grants and Donations Trust Fund.
- 159 c. The Maternal and Child Health Block Grant Trust Fund.
- 160 d. The Tobacco Settlement Trust Fund.
- 161 7. The Department of Highway Safety and Motor Vehicles,
- 162 only for the Security Deposits Trust Fund.
- 163 8. The Department of Juvenile Justice.
- 164 9. The Department of Law Enforcement.
- 165 10. The Department of Legal Affairs.
- 166 11. The Department of State, only for:
- 167 a. The Grants and Donations Trust Fund.
- 168 b. The Records Management Trust Fund.
- 169 12. The Department of Economic Opportunity, only for:
- 170 a. The Economic Development Transportation Trust Fund.
- 171 b. The Economic Development Trust Fund.
- 172 13. The Florida Public Service Commission, only for the
- 173 Florida Public Service Regulatory Trust Fund.
- 174 14. The Justice Administrative Commission.
- 175 15. The state courts system.
- 176 Section 5. Section 20.195, Florida Statutes, is amended to
- 177 read:
- 178 20.195 Department of Children and Families ~~Family~~
- 179 ~~Services~~; trust funds.—The following trust funds shall be
- 180 administered by the Department of Children and Families ~~Family~~
- 181 ~~Services~~:
- 182 (1) Administrative Trust Fund.

183 (a) Funds to be credited to and uses of the trust fund
184 shall be administered in accordance with the provisions of s.
185 215.32.

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

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

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

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

202 (3) Child Welfare Training Trust Fund.

203 (a) Funds to be credited to and uses of the trust fund
204 shall be administered in accordance with the provisions of s.
205 402.40.

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

209 the year and shall be available for carrying out the purposes of
 210 the trust fund.

211 (4) Domestic Violence Trust Fund.

212 (a) Funds to be credited to and uses of the trust fund
 213 shall be administered in accordance with the provisions of s.
 214 28.101, part XII of chapter 39, and chapter 741.

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

220 (5) Federal Grants Trust Fund.

221 (a) Funds to be credited to and uses of the trust fund
 222 shall be administered in accordance with the provisions of s.
 223 215.32.

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

229 (6) Grants and Donations Trust Fund.

230 (a) Funds to be credited to and uses of the trust fund
 231 shall be administered in accordance with the provisions of s.
 232 215.32.

233 (b) Notwithstanding the provisions of s. 216.301 and
 234 pursuant to s. 216.351, any balance in the trust fund at the end

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235 of any fiscal year shall remain in the trust fund at the end of
236 the year and shall be available for carrying out the purposes of
237 the trust fund.

238 (7) Operations and Maintenance Trust Fund.

239 (a) Funds to be credited to and uses of the trust fund
240 shall be administered in accordance with the provisions of s.
241 215.32.

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

247 (8) Social Services Block Grant Trust Fund.

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

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

258 (9) Tobacco Settlement Trust Fund.

259 (a) Funds to be credited to the trust fund shall consist
260 of funds disbursed, by nonoperating transfer, from the

261 Department of Financial Services Tobacco Settlement Clearing
262 Trust Fund in amounts equal to the annual appropriations made
263 from this trust fund.

264 (b) Notwithstanding the provisions of s. 216.301 and
265 pursuant to s. 216.351, any unencumbered balance in the trust
266 fund at the end of any fiscal year and any encumbered balance
267 remaining undisbursed on September 30 of the same calendar year
268 shall revert to the Department of Financial Services Tobacco
269 Settlement Clearing Trust Fund.

270 (10) Welfare Transition Trust Fund.

271 (a) Funds to be credited to and uses of the trust fund
272 shall be administered in accordance with the provisions of s.
273 20.506.

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

279 (11) Working Capital Trust Fund.

280 (a) Funds to be credited to and uses of the trust fund
281 shall be administered in accordance with the provisions of s.
282 215.32.

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

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287 the trust fund.

288 Section 6. Section 20.197, Florida Statutes, is amended to
289 read:

290 20.197 Agency for Persons with Disabilities.—There is
291 created the Agency for Persons with Disabilities, housed within
292 the Department of Children and Families ~~Family Services~~ for
293 administrative purposes only. The agency shall be a separate
294 budget entity not subject to control, supervision, or direction
295 by the Department of Children and Families ~~Family Services~~ in
296 any manner, including, but not limited to, personnel,
297 purchasing, transactions involving real or personal property,
298 and budgetary matters.

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

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

312 (3) The agency is responsible for providing all services

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313 provided to persons with developmental disabilities under
314 chapter 393, including the operation of all state institutional
315 programs and the programmatic management of Medicaid waivers
316 established to provide services to persons with developmental
317 disabilities.

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

321 (5) The agency shall enter into an interagency agreement
322 that delineates the responsibilities of the Agency for Health
323 Care Administration for the following:

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

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

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

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

338 Section 7. Section 20.506, Florida Statutes, is amended to

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339 read:

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

352 Section 8. Paragraph (c) of subsection (1) of section
353 28.101, Florida Statutes, is amended to read:

354 28.101 Petitions and records of dissolution of marriage;
355 additional charges.—

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

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

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365 Section 9. Paragraph (a) of subsection (9) of section
366 39.001, Florida Statutes, is amended to read:

367 39.001 Purposes and intent; personnel standards and
368 screening.—

369 (9) PLAN FOR COMPREHENSIVE APPROACH.—

370 (a) The office shall develop a state plan for the
371 promotion of adoption, support of adoptive families, and
372 prevention of abuse, abandonment, and neglect of children and
373 shall submit the state plan to the Speaker of the House of
374 Representatives, the President of the Senate, and the Governor
375 no later than December 31, 2008. The Department of Children and
376 Families ~~Family Services~~, the Department of Corrections, the
377 Department of Education, the Department of Health, the
378 Department of Juvenile Justice, the Department of Law
379 Enforcement, and the Agency for Persons with Disabilities shall
380 participate and fully cooperate in the development of the state
381 plan at both the state and local levels. Furthermore,
382 appropriate local agencies and organizations shall be provided
383 an opportunity to participate in the development of the state
384 plan at the local level. Appropriate local groups and
385 organizations shall include, but not be limited to, community
386 mental health centers; guardian ad litem programs for children
387 under the circuit court; the school boards of the local school
388 districts; the Florida local advocacy councils; community-based
389 care lead agencies; private or public organizations or programs
390 with recognized expertise in working with child abuse prevention

391 programs for children and families; private or public
 392 organizations or programs with recognized expertise in working
 393 with children who are sexually abused, physically abused,
 394 emotionally abused, abandoned, or neglected and with expertise
 395 in working with the families of such children; private or public
 396 programs or organizations with expertise in maternal and infant
 397 health care; multidisciplinary child protection teams; child day
 398 care centers; law enforcement agencies; and the circuit courts,
 399 when guardian ad litem programs are not available in the local
 400 area. The state plan to be provided to the Legislature and the
 401 Governor shall include, as a minimum, the information required
 402 of the various groups in paragraph (b).

403 Section 10. Paragraph (b) of subsection (1) and paragraph
 404 (b) of subsection (3) of section 39.0016, Florida Statutes, are
 405 amended to read:

406 39.0016 Education of abused, neglected, and abandoned
 407 children; agency agreements; children having or suspected of
 408 having a disability.—

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

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

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

415 (b)1. Each district school superintendent or dependency
 416 court must appoint a surrogate parent for a child known to the

417 department who has or is suspected of having a disability, as
418 defined in s. 1003.01(3), when:

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

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

427 2. A surrogate parent appointed by the district school
428 superintendent or the court must be at least 18 years old and
429 have no personal or professional interest that conflicts with
430 the interests of the student to be represented. Neither the
431 district school superintendent nor the court may appoint an
432 employee of the Department of Education, the local school
433 district, a community-based care provider, the Department of
434 Children and Families ~~Family Services~~, or any other public or
435 private agency involved in the education or care of the child as
436 appointment of those persons is prohibited by federal law. This
437 prohibition includes group home staff and therapeutic foster
438 parents. However, a person who acts in a parental role to a
439 child, such as a foster parent or relative caregiver, is not
440 prohibited from serving as a surrogate parent if he or she is
441 employed by such agency, willing to serve, and knowledgeable
442 about the child and the exceptional student education process.

443 The surrogate parent may be a court-appointed guardian ad litem
444 or a relative or nonrelative adult who is involved in the
445 child's life regardless of whether that person has physical
446 custody of the child. Each person appointed as a surrogate
447 parent must have the knowledge and skills acquired by
448 successfully completing training using materials developed and
449 approved by the Department of Education to ensure adequate
450 representation of the child.

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

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

468 5. For a child known to the department, the responsibility

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

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

479 a. The child is determined to no longer be eligible or in
480 need of special programs, except when termination of special
481 programs is being contested.

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

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

487 d. The appointed surrogate no longer wishes to represent
488 the child or is unable to represent the child.

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

494 f. The child moves to a geographic location that is not

495 reasonably accessible to the appointed surrogate.

496 7. The appointment and termination of appointment of a
497 surrogate under this paragraph shall be entered as an order of
498 the court with a copy of the order provided to the child's
499 school as soon as practicable.

500 8. The person appointed as a surrogate parent under this
501 paragraph must:

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

504 b. Represent the child in all matters relating to
505 identification, evaluation, and educational placement and the
506 provision of a free and appropriate education to the child.

507 c. Represent the interests and safeguard the rights of the
508 child in educational decisions that affect the child.

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

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

519 11. A person appointed as a surrogate parent shall not be
520 held liable for actions taken in good faith on behalf of the

521 student in protecting the special education rights of the child.

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

524 39.01 Definitions.—When used in this chapter, unless the
525 context otherwise requires:

526 (21) "Department" means the Department of Children and
527 Families ~~Family Services~~.

528 (66) "Secretary" means the Secretary of Children and
529 Families ~~Family Services~~.

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

532 39.2021 Release of confidential information.—

533 (1) Any person or organization, including the Department
534 of Children and Families ~~Family Services~~, may petition the court
535 for an order making public the records of the Department of
536 Children and Families ~~Family Services~~ which pertain to
537 investigations of alleged abuse, abandonment, or neglect of a
538 child. The court shall determine whether good cause exists for
539 public access to the records sought or a portion thereof. In
540 making this determination, the court shall balance the best
541 interests of the child who is the focus of the investigation and
542 the interest of that child's siblings, together with the privacy
543 rights of other persons identified in the reports, against the
544 public interest. The public interest in access to such records
545 is reflected in s. 119.01(1), and includes the need for citizens
546 to know of and adequately evaluate the actions of the Department

547 of Children and Families ~~Family Services~~ and the court system in
548 providing children of this state with the protections enumerated
549 in s. 39.001. However, this subsection does not contravene s.
550 39.202, which protects the name of any person reporting the
551 abuse, abandonment, or neglect of a child.

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

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

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

570 (c) The date of each judicial proceeding, a summary of
571 each participant's recommendations made at the judicial
572 proceeding, and the ruling of the court.

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573
574 The summary information shall not include the name of, or other
575 identifying information with respect to, any person identified
576 in any investigation. In making a determination to release
577 confidential information, the court shall balance the best
578 interests of the child who is the focus of the investigation and
579 the interests of that child's siblings, together with the
580 privacy rights of other persons identified in the reports
581 against the public interest for access to public records.
582 However, this subsection does not contravene s. 39.202, which
583 protects the name of any person reporting abuse, abandonment, or
584 neglect of a child.

585 Section 13. Section 39.303, Florida Statutes, is amended
586 to read:

587 39.303 Child protection teams; services; eligible cases.-
588 The Children's Medical Services Program in the Department of
589 Health shall develop, maintain, and coordinate the services of
590 one or more multidisciplinary child protection teams in each of
591 the service districts of the Department of Children and Families
592 ~~Family Services~~. Such teams may be composed of appropriate
593 representatives of school districts and appropriate health,
594 mental health, social service, legal service, and law
595 enforcement agencies. The Legislature finds that optimal
596 coordination of child protection teams and sexual abuse
597 treatment programs requires collaboration between the Department
598 of Health and the Department of Children and Families ~~Family~~

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599 ~~Services~~. The two departments shall maintain an interagency
600 agreement that establishes protocols for oversight and
601 operations of child protection teams and sexual abuse treatment
602 programs. The State Surgeon General and the Deputy Secretary for
603 Children's Medical Services, in consultation with the Secretary
604 of Children and Families ~~Family Services~~, shall maintain the
605 responsibility for the screening, employment, and, if necessary,
606 the termination of child protection team medical directors, at
607 headquarters and in the 15 districts. Child protection team
608 medical directors shall be responsible for oversight of the
609 teams in the districts.

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

629 (b) Telephone consultation services in emergencies and in
630 other situations.

631 (c) Medical evaluation related to abuse, abandonment, or
632 neglect, as defined by policy or rule of the Department of
633 Health.

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

639 (e) Expert medical, psychological, and related
640 professional testimony in court cases.

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

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651 family safety and preservation program representative shall
652 attend and participate.

653 (g) Case service coordination and assistance, including
654 the location of services available from other public and private
655 agencies in the community.

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

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

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

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

676 (2) The child abuse, abandonment, and neglect reports that

677 must be referred by the department to child protection teams of
678 the Department of Health for an assessment and other appropriate
679 available support services as set forth in subsection (1) must
680 include cases involving:

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

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

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

685 (d) Any sexually transmitted disease in a prepubescent
686 child.

687 (e) Reported malnutrition of a child and failure of a
688 child to thrive.

689 (f) Reported medical neglect of a child.

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

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

697 (3) All abuse and neglect cases transmitted for
698 investigation to a district by the hotline must be
699 simultaneously transmitted to the Department of Health child
700 protection team for review. For the purpose of determining
701 whether face-to-face medical evaluation by a child protection
702 team is necessary, all cases transmitted to the child protection

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703 team which meet the criteria in subsection (2) must be timely
704 reviewed by:

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

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

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

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

722 (e) A registered nurse licensed under chapter 464, who may
723 complete the review only when working under the direct
724 supervision of a physician licensed under chapter 458 or chapter
725 459 who holds certification in pediatrics and is a member of a
726 child protection team.

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

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

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

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

746
 747 Notwithstanding paragraphs (a), (b), and (c), a child protection
 748 team pediatrician, as authorized in subsection (3), may
 749 determine that a face-to-face medical evaluation is necessary.

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

755 services.

756 (6) The Department of Health child protection team quality
 757 assurance program and the Department of Children and Families'
 758 ~~Family Services'~~ Family Safety Program Office quality assurance
 759 program shall collaborate to ensure referrals and responses to
 760 child abuse, abandonment, and neglect reports are appropriate.
 761 Each quality assurance program shall include a review of records
 762 in which there are no findings of abuse, abandonment, or
 763 neglect, and the findings of these reviews shall be included in
 764 each department's quality assurance reports.

765 Section 14. Section 39.3031, Florida Statutes, is amended
 766 to read:

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

774 Section 15. Section 39.3032, Florida Statutes, is amended
 775 to read:

776 39.3032 Memorandum of agreement.—A memorandum of agreement
 777 shall be developed between the Department of Children and
 778 Families ~~Family Services~~ and the Department of Health that
 779 specifies how the teams will work with child protective
 780 investigation and service staff, that requires joint oversight

781 by the two departments of the activities of the teams, and that
 782 specifies how that oversight will be implemented.

783 Section 16. Paragraph (a) of subsection (3) of section
 784 39.3035, Florida Statutes, is amended to read:

785 39.3035 Child advocacy centers; standards; state funding.—

786 (3) A child advocacy center within this state may not
 787 receive the funds generated pursuant to s. 938.10, state or
 788 federal funds administered by a state agency, or any other funds
 789 appropriated by the Legislature unless all of the standards of
 790 subsection (1) are met and the screening requirement of
 791 subsection (2) is met. The Florida Network of Children's
 792 Advocacy Centers, Inc., shall be responsible for tracking and
 793 documenting compliance with subsections (1) and (2) for any of
 794 the funds it administers to member child advocacy centers.

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

804 Section 17. Section 39.3065, Florida Statutes, is amended
 805 to read:

806 39.3065 Sheriffs of certain counties to provide child

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807 protective investigative services; procedures; funding.—

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

820 (2) During fiscal year 1998-1999, the Department of
821 Children and Families ~~Family Services~~ and each sheriff's office
822 shall enter into a contract for the provision of these services.
823 Funding for the services will be appropriated to the Department
824 of Children and Families ~~Family Services~~, and the department
825 shall transfer to the respective sheriffs for the duration of
826 fiscal year 1998-1999, funding for the investigative
827 responsibilities assumed by the sheriffs, including federal
828 funds that the provider is eligible for and agrees to earn and
829 that portion of general revenue funds which is currently
830 associated with the services that are being furnished under
831 contract, and including, but not limited to, funding for all
832 investigative, supervisory, and clerical positions; training;

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833 all associated equipment; furnishings; and other fixed capital
834 items. The contract must specify whether the department will
835 continue to perform part or none of the child protective
836 investigations during the initial year. The sheriffs may either
837 conduct the investigations themselves or may, in turn,
838 subcontract with law enforcement officials or with properly
839 trained employees of private agencies to conduct investigations
840 related to neglect cases only. If such a subcontract is awarded,
841 the sheriff must take full responsibility for any safety
842 decision made by the subcontractor and must immediately respond
843 with law enforcement staff to any situation that requires
844 removal of a child due to a condition that poses an immediate
845 threat to the child's life. The contract must specify whether
846 the services are to be performed by departmental employees or by
847 persons determined by the sheriff. During this initial year, the
848 department is responsible for quality assurance, and the
849 department retains the responsibility for the performance of all
850 child protective investigations. The department must identify
851 any barriers to transferring the entire responsibility for child
852 protective services to the sheriffs' offices and must pursue
853 avenues for removing any such barriers by means including, but
854 not limited to, applying for federal waivers. By January 15,
855 1999, the department shall submit to the President of the
856 Senate, the Speaker of the House of Representatives, and the
857 chairs of the Senate and House committees that oversee
858 departmental activities a report that describes any remaining

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859 barriers, including any that pertain to funding and related
860 administrative issues. Unless the Legislature, on the basis of
861 that report or other pertinent information, acts to block a
862 transfer of the entire responsibility for child protective
863 investigations to the sheriffs' offices, the sheriffs of Pasco
864 County, Manatee County, Broward County, and Pinellas County,
865 beginning in fiscal year 1999-2000, shall assume the entire
866 responsibility for such services, as provided in subsection (3).

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

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

883 (c) Funds for providing child protective investigations
884 must be identified in the annual appropriation made to the

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

897 (d) Program performance evaluation shall be based on
898 criteria mutually agreed upon by the respective sheriffs and the
899 Department of Children and Families ~~Family Services~~. The program
900 performance evaluation shall be conducted by a team of peer
901 reviewers from the respective sheriffs' offices that perform
902 child protective investigations and representatives from the
903 department. The Department of Children and Families ~~Family~~
904 ~~Services~~ shall submit an annual report regarding quality
905 performance, outcome-measure attainment, and cost efficiency to
906 the President of the Senate, the Speaker of the House of
907 Representatives, and to the Governor no later than January 31 of
908 each year the sheriffs are receiving general appropriations to
909 provide child protective investigations.

910 Section 18. Section 39.308, Florida Statutes, is amended

911 to read:

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

924 Section 19. Section 39.395, Florida Statutes, is amended
 925 to read:

926 39.395 Detaining a child; medical or hospital personnel.—
 927 Any person in charge of a hospital or similar institution, or
 928 any physician or licensed health care professional treating a
 929 child may detain that child without the consent of the parents,
 930 caregiver, or legal custodian, whether or not additional medical
 931 treatment is required, if the circumstances are such, or if the
 932 condition of the child is such that returning the child to the
 933 care or custody of the parents, caregiver, or legal custodian
 934 presents an imminent danger to the child's life or physical or
 935 mental health. Any such person detaining a child shall
 936 immediately notify the department, whereupon the department

937 shall immediately begin a child protective investigation in
 938 accordance with the provisions of this chapter and shall make
 939 every reasonable effort to immediately notify the parents or
 940 legal custodian that such child has been detained. If the
 941 department determines, according to the criteria set forth in
 942 this chapter, that the child should be detained longer than 24
 943 hours, it shall petition the court through the attorney
 944 representing the Department of Children and Families ~~Family~~
 945 ~~Services~~ as quickly as possible and not to exceed 24 hours, for
 946 an order authorizing such custody in the same manner as if the
 947 child were placed in a shelter. The department shall attempt to
 948 avoid the placement of a child in an institution whenever
 949 possible.

950 Section 20. Paragraph (a) of subsection (2) of section
 951 39.5085, Florida Statutes, is amended to read:

952 39.5085 Relative Caregiver Program.—

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

959 1. Relatives who are within the fifth degree by blood or
 960 marriage to the parent or stepparent of a child and who are
 961 caring full-time for that dependent child in the role of
 962 substitute parent as a result of a court's determination of

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963 child abuse, neglect, or abandonment and subsequent placement
964 with the relative under this chapter.

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

972

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

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

985 39.604 Rilya Wilson Act; short title; legislative intent;
986 requirements; attendance and reporting responsibilities.—

987 (3) REQUIREMENTS.—A child who is age 3 years to school
988 entry, under court ordered protective supervision or in the

989 custody of the Family Safety Program Office of the Department of
 990 Children and Families ~~Family Services~~ or a community-based lead
 991 agency, and enrolled in a licensed early education or child care
 992 program must be enrolled to participate in the program 5 days a
 993 week. Notwithstanding the requirements of s. 39.202, the
 994 Department of Children and Families ~~Family Services~~ must notify
 995 operators of the licensed early education or child care program,
 996 subject to the reporting requirements of this act, of the
 997 enrollment of any child age 3 years to school entry, under court
 998 ordered protective supervision or in the custody of the Family
 999 Safety Program Office of the Department of Children and Families
 1000 ~~Family Services~~ or a community-based lead agency. The case plan
 1001 developed for a child pursuant to this chapter who is enrolled
 1002 in a licensed early education or child care program must contain
 1003 the participation in this program as a required action. An
 1004 exemption to participating in the licensed early education or
 1005 child care program 5 days a week may be granted by the court.

1006 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1007 (a) A child enrolled in a licensed early education or
 1008 child care program who meets the requirements of subsection (3)
 1009 may not be withdrawn from the program without the prior written
 1010 approval of the Family Safety Program Office of the Department
 1011 of Children and Families ~~Family Services~~ or the community-based
 1012 lead agency.

1013 (b)1. If a child covered by this section is absent from
 1014 the program on a day when he or she is supposed to be present,

1015 the person with whom the child resides must report the absence
 1016 to the program by the end of the business day. If the person
 1017 with whom the child resides, whether the parent or caregiver,
 1018 fails to timely report the absence, the absence is considered to
 1019 be unexcused. The program shall report any unexcused absence or
 1020 seven consecutive excused absences of a child who is enrolled in
 1021 the program and covered by this act to the local designated
 1022 staff of the Family Safety Program Office of the Department of
 1023 Children and Families ~~Family Services~~ or the community-based
 1024 lead agency by the end of the business day following the
 1025 unexcused absence or seventh consecutive excused absence.

1026 2. The department or community-based lead agency shall
 1027 conduct a site visit to the residence of the child upon
 1028 receiving a report of two consecutive unexcused absences or
 1029 seven consecutive excused absences.

1030 3. If the site visit results in a determination that the
 1031 child is missing, the department or community-based lead agency
 1032 shall report the child as missing to a law enforcement agency
 1033 and proceed with the necessary actions to locate the child
 1034 pursuant to procedures for locating missing children.

1035 4. If the site visit results in a determination that the
 1036 child is not missing, the parent or caregiver shall be notified
 1037 that failure to ensure that the child attends the licensed early
 1038 education or child care program is a violation of the case plan.
 1039 If more than two site visits are conducted pursuant to this
 1040 subsection, staff shall initiate action to notify the court of

1041 the parent or caregiver's noncompliance with the case plan.

1042 Section 22. Section 39.9055, Florida Statutes, is amended
 1043 to read:

1044 39.9055 Certified domestic violence centers; capital
 1045 improvement grant program.—There is established a certified
 1046 domestic violence center capital improvement grant program.

1047 (1) A certified domestic violence center as defined in s.
 1048 39.905 may apply to the Department of Children and Families
 1049 ~~Family Services~~ for a capital improvement grant. The grant
 1050 application must provide information that includes:

1051 (a) A statement specifying the capital improvement that
 1052 the certified domestic violence center proposes to make with the
 1053 grant funds.

1054 (b) The proposed strategy for making the capital
 1055 improvement.

1056 (c) The organizational structure that will carry out the
 1057 capital improvement.

1058 (d) Evidence that the certified domestic violence center
 1059 has difficulty in obtaining funding or that funds available for
 1060 the proposed improvement are inadequate.

1061 (e) Evidence that the funds will assist in meeting the
 1062 needs of victims of domestic violence and their children in the
 1063 certified domestic violence center service area.

1064 (f) Evidence of a satisfactory recordkeeping system to
 1065 account for fund expenditures.

1066 (g) Evidence of ability to generate local match.

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1067 (2) Certified domestic violence centers as defined in s.
1068 39.905 may receive funding subject to legislative appropriation,
1069 upon application to the Department of Children and Families
1070 ~~Family Services~~, for projects to construct, acquire, repair,
1071 improve, or upgrade systems, facilities, or equipment, subject
1072 to availability of funds. An award of funds under this section
1073 must be made in accordance with a needs assessment developed by
1074 the Florida Coalition Against Domestic Violence and the
1075 Department of Children and Families ~~Family Services~~. The
1076 department annually shall perform this needs assessment and
1077 shall rank in order of need those centers that are requesting
1078 funds for capital improvement.

1079 (3) The Department of Children and Families ~~Family~~
1080 ~~Services~~ shall, in collaboration with the Florida Coalition
1081 Against Domestic Violence, establish criteria for awarding the
1082 capital improvement funds that must be used exclusively for
1083 support and assistance with the capital improvement needs of the
1084 certified domestic violence centers, as defined in s. 39.905.

1085 (4) The Department of Children and Families ~~Family~~
1086 ~~Services~~ shall ensure that the funds awarded under this section
1087 are used solely for the purposes specified in this section. The
1088 department will also ensure that the grant process maintains the
1089 confidentiality of the location of the certified domestic
1090 violence centers, pursuant to s. 39.908. The total amount of
1091 grant moneys awarded under this section may not exceed the
1092 amount appropriated for this program.

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1093 Section 23. Subsection (2) of section 61.20, Florida
1094 Statutes, is amended to read:

1095 61.20 Social investigation and recommendations regarding a
1096 parenting plan.—

1097 (2) A social investigation and study, when ordered by the
1098 court, shall be conducted by qualified staff of the court; a
1099 child-placing agency licensed pursuant to s. 409.175; a
1100 psychologist licensed pursuant to chapter 490; or a clinical
1101 social worker, marriage and family therapist, or mental health
1102 counselor licensed pursuant to chapter 491. If a certification
1103 of indigence based on an affidavit filed with the court pursuant
1104 to s. 57.081 is provided by an adult party to the proceeding and
1105 the court does not have qualified staff to perform the
1106 investigation and study, the court may request that the
1107 Department of Children and Families ~~Family Services~~ conduct the
1108 investigation and study.

1109 Section 24. Subsections (2) and (3) of section 61.21,
1110 Florida Statutes, are amended to read:

1111 61.21 Parenting course authorized; fees; required
1112 attendance authorized; contempt.—

1113 (2) The Department of Children and Families ~~Family~~
1114 ~~Services~~ shall approve a parenting course which shall be a
1115 course of a minimum of 4 hours designed to educate, train, and
1116 assist divorcing parents in regard to the consequences of
1117 divorce on parents and children.

1118 (a) The parenting course referred to in this section shall

1119 be named the Parent Education and Family Stabilization Course
 1120 and may include, but need not be limited to, the following
 1121 topics as they relate to court actions between parents involving
 1122 custody, care, time-sharing, and support of a child or children:

- 1123 1. Legal aspects of deciding child-related issues between
- 1124 parents.
- 1125 2. Emotional aspects of separation and divorce on adults.
- 1126 3. Emotional aspects of separation and divorce on
- 1127 children.
- 1128 4. Family relationships and family dynamics.
- 1129 5. Financial responsibilities to a child or children.
- 1130 6. Issues regarding spousal or child abuse and neglect.
- 1131 7. Skill-based relationship education that may be
- 1132 generalized to parenting, workplace, school, neighborhood, and
- 1133 civic relationships.

1134 (b) Information regarding spousal and child abuse and
 1135 neglect shall be included in every parent education and family
 1136 stabilization course. A list of local agencies that provide
 1137 assistance with such issues shall also be provided.

1138 (c) The parent education and family stabilization course
 1139 shall be educational in nature and shall not be designed to
 1140 provide individual mental health therapy for parents or
 1141 children, or individual legal advice to parents or children.

1142 (d) Course providers shall not solicit participants from
 1143 the sessions they conduct to become private clients or patients.

1144 (e) Course providers shall not give individual legal

1145 advice or mental health therapy.

1146 (3) Each course provider offering a parenting course
 1147 pursuant to this section must be approved by the Department of
 1148 Children and Families ~~Family Services~~.

1149 (a) The Department of Children and Families ~~Family~~
 1150 ~~Services~~ shall provide each judicial circuit with a list of
 1151 approved course providers and sites at which the parent
 1152 education and family stabilization course may be completed. Each
 1153 judicial circuit must make information regarding all course
 1154 providers approved for their circuit available to all parents.

1155 (b) The Department of Children and Families ~~Family~~
 1156 ~~Services~~ shall include on the list of approved course providers
 1157 and sites for each circuit at least one site in that circuit
 1158 where the parent education and family stabilization course may
 1159 be completed on a sliding fee scale, if available.

1160 (c) The Department of Children and Families ~~Family~~
 1161 ~~Services~~ shall include on the list of approved course providers,
 1162 without limitation as to the area of the state for which the
 1163 course is approved, a minimum of one statewide approved course
 1164 to be provided through the Internet and one statewide approved
 1165 course to be provided through correspondence. The purpose of the
 1166 Internet and correspondence courses is to ensure that the parent
 1167 education and stabilization course is available in the home
 1168 county of each state resident and to those out-of-state persons
 1169 subject to this section.

1170 (d) The Department of Children and Families ~~Family~~

1171 ~~Services~~ may remove a provider who violates this section, or its
 1172 implementing rules, from the list of approved court providers.

1173 (e) The Department of Children and Families ~~Family~~
 1174 ~~Services~~ shall adopt rules to administer subsection (2) and this
 1175 subsection.

1176 Section 25. Subsection (5) of section 63.022, Florida
 1177 Statutes, is amended to read:

1178 63.022 Legislative intent.—

1179 (5) It is the intent of the Legislature to provide for
 1180 cooperation between private adoption entities and the Department
 1181 of Children and Families ~~Family Services~~ in matters relating to
 1182 permanent placement options for children in the care of the
 1183 department whose birth parents wish to participate in a private
 1184 adoption plan with a qualified family.

1185 Section 26. Subsection (9) of section 63.032, Florida
 1186 Statutes, is amended to read:

1187 63.032 Definitions.—As used in this chapter, the term:

1188 (9) "Department" means the Department of Children and
 1189 Families ~~Family Services~~.

1190 Section 27. Paragraph (b) of subsection (5) of section
 1191 63.039, Florida Statutes, is amended to read:

1192 63.039 Duty of adoption entity to prospective adoptive
 1193 parents; sanctions.—

1194 (5) Within 30 days after the entry of an order of the
 1195 court finding sanctionable conduct on the part of an adoption
 1196 entity, the clerk of the court must forward to:

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1197 (b) The Department of Children and Families ~~Family~~
1198 ~~Services~~ any order that imposes sanctions under this section
1199 against a licensed child-placing agency or a child-placing
1200 agency licensed in another state that is qualified by the
1201 department.

1202 Section 28. Subsections (3), (10), and (11) of section
1203 63.054, Florida Statutes, are amended to read:

1204 63.054 Actions required by an unmarried biological father
1205 to establish parental rights; Florida Putative Father Registry.-

1206 (3) The Office of Vital Statistics of the Department of
1207 Health shall adopt by rule the appropriate claim of paternity
1208 form in English, Spanish, and Creole in order to facilitate the
1209 registration of an unmarried biological father with the Florida
1210 Putative Father Registry and shall, within existing resources,
1211 make these forms available through local offices of the
1212 Department of Health and the Department of Children and Families
1213 ~~Family Services~~, the Internet websites of those agencies, and
1214 the offices of the clerks of the circuit court. The claim of
1215 paternity form shall be signed by the unmarried biological
1216 father and must include his name, address, date of birth, and
1217 physical description. In addition, the registrant shall provide,
1218 if known, the name, address, date of birth, and physical
1219 description of the mother; the date, place, and location of
1220 conception of the child; and the name, date, and place of birth
1221 of the child or estimated date of birth of the expected minor
1222 child, if known. The claim of paternity form shall be signed

1223 | under oath by the registrant.

1224 | (10) The Department of Health shall, within existing
 1225 | resources, prepare and adopt by rule application forms for
 1226 | initiating a search of the Florida Putative Father Registry and
 1227 | shall make those forms available through the local offices of
 1228 | the Department of Health and the Department of Children and
 1229 | Families ~~Family Services~~ and the offices of the clerks of the
 1230 | circuit court.

1231 | (11) The Department of Health shall produce and
 1232 | distribute, within existing resources, a pamphlet or publication
 1233 | informing the public about the Florida Putative Father Registry
 1234 | and which is printed in English, Spanish, and Creole. The
 1235 | pamphlet shall indicate the procedures for voluntary
 1236 | acknowledgment of paternity, the consequences of acknowledgment
 1237 | of paternity, the consequences of failure to acknowledge
 1238 | paternity, and the address of the Florida Putative Father
 1239 | Registry. Such pamphlets or publications shall be made available
 1240 | for distribution at all offices of the Department of Health and
 1241 | the Department of Children and Families ~~Family Services~~ and
 1242 | shall be included in health class curricula taught in public and
 1243 | charter schools in this state. The Department of Health shall
 1244 | also provide such pamphlets or publications to hospitals,
 1245 | adoption entities, libraries, medical clinics, schools,
 1246 | universities, and providers of child-related services, upon
 1247 | request. In cooperation with the Department of Highway Safety
 1248 | and Motor Vehicles, each person applying for a Florida driver's

1249 license, or renewal thereof, and each person applying for a
 1250 Florida identification card shall be offered the pamphlet or
 1251 publication informing the public about the Florida Putative
 1252 Father Registry.

1253 Section 29. Subsection (1) of section 63.202, Florida
 1254 Statutes, is amended to read:

1255 63.202 Authority to license; adoption of rules.—

1256 (1) The Department of Children and Families ~~Family~~
 1257 ~~Services~~ is authorized and empowered to license child placement
 1258 agencies that it determines to be qualified to place minors for
 1259 adoption.

1260 Section 30. Paragraph (a) of subsection (1) of section
 1261 90.503, Florida Statutes, is amended to read:

1262 90.503 Psychotherapist-patient privilege.—

1263 (1) For purposes of this section:

1264 (a) A "psychotherapist" is:

1265 1. A person authorized to practice medicine in any state
 1266 or nation, or reasonably believed by the patient so to be, who
 1267 is engaged in the diagnosis or treatment of a mental or
 1268 emotional condition, including alcoholism and other drug
 1269 addiction;

1270 2. A person licensed or certified as a psychologist under
 1271 the laws of any state or nation, who is engaged primarily in the
 1272 diagnosis or treatment of a mental or emotional condition,
 1273 including alcoholism and other drug addiction;

1274 3. A person licensed or certified as a clinical social

1275 worker, marriage and family therapist, or mental health
 1276 counselor under the laws of this state, who is engaged primarily
 1277 in the diagnosis or treatment of a mental or emotional
 1278 condition, including alcoholism and other drug addiction;

1279 4. Treatment personnel of facilities licensed by the state
 1280 pursuant to chapter 394, chapter 395, or chapter 397, of
 1281 facilities designated by the Department of Children and Families
 1282 ~~Family Services~~ pursuant to chapter 394 as treatment facilities,
 1283 or of facilities defined as community mental health centers
 1284 pursuant to s. 394.907(1), who are engaged primarily in the
 1285 diagnosis or treatment of a mental or emotional condition,
 1286 including alcoholism and other drug addiction; or

1287 5. An advanced registered nurse practitioner certified
 1288 under s. 464.012, whose primary scope of practice is the
 1289 diagnosis or treatment of mental or emotional conditions,
 1290 including chemical abuse, and limited only to actions performed
 1291 in accordance with part I of chapter 464.

1292 Section 31. Paragraphs (j), (m), and (q) of subsection (2)
 1293 of section 110.205, Florida Statutes, are amended to read:

1294 110.205 Career service; exemptions.—

1295 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1296 covered by this part include the following:

1297 (j) The appointed secretaries and the State Surgeon
 1298 General, assistant secretaries, deputy secretaries, and deputy
 1299 assistant secretaries of all departments; the executive
 1300 directors, assistant executive directors, deputy executive

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1301 directors, and deputy assistant executive directors of all
1302 departments; the directors of all divisions and those positions
1303 determined by the department to have managerial responsibilities
1304 comparable to such positions, which positions include, but are
1305 not limited to, program directors, assistant program directors,
1306 district administrators, deputy district administrators, the
1307 Director of Central Operations Services of the Department of
1308 Children and Families ~~Family Services~~, the State Transportation
1309 Development Administrator, State Public Transportation and Modal
1310 Administrator, district secretaries, district directors of
1311 transportation development, transportation operations,
1312 transportation support, and the managers of the offices
1313 specified in s. 20.23(4) (b), of the Department of
1314 Transportation. Unless otherwise fixed by law, the department
1315 shall set the salary and benefits of these positions in
1316 accordance with the rules of the Senior Management Service; and
1317 the county health department directors and county health
1318 department administrators of the Department of Health.

1319 (m) All assistant division director, deputy division
1320 director, and bureau chief positions in any department, and
1321 those positions determined by the department to have managerial
1322 responsibilities comparable to such positions, which include,
1323 but are not limited to:

1324 1. Positions in the Department of Health and the
1325 Department of Children and Families ~~Family Services~~ that are
1326 assigned primary duties of serving as the superintendent or

1327 assistant superintendent of an institution.

1328 2. Positions in the Department of Corrections that are
 1329 assigned primary duties of serving as the warden, assistant
 1330 warden, colonel, or major of an institution or that are assigned
 1331 primary duties of serving as the circuit administrator or deputy
 1332 circuit administrator.

1333 3. Positions in the Department of Transportation that are
 1334 assigned primary duties of serving as regional toll managers and
 1335 managers of offices, as defined in s. 20.23(4)(b) and (5)(c).

1336 4. Positions in the Department of Environmental Protection
 1337 that are assigned the duty of an Environmental Administrator or
 1338 program administrator.

1339 5. Positions in the Department of Health that are assigned
 1340 the duties of Environmental Administrator, Assistant County
 1341 Health Department Director, and County Health Department
 1342 Financial Administrator.

1343 6. Positions in the Department of Highway Safety and Motor
 1344 Vehicles that are assigned primary duties of serving as captains
 1345 in the Florida Highway Patrol.

1346
 1347 Unless otherwise fixed by law, the department shall set the
 1348 salary and benefits of the positions listed in this paragraph in
 1349 accordance with the rules established for the Selected Exempt
 1350 Service.

1351 (q) The staff directors, assistant staff directors,
 1352 district program managers, district program coordinators,

1353 district subdistrict administrators, district administrative
 1354 services directors, district attorneys, and the Deputy Director
 1355 of Central Operations Services of the Department of Children and
 1356 Families ~~Family Services~~. Unless otherwise fixed by law, the
 1357 department shall establish the pay band and benefits for these
 1358 positions in accordance with the rules of the Selected Exempt
 1359 Service.

1360 Section 32. Subsections (7) and (15) of section 120.80,
 1361 Florida Statutes, are amended to read:

1362 120.80 Exceptions and special requirements; agencies.—

1363 (7) DEPARTMENT OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~.—

1364 Notwithstanding s. 120.57(1)(a), hearings conducted within the
 1365 Department of Children and Families ~~Family Services~~ in the
 1366 execution of those social and economic programs administered by
 1367 the former Division of Family Services of the former Department
 1368 of Health and Rehabilitative Services prior to the
 1369 reorganization effected by chapter 75-48, Laws of Florida, need
 1370 not be conducted by an administrative law judge assigned by the
 1371 division.

1372 (15) DEPARTMENT OF HEALTH.—Notwithstanding s.
 1373 120.57(1)(a), formal hearings may not be conducted by the State
 1374 Surgeon General, the Secretary of Health Care Administration, or
 1375 a board or member of a board within the Department of Health or
 1376 the Agency for Health Care Administration for matters relating
 1377 to the regulation of professions, as defined by chapter 456.
 1378 Notwithstanding s. 120.57(1)(a), hearings conducted within the

1379 Department of Health in execution of the Special Supplemental
 1380 Nutrition Program for Women, Infants, and Children; Child Care
 1381 Food Program; Children's Medical Services Program; the Brain and
 1382 Spinal Cord Injury Program; and the exemption from
 1383 disqualification reviews for certified nurse assistants program
 1384 need not be conducted by an administrative law judge assigned by
 1385 the division. The Department of Health may contract with the
 1386 Department of Children and Families ~~Family Services~~ for a
 1387 hearing officer in these matters.

1388 Section 33. Paragraph (d) of subsection (2) of section
 1389 121.0515, Florida Statutes, is amended to read:

1390 121.0515 Special Risk Class.—

1391 (2) MEMBERSHIP.—

1392 (d) Effective January 1, 2001, "special risk member"
 1393 includes:

1394 1. Any member who is employed as a community-based
 1395 correctional probation officer and meets the special criteria
 1396 set forth in paragraph (3) (e).

1397 2. Any professional health care bargaining unit or non-
 1398 unit member who is employed by the Department of Corrections or
 1399 the Department of Children and Families ~~Family Services~~ and
 1400 meets the special criteria set forth in paragraph (3) (f).

1401 Section 34. Section 125.0109, Florida Statutes, is amended
 1402 to read:

1403 125.0109 Family day care homes; local zoning regulation.—

1404 The operation of a residence as a family day care home, as

1405 defined by law, registered or licensed with the Department of
 1406 Children and Families ~~Family Services~~ shall constitute a valid
 1407 residential use for purposes of any local zoning regulations,
 1408 and no such regulation shall require the owner or operator of
 1409 such family day care home to obtain any special exemption or use
 1410 permit or waiver, or to pay any special fee in excess of \$50, to
 1411 operate in an area zoned for residential use.

1412 Section 35. Paragraphs (a) and (b) of subsection (1) of
 1413 section 125.901, Florida Statutes, are amended to read:

1414 125.901 Children's services; independent special district;
 1415 council; powers, duties, and functions; public records
 1416 exemption.—

1417 (1) Each county may by ordinance create an independent
 1418 special district, as defined in ss. 189.403(3) and
 1419 200.001(8)(e), to provide funding for children's services
 1420 throughout the county in accordance with this section. The
 1421 boundaries of such district shall be coterminous with the
 1422 boundaries of the county. The county governing body shall obtain
 1423 approval, by a majority vote of those electors voting on the
 1424 question, to annually levy ad valorem taxes which shall not
 1425 exceed the maximum millage rate authorized by this section. Any
 1426 district created pursuant to the provisions of this subsection
 1427 shall be required to levy and fix millage subject to the
 1428 provisions of s. 200.065. Once such millage is approved by the
 1429 electorate, the district shall not be required to seek approval
 1430 of the electorate in future years to levy the previously

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1431 approved millage.

1432 (a) The governing board of the district shall be a council
1433 on children's services, which may also be known as a juvenile
1434 welfare board or similar name as established in the ordinance by
1435 the county governing body. Such council shall consist of 10
1436 members, including: the superintendent of schools; a local
1437 school board member; the district administrator from the
1438 appropriate district of the Department of Children and Families
1439 ~~Family Services~~, or his or her designee who is a member of the
1440 Senior Management Service or of the Selected Exempt Service; one
1441 member of the county governing body; and the judge assigned to
1442 juvenile cases who shall sit as a voting member of the board,
1443 except that said judge shall not vote or participate in the
1444 setting of ad valorem taxes under this section. If there is more
1445 than one judge assigned to juvenile cases in a county, the chief
1446 judge shall designate one of said juvenile judges to serve on
1447 the board. The remaining five members shall be appointed by the
1448 Governor, and shall, to the extent possible, represent the
1449 demographic diversity of the population of the county. After
1450 soliciting recommendations from the public, the county governing
1451 body shall submit to the Governor the names of at least three
1452 persons for each vacancy occurring among the five members
1453 appointed by the Governor, and the Governor shall appoint
1454 members to the council from the candidates nominated by the
1455 county governing body. The Governor shall make a selection
1456 within a 45-day period or request a new list of candidates. All

1457 members appointed by the Governor shall have been residents of
1458 the county for the previous 24-month period. Such members shall
1459 be appointed for 4-year terms, except that the length of the
1460 terms of the initial appointees shall be adjusted to stagger the
1461 terms. The Governor may remove a member for cause or upon the
1462 written petition of the county governing body. If any of the
1463 members of the council required to be appointed by the Governor
1464 under the provisions of this subsection shall resign, die, or be
1465 removed from office, the vacancy thereby created shall, as soon
1466 as practicable, be filled by appointment by the Governor, using
1467 the same method as the original appointment, and such
1468 appointment to fill a vacancy shall be for the unexpired term of
1469 the person who resigns, dies, or is removed from office.

1470 (b) However, any county as defined in s. 125.011(1) may
1471 instead have a governing board consisting of 33 members,
1472 including: the superintendent of schools; two representatives of
1473 public postsecondary education institutions located in the
1474 county; the county manager or the equivalent county officer; the
1475 district administrator from the appropriate district of the
1476 Department of Children and Families ~~Family Services~~, or the
1477 administrator's designee who is a member of the Senior
1478 Management Service or the Selected Exempt Service; the director
1479 of the county health department or the director's designee; the
1480 state attorney for the county or the state attorney's designee;
1481 the chief judge assigned to juvenile cases, or another juvenile
1482 judge who is the chief judge's designee and who shall sit as a

1483 voting member of the board, except that the judge may not vote
 1484 or participate in setting ad valorem taxes under this section;
 1485 an individual who is selected by the board of the local United
 1486 Way or its equivalent; a member of a locally recognized faith-
 1487 based coalition, selected by that coalition; a member of the
 1488 local chamber of commerce, selected by that chamber or, if more
 1489 than one chamber exists within the county, a person selected by
 1490 a coalition of the local chambers; a member of the early
 1491 learning coalition, selected by that coalition; a representative
 1492 of a labor organization or union active in the county; a member
 1493 of a local alliance or coalition engaged in cross-system
 1494 planning for health and social service delivery in the county,
 1495 selected by that alliance or coalition; a member of the local
 1496 Parent-Teachers Association/Parent-Teacher-Student Association,
 1497 selected by that association; a youth representative selected by
 1498 the local school system's student government; a local school
 1499 board member appointed by the chair of the school board; the
 1500 mayor of the county or the mayor's designee; one member of the
 1501 county governing body, appointed by the chair of that body; a
 1502 member of the state Legislature who represents residents of the
 1503 county, selected by the chair of the local legislative
 1504 delegation; an elected official representing the residents of a
 1505 municipality in the county, selected by the county municipal
 1506 league; and 4 members-at-large, appointed to the council by the
 1507 majority of sitting council members. The remaining 7 members
 1508 shall be appointed by the Governor in accordance with procedures

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1509 set forth in paragraph (a), except that the Governor may remove
1510 a member for cause or upon the written petition of the council.
1511 Appointments by the Governor must, to the extent reasonably
1512 possible, represent the geographic and demographic diversity of
1513 the population of the county. Members who are appointed to the
1514 council by reason of their position are not subject to the
1515 length of terms and limits on consecutive terms as provided in
1516 this section. The remaining appointed members of the governing
1517 board shall be appointed to serve 2-year terms, except that
1518 those members appointed by the Governor shall be appointed to
1519 serve 4-year terms, and the youth representative and the
1520 legislative delegate shall be appointed to serve 1-year terms. A
1521 member may be reappointed; however, a member may not serve for
1522 more than three consecutive terms. A member is eligible to be
1523 appointed again after a 2-year hiatus from the council.

1524 Section 36. Section 125.902, Florida Statutes, is amended
1525 to read:

1526 125.902 Children's services council or juvenile welfare
1527 board incentive grants.—

1528 (1) Subject to specific appropriations, it is the intent
1529 of the Legislature to provide incentives to encourage children's
1530 services councils or juvenile welfare boards to provide support
1531 to local child welfare programs related to implementation of
1532 community-based care.

1533 (a) A children's services council or juvenile welfare
1534 board, as authorized in s. 125.901, may submit a request for

1535 funding or continued funding to the Department of Children and
 1536 Families ~~Family Services~~ to support programs funded by the
 1537 council or board for local child welfare services related to
 1538 implementation of community-based care.

1539 (b) The Department of Children and Families ~~Family~~
 1540 ~~Services~~ shall establish grant application procedures.

1541 (2) The Department of Children and Families ~~Family~~
 1542 ~~Services~~ shall make award determinations no later than October 1
 1543 of each year. All applicants shall be notified by the department
 1544 of its final action.

1545 (3) Each council or board that is awarded a grant as
 1546 provided for in this section shall submit performance and output
 1547 information as determined by the Department of Children and
 1548 Families ~~Family Services~~.

1549 Section 37. Subsection (2) of section 154.067, Florida
 1550 Statutes, is amended to read:

1551 154.067 Child abuse and neglect cases; duties.—The
 1552 Department of Health shall adopt a rule requiring every county
 1553 health department, as described in s. 154.01, to adopt a
 1554 protocol that, at a minimum, requires the county health
 1555 department to:

1556 (2) In any case involving suspected child abuse,
 1557 abandonment, or neglect, designate, at the request of the
 1558 department, a staff physician to act as a liaison between the
 1559 county health department and the Department of Children and
 1560 Families ~~Family Services~~ office that is investigating the

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1561 suspected abuse, abandonment, or neglect, and the child
1562 protection team, as defined in s. 39.01, when the case is
1563 referred to such a team.

1564 Section 38. Subsection (3) of section 154.306, Florida
1565 Statutes, is amended to read:

1566 154.306 Financial responsibility for certified residents
1567 who are qualified indigent patients treated at an out-of-county
1568 participating hospital or regional referral hospital.—Ultimate
1569 financial responsibility for treatment received at a
1570 participating hospital or a regional referral hospital by a
1571 qualified indigent patient who is a certified resident of a
1572 county in the State of Florida, but is not a resident of the
1573 county in which the participating hospital or regional referral
1574 hospital is located, is the obligation of the county of which
1575 the qualified indigent patient is a resident. Each county shall
1576 reimburse participating hospitals or regional referral hospitals
1577 as provided for in this part, and shall provide or arrange for
1578 indigent eligibility determination procedures and resident
1579 certification determination procedures as provided for in rules
1580 developed to implement this part. The agency, or any county
1581 determining eligibility of a qualified indigent, shall provide
1582 to the county of residence, upon request, a copy of any
1583 documents, forms, or other information, as determined by rule,
1584 which may be used in making an eligibility determination.

1585 (3) For the purpose of computing the maximum amount that a
1586 county having a population of 100,000 or less may be required to

1587 pay, the agency must reduce the official state population
 1588 estimates by the number of inmates and patients residing in the
 1589 county in institutions operated by the Federal Government, the
 1590 Department of Corrections, the Department of Health, or the
 1591 Department of Children and Families ~~Family Services~~, and by the
 1592 number of active-duty military personnel residing in the county,
 1593 all of whom shall not be considered residents of the county.
 1594 However, a county is entitled to receive the benefit of such a
 1595 reduction in estimated population figures only if the county
 1596 accepts as valid and true, and does not require any
 1597 reverification of, the documentation of financial eligibility
 1598 and county residency which is provided to it by the
 1599 participating hospital or regional referral hospital. The
 1600 participating hospital or regional referral hospital must
 1601 provide documentation that is complete and in the form required
 1602 by s. 154.3105.

1603 Section 39. Section 166.0445, Florida Statutes, is amended
 1604 to read:

1605 166.0445 Family day care homes; local zoning regulation.-
 1606 The operation of a residence as a family day care home, as
 1607 defined by law, registered or licensed with the Department of
 1608 Children and Families ~~Family Services~~ shall constitute a valid
 1609 residential use for purposes of any local zoning regulations,
 1610 and no such regulation shall require the owner or operator of
 1611 such family day care home to obtain any special exemption or use
 1612 permit or waiver, or to pay any special fee in excess of \$50, to

1613 operate in an area zoned for residential use.

1614 Section 40. Paragraph (b) of subsection (2) of section
1615 186.901, Florida Statutes, is amended to read:

1616 186.901 Population census determination.—

1617 (2)

1618 (b) For the purpose of revenue-sharing distribution
1619 formulas and distribution proportions for the local government
1620 half-cent sales tax, inmates and patients residing in
1621 institutions operated by the Federal Government, the Department
1622 of Corrections, the Department of Health, or the Department of
1623 Children and Families ~~Family Services~~ shall not be considered to
1624 be residents of the governmental unit in which the institutions
1625 are located.

1626 Section 41. Subsection (2) of section 194.013, Florida
1627 Statutes, is amended to read:

1628 194.013 Filing fees for petitions; disposition; waiver.—

1629 (2) The value adjustment board shall waive the filing fee
1630 with respect to a petition filed by a taxpayer who demonstrates
1631 at the time of filing, by an appropriate certificate or other
1632 documentation issued by the Department of Children and Families
1633 ~~Family Services~~ and submitted with the petition, that the
1634 petitioner is then an eligible recipient of temporary assistance
1635 under chapter 414.

1636 Section 42. Subsection (3) of section 196.095, Florida
1637 Statutes, is amended to read:

1638 196.095 Exemption for a licensed child care facility

1639 operating in an enterprise zone.—

1640 (3) The production by the child care facility operator of
 1641 a current license by the Department of Children and Families
 1642 ~~Family Services~~ or local licensing authority and certification
 1643 by the governing body or enterprise zone where the child care
 1644 center is located is prima facie evidence that the child care
 1645 facility owner is entitled to such exemptions.

1646 Section 43. Paragraph (a) of subsection (2) of section
 1647 212.04, Florida Statutes, is amended to read:

1648 212.04 Admissions tax; rate, procedure, enforcement.—

1649 (2)(a)1. No tax shall be levied on admissions to athletic
 1650 or other events sponsored by elementary schools, junior high
 1651 schools, middle schools, high schools, community colleges,
 1652 public or private colleges and universities, deaf and blind
 1653 schools, facilities of the youth services programs of the
 1654 Department of Children and Families ~~Family Services~~, and state
 1655 correctional institutions when only student, faculty, or inmate
 1656 talent is used. However, this exemption shall not apply to
 1657 admission to athletic events sponsored by a state university,
 1658 and the proceeds of the tax collected on such admissions shall
 1659 be retained and used by each institution to support women's
 1660 athletics as provided in s. 1006.71(2)(c).

1661 2.a. No tax shall be levied on dues, membership fees, and
 1662 admission charges imposed by not-for-profit sponsoring
 1663 organizations. To receive this exemption, the sponsoring
 1664 organization must qualify as a not-for-profit entity under the

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1665 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,
1666 as amended.

1667 b. No tax shall be levied on admission charges to an event
1668 sponsored by a governmental entity, sports authority, or sports
1669 commission when held in a convention hall, exhibition hall,
1670 auditorium, stadium, theater, arena, civic center, performing
1671 arts center, or publicly owned recreational facility and when
1672 100 percent of the risk of success or failure lies with the
1673 sponsor of the event and 100 percent of the funds at risk for
1674 the event belong to the sponsor, and student or faculty talent
1675 is not exclusively used. As used in this sub-subparagraph, the
1676 terms "sports authority" and "sports commission" mean a
1677 nonprofit organization that is exempt from federal income tax
1678 under s. 501(c)(3) of the Internal Revenue Code and that
1679 contracts with a county or municipal government for the purpose
1680 of promoting and attracting sports-tourism events to the
1681 community with which it contracts.

1682 3. No tax shall be levied on an admission paid by a
1683 student, or on the student's behalf, to any required place of
1684 sport or recreation if the student's participation in the sport
1685 or recreational activity is required as a part of a program or
1686 activity sponsored by, and under the jurisdiction of, the
1687 student's educational institution, provided his or her
1688 attendance is as a participant and not as a spectator.

1689 4. No tax shall be levied on admissions to the National
1690 Football League championship game or Pro Bowl; on admissions to

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1691 any semifinal game or championship game of a national collegiate
1692 tournament; on admissions to a Major League Baseball, National
1693 Basketball Association, or National Hockey League all-star game;
1694 on admissions to the Major League Baseball Home Run Derby held
1695 before the Major League Baseball All-Star Game; or on admissions
1696 to the National Basketball Association Rookie Challenge,
1697 Celebrity Game, 3-Point Shooting Contest, or Slam Dunk
1698 Challenge.

1699 5. A participation fee or sponsorship fee imposed by a
1700 governmental entity as described in s. 212.08(6) for an athletic
1701 or recreational program is exempt when the governmental entity
1702 by itself, or in conjunction with an organization exempt under
1703 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,
1704 sponsors, administers, plans, supervises, directs, and controls
1705 the athletic or recreational program.

1706 6. Also exempt from the tax imposed by this section to the
1707 extent provided in this subparagraph are admissions to live
1708 theater, live opera, or live ballet productions in this state
1709 which are sponsored by an organization that has received a
1710 determination from the Internal Revenue Service that the
1711 organization is exempt from federal income tax under s.
1712 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
1713 the organization actively participates in planning and
1714 conducting the event, is responsible for the safety and success
1715 of the event, is organized for the purpose of sponsoring live
1716 theater, live opera, or live ballet productions in this state,

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1717 has more than 10,000 subscribing members and has among the
1718 stated purposes in its charter the promotion of arts education
1719 in the communities which it serves, and will receive at least 20
1720 percent of the net profits, if any, of the events which the
1721 organization sponsors and will bear the risk of at least 20
1722 percent of the losses, if any, from the events which it sponsors
1723 if the organization employs other persons as agents to provide
1724 services in connection with a sponsored event. Prior to March 1
1725 of each year, such organization may apply to the department for
1726 a certificate of exemption for admissions to such events
1727 sponsored in this state by the organization during the
1728 immediately following state fiscal year. The application shall
1729 state the total dollar amount of admissions receipts collected
1730 by the organization or its agents from such events in this state
1731 sponsored by the organization or its agents in the year
1732 immediately preceding the year in which the organization applies
1733 for the exemption. Such organization shall receive the exemption
1734 only to the extent of \$1.5 million multiplied by the ratio that
1735 such receipts bear to the total of such receipts of all
1736 organizations applying for the exemption in such year; however,
1737 in no event shall such exemption granted to any organization
1738 exceed 6 percent of such admissions receipts collected by the
1739 organization or its agents in the year immediately preceding the
1740 year in which the organization applies for the exemption. Each
1741 organization receiving the exemption shall report each month to
1742 the department the total admissions receipts collected from such

1743 events sponsored by the organization during the preceding month
 1744 and shall remit to the department an amount equal to 6 percent
 1745 of such receipts reduced by any amount remaining under the
 1746 exemption. Tickets for such events sold by such organizations
 1747 shall not reflect the tax otherwise imposed under this section.

1748 7. Also exempt from the tax imposed by this section are
 1749 entry fees for participation in freshwater fishing tournaments.

1750 8. Also exempt from the tax imposed by this section are
 1751 participation or entry fees charged to participants in a game,
 1752 race, or other sport or recreational event if spectators are
 1753 charged a taxable admission to such event.

1754 9. No tax shall be levied on admissions to any postseason
 1755 collegiate football game sanctioned by the National Collegiate
 1756 Athletic Association.

1757 Section 44. Paragraph (m) of subsection (5) of section
 1758 212.08, Florida Statutes, is amended to read:

1759 212.08 Sales, rental, use, consumption, distribution, and
 1760 storage tax; specified exemptions.—The sale at retail, the
 1761 rental, the use, the consumption, the distribution, and the
 1762 storage to be used or consumed in this state of the following
 1763 are hereby specifically exempt from the tax imposed by this
 1764 chapter.

1765 (5) EXEMPTIONS; ACCOUNT OF USE.—

1766 (m) *Educational materials purchased by certain child care*
 1767 *facilities.*—Educational materials, such as glue, paper, paints,
 1768 crayons, unique craft items, scissors, books, and educational

1769 toys, purchased by a child care facility that meets the
 1770 standards delineated in s. 402.305, is licensed under s.
 1771 402.308, holds a current Gold Seal Quality Care designation
 1772 pursuant to s. 402.281, and provides basic health insurance to
 1773 all employees are exempt from the taxes imposed by this chapter.
 1774 For purposes of this paragraph, the term "basic health
 1775 insurance" shall be defined and promulgated in rules developed
 1776 jointly by the Department of Children and Families ~~Family~~
 1777 ~~Services~~, the Agency for Health Care Administration, and the
 1778 Financial Services Commission.

1779 Section 45. Subsection (16) of section 213.053, Florida
 1780 Statutes, is amended to read:

1781 213.053 Confidentiality and information sharing.—

1782 (16) (a) Confidential taxpayer information may be shared
 1783 with the child support enforcement program, which may use the
 1784 information for purposes of program administration, and with the
 1785 Department of Children and Families ~~Family Services~~ for the
 1786 purpose of diligent search activities pursuant to chapter 39.

1787 (b) Nothing in this subsection authorizes the disclosure
 1788 of information if such disclosure is prohibited by federal law.
 1789 Employees of the child support enforcement program and of the
 1790 Department of Children and Families ~~Family Services~~ are bound by
 1791 the same requirements of confidentiality and the same penalties
 1792 for violation of the requirements as the department.

1793 Section 46. Paragraph (d) of subsection (2), paragraph (a)
 1794 of subsection (5), and paragraph (c) of subsection (6) of

1795 section 215.5601, Florida Statutes, are amended to read:
 1796 215.5601 Lawton Chiles Endowment Fund.—
 1797 (2) DEFINITIONS.—As used in this section, the term:
 1798 (d) "State agency" or "state agencies" means the
 1799 Department of Health, the Department of Children and Families
 1800 ~~Family Services~~, the Department of Elderly Affairs, or the
 1801 Agency for Health Care Administration, or any combination
 1802 thereof, as the context indicates.
 1803 (5) AVAILABILITY OF FUNDS; USES.—
 1804 (a) Funds from the endowment which are available for
 1805 legislative appropriation shall be transferred by the board to
 1806 the Department of Financial Services Tobacco Settlement Clearing
 1807 Trust Fund, created in s. 17.41, and disbursed in accordance
 1808 with the legislative appropriation.
 1809 1. Appropriations by the Legislature to the Department of
 1810 Health from endowment earnings from the principal set aside for
 1811 biomedical research shall be from a category called the James
 1812 and Esther King Biomedical Research Program and shall be
 1813 deposited into the Biomedical Research Trust Fund in the
 1814 Department of Health established in s. 20.435.
 1815 2. Appropriations by the Legislature to the Department of
 1816 Children and Families ~~Family Services~~, the Department of Health,
 1817 or the Department of Elderly Affairs from endowment earnings for
 1818 health and human services programs shall be deposited into each
 1819 department's respective Tobacco Settlement Trust Fund as
 1820 appropriated.

1821 (6) ADVISORY COUNCIL.—The Lawton Chiles Endowment Fund
 1822 Advisory Council is established for the purpose of reviewing the
 1823 funding priorities of the state agencies, evaluating their
 1824 requests against the mission and goals of the agencies and
 1825 legislative intent for the use of endowment funds, and allowing
 1826 for public input and advocacy.

1827 (c) Members of the advisory council shall serve without
 1828 compensation, but may receive reimbursement as provided in s.
 1829 112.061 for per diem and travel expenses incurred in the
 1830 performance of their official duties. The Department of Children
 1831 and Families ~~Family Services~~ shall provide staff and other
 1832 administrative assistance reasonably necessary to assist the
 1833 advisory council in carrying out its responsibilities.
 1834 Administrative costs of the advisory council shall be charged
 1835 equally to endowment funds deposited in the Department of
 1836 Children and Families ~~Family Services~~ and the Department of
 1837 Elderly Affairs Tobacco Settlement Trust Funds.

1838 Section 47. Paragraph (b) of subsection (8) of section
 1839 218.65, Florida Statutes, is amended to read:

1840 218.65 Emergency distribution.—

1841 (8)

1842 (b) For the purposes of this subsection, the term:

1843 1. "Inmate population" means the latest official state
 1844 estimate of the number of inmates and patients residing in
 1845 institutions operated by the Federal Government, the Department
 1846 of Corrections, or the Department of Children and Families

1847 ~~Family Services.~~

1848 2. "Total population" includes inmate population and
1849 noninmate population.

1850 Section 48. Subsection (1) of section 252.355, Florida
1851 Statutes, is amended to read:

1852 252.355 Registry of persons with special needs; notice.—

1853 (1) In order to meet the special needs of persons who
1854 would need assistance during evacuations and sheltering because
1855 of physical, mental, cognitive impairment, or sensory
1856 disabilities, each local emergency management agency in the
1857 state shall maintain a registry of persons with special needs
1858 located within the jurisdiction of the local agency. The
1859 registration shall identify those persons in need of assistance
1860 and plan for resource allocation to meet those identified needs.
1861 To assist the local emergency management agency in identifying
1862 such persons, home health agencies, hospices, nurse registries,
1863 home medical equipment providers, the Department of Children and
1864 Families ~~Family Services~~, Department of Health, Agency for
1865 Health Care Administration, Department of Education, Agency for
1866 Persons with Disabilities, and Department of Elderly Affairs
1867 shall provide registration information to all of their special
1868 needs clients and to all persons with special needs who receive
1869 services. The registry shall be updated annually. The
1870 registration program shall give persons with special needs the
1871 option of preauthorizing emergency response personnel to enter
1872 their homes during search and rescue operations if necessary to

1873 assure their safety and welfare following disasters.

1874 Section 49. Subsection (9) of section 253.034, Florida
 1875 Statutes, is amended to read:

1876 253.034 State-owned lands; uses.—

1877 (9) Land management plans required to be submitted by the
 1878 Department of Corrections, the Department of Juvenile Justice,
 1879 the Department of Children and Families ~~Family Services~~, or the
 1880 Department of Education are not subject to the provisions for
 1881 review by the council or its successor described in subsection
 1882 (5). Management plans filed by these agencies shall be made
 1883 available to the public for a period of 90 days at the
 1884 administrative offices of the parcel or project affected by the
 1885 management plan and at the Tallahassee offices of each agency.
 1886 Any plans not objected to during the public comment period shall
 1887 be deemed approved. Any plans for which an objection is filed
 1888 shall be submitted to the Board of Trustees of the Internal
 1889 Improvement Trust Fund for consideration. The Board of Trustees
 1890 of the Internal Improvement Trust Fund shall approve the plan
 1891 with or without modification, or reject the plan. The use or
 1892 possession of any such lands which is not in accordance with an
 1893 approved land management plan is subject to termination by the
 1894 board.

1895 Section 50. Paragraph (i) of subsection (4) of section
 1896 282.201, Florida Statutes, is amended to read:

1897 282.201 State data center system; agency duties and
 1898 limitations.—A state data center system that includes all

1899 primary data centers, other nonprimary data centers, and
 1900 computing facilities, and that provides an enterprise
 1901 information technology service as defined in s. 282.0041, is
 1902 established.

1903 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1904 (i) During the 2014-2015 fiscal year, the following
 1905 agencies shall work with the Agency for Enterprise Information
 1906 Technology to begin preliminary planning for consolidation into
 1907 a primary data center:

1908 1. The Department of Health's Jacksonville Lab Data
 1909 Center.

1910 2. The Department of Transportation's district offices,
 1911 toll offices, and the District Materials Office.

1912 3. The Department of Military Affairs' Camp Blanding Joint
 1913 Training Center in Starke.

1914 4. The Camp Blanding Emergency Operations Center in
 1915 Starke.

1916 5. The Department of Education's Division of Blind
 1917 Services disaster recovery site in Daytona Beach.

1918 6. The Department of Education's disaster recovery site at
 1919 Santa Fe College.

1920 7. The Fish and Wildlife Conservation Commission's Fish
 1921 and Wildlife Research Institute in St. Petersburg.

1922 8. The Department of Children and Families' ~~Family~~
 1923 ~~Services'~~ Suncoast Data Center in Tampa.

1924 9. The Department of Children and Families' ~~Family~~

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1925 ~~Services~~ Florida State Hospital in Chattahoochee.
 1926 Section 51. Subsection (3) of section 284.40, Florida
 1927 Statutes, is amended to read:

1928 284.40 Division of Risk Management.—

1929 (3) Upon certification by the division director or his or
 1930 her designee to the custodian of any records maintained by the
 1931 Department of Children and Families ~~Family Services~~, Department
 1932 of Health, Agency for Health Care Administration, or Department
 1933 of Elderly Affairs that such records are necessary to
 1934 investigate a claim against the Department of Children and
 1935 Families ~~Family Services~~, Department of Health, Agency for
 1936 Health Care Administration, or Department of Elderly Affairs
 1937 being handled by the Division of Risk Management, the records
 1938 shall be released to the division subject to the provisions of
 1939 subsection (2), any conflicting provisions as to the
 1940 confidentiality of such records notwithstanding.

1941 Section 52. Section 287.0575, Florida Statutes, is amended
 1942 to read:

1943 287.0575 Coordination of contracted services.—The
 1944 following duties and responsibilities of the Department of
 1945 Children and Families ~~Family Services~~, the Agency for Persons
 1946 with Disabilities, the Department of Health, the Department of
 1947 Elderly Affairs, and the Department of Veterans' Affairs, and
 1948 service providers under contract to those agencies, are
 1949 established:

1950 (1) No later than August 1, 2010, or upon entering into

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1951 any new contract for health and human services, state agencies
1952 contracting for health and human services must notify their
1953 contract service providers of the requirements of this section.

1954 (2) No later than October 1, 2010, contract service
1955 providers that have more than one contract with one or more
1956 state agencies to provide health and human services must provide
1957 to each of their contract managers a comprehensive list of their
1958 health and human services contracts. The list must include the
1959 following information:

1960 (a) The name of each contracting state agency and the
1961 applicable office or program issuing the contract.

1962 (b) The identifying name and number of each contract.

1963 (c) The starting and ending date of each contract.

1964 (d) The amount of each contract.

1965 (e) A brief description of the purpose of the contract and
1966 the types of services provided under each contract.

1967 (f) The name and contact information of the contract
1968 manager.

1969 (3) With respect to contracts entered into on or after
1970 August 1, 2010, effective November 1, 2010, or 30 days after
1971 receiving the list provided under subsection (2), a single lead
1972 administrative coordinator for each contract service provider
1973 shall be designated as provided in this subsection from among
1974 the agencies having multiple contracts as provided in subsection
1975 (2). On or before the date such responsibilities are assumed,
1976 the designated lead administrative coordinator shall provide

1977 notice of his or her designation to the contract service
1978 provider and to the agency contract managers for each affected
1979 contract. Unless another lead administrative coordinator is
1980 selected by agreement of all affected contract managers, the
1981 designated lead administrative coordinator shall be the agency
1982 contract manager of the contract with the highest dollar value
1983 over the term of the contract, provided the term of the contract
1984 remaining at the time of designation exceeds 24 months. If the
1985 remaining terms of all contracts are 24 months or less, the
1986 designated lead administrative coordinator shall be the contract
1987 manager of the contract with the latest end date. A designated
1988 lead administrative coordinator, or his or her successor as
1989 contract manager, shall continue as lead administrative
1990 coordinator until another lead administrative coordinator is
1991 selected by agreement of all affected contract managers or until
1992 the end date of the contract for which the designated lead
1993 administrative coordinator serves as contract manager, at which
1994 time a new lead administrative coordinator shall be designated
1995 pursuant to this subsection, if applicable.

1996 (4) The designated lead administrative coordinator shall
1997 be responsible for:

1998 (a) Establishing a coordinated schedule for administrative
1999 and fiscal monitoring;

2000 (b) Consulting with other case managers to establish a
2001 single unified set of required administrative and fiscal
2002 documentation;

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2003 (c) Consulting with other case managers to establish a
2004 single unified schedule for periodic updates of administrative
2005 and fiscal information; and

2006 (d) Maintaining an accessible electronic file of up-to-
2007 date administrative and fiscal documents, including, but not
2008 limited to, corporate documents, membership records, audits, and
2009 monitoring reports.

2010 (5) Contract managers for agency contracts other than the
2011 designated lead administrative coordinator must conduct
2012 administrative and fiscal monitoring activities in accordance
2013 with the coordinated schedule and must obtain any necessary
2014 administrative and fiscal documents from the designated lead
2015 administrative coordinator's electronic file.

2016 (6) This section does not apply to routine program
2017 performance monitoring or prohibit a contracting agency from
2018 directly and immediately contacting the service provider when
2019 the health or safety of clients is at risk.

2020 (7) Each agency contracting for health and human services
2021 shall annually evaluate the performance of its designated lead
2022 administrative coordinator in establishing coordinated systems,
2023 improving efficiency, and reducing redundant monitoring
2024 activities for state agencies and their service providers. The
2025 annual report shall be submitted to the Governor, the President
2026 of the Senate, and the Speaker of the House of Representatives.

2027 Section 53. Subsection (1) of section 287.155, Florida
2028 Statutes, is amended to read:

2029 287.155 Motor vehicles; purchase by Department of Children
 2030 and Families ~~Family Services~~, Agency for Persons with
 2031 Disabilities, Department of Health, Department of Juvenile
 2032 Justice, and Department of Corrections.—

2033 (1) The Department of Children and Families ~~Family~~
 2034 ~~Services~~, the Agency for Persons with Disabilities, the
 2035 Department of Health, the Department of Juvenile Justice, and
 2036 the Department of Corrections may, subject to the approval of
 2037 the Department of Management Services, purchase automobiles,
 2038 trucks, tractors, and other automotive equipment for the use of
 2039 institutions or developmental disabilities centers under the
 2040 management of the Department of Children and Families ~~Family~~
 2041 ~~Services~~, the Agency for Persons with Disabilities, the
 2042 Department of Health, and the Department of Corrections, and for
 2043 the use of residential facilities managed or contracted by the
 2044 Department of Juvenile Justice.

2045 Section 54. Paragraph (a) of subsection (6) of section
 2046 288.0656, Florida Statutes, is amended to read:

2047 288.0656 Rural Economic Development Initiative.—

2048 (6) (a) By August 1 of each year, the head of each of the
 2049 following agencies and organizations shall designate a deputy
 2050 secretary or higher-level staff person from within the agency or
 2051 organization to serve as the REDI representative for the agency
 2052 or organization:

- 2053 1. The Department of Transportation.
- 2054 2. The Department of Environmental Protection.

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- 2055 3. The Department of Agriculture and Consumer Services.
- 2056 4. The Department of State.
- 2057 5. The Department of Health.
- 2058 6. The Department of Children and Families ~~Family~~
- 2059 ~~Services~~.
- 2060 7. The Department of Corrections.
- 2061 8. The Department of Education.
- 2062 9. The Department of Juvenile Justice.
- 2063 10. The Fish and Wildlife Conservation Commission.
- 2064 11. Each water management district.
- 2065 12. Enterprise Florida, Inc.
- 2066 13. Workforce Florida, Inc.
- 2067 14. VISIT Florida.
- 2068 15. The Florida Regional Planning Council Association.
- 2069 16. The Agency for Health Care Administration.
- 2070 17. The Institute of Food and Agricultural Sciences
- 2071 (IFAS).

2072
 2073 An alternate for each designee shall also be chosen, and the
 2074 names of the designees and alternates shall be sent to the
 2075 executive director of the department.

2076 Section 55. Subsection (8) and paragraph (a) of subsection
 2077 (9) of section 288.975, Florida Statutes, are amended to read:

2078 288.975 Military base reuse plans.—

2079 (8) At the request of a host local government, the
 2080 department shall coordinate a presubmission workshop concerning

2081 a military base reuse plan within the boundaries of the host
 2082 jurisdiction. Agencies that shall participate in the workshop
 2083 shall include any affected local governments; the Department of
 2084 Environmental Protection; the department; the Department of
 2085 Transportation; the Department of Health; the Department of
 2086 Children and Families ~~Family Services~~; the Department of
 2087 Juvenile Justice; the Department of Agriculture and Consumer
 2088 Services; the Department of State; the Fish and Wildlife
 2089 Conservation Commission; and any applicable water management
 2090 districts and regional planning councils. The purposes of the
 2091 workshop shall be to assist the host local government to
 2092 understand issues of concern to the above listed entities
 2093 pertaining to the military base site and to identify
 2094 opportunities for better coordination of planning and review
 2095 efforts with the information and analyses generated by the
 2096 federal environmental impact statement process and the federal
 2097 community base reuse planning process.

2098 (9) If a host local government elects to use the optional
 2099 provisions of this act, it shall, no later than 12 months after
 2100 notifying the agencies of its intent pursuant to subsection (3)
 2101 either:

2102 (a) Send a copy of the proposed military base reuse plan
 2103 for review to any affected local governments; the Department of
 2104 Environmental Protection; the department; the Department of
 2105 Transportation; the Department of Health; the Department of
 2106 Children and Families ~~Family Services~~; the Department of

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2107 Juvenile Justice; the Department of Agriculture and Consumer
 2108 Services; the Department of State; the Fish and Wildlife
 2109 Conservation Commission; and any applicable water management
 2110 districts and regional planning councils, or

2111 Section 56. Subsection (7) of section 316.6135, Florida
 2112 Statutes, is amended to read:

2113 316.6135 Leaving children unattended or unsupervised in
 2114 motor vehicles; penalty; authority of law enforcement officer.-

2115 (7) The child shall be remanded to the custody of the
 2116 Department of Children and Families ~~Family Services~~ pursuant to
 2117 chapter 39, unless the law enforcement officer is able to locate
 2118 the parents or legal guardian or other person responsible for
 2119 the child.

2120 Section 57. Paragraph (b) of subsection (10) of section
 2121 318.14, Florida Statutes, is amended to read:

2122 318.14 Noncriminal traffic infractions; exception;
 2123 procedures.-

2124 (10)

2125 (b) Any person cited for an offense listed in this
 2126 subsection shall present proof of compliance before the
 2127 scheduled court appearance date. For the purposes of this
 2128 subsection, proof of compliance shall consist of a valid,
 2129 renewed, or reinstated driver license or registration
 2130 certificate and proper proof of maintenance of security as
 2131 required by s. 316.646. Notwithstanding waiver of fine, any
 2132 person establishing proof of compliance shall be assessed court

2133 costs of \$25, except that a person charged with violation of s.
 2134 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
 2135 such costs shall be remitted to the Department of Revenue for
 2136 deposit into the Child Welfare Training Trust Fund of the
 2137 Department of Children and Families ~~Family Services~~. One dollar
 2138 of such costs shall be distributed to the Department of Juvenile
 2139 Justice for deposit into the Juvenile Justice Training Trust
 2140 Fund. Fourteen dollars of such costs shall be distributed to the
 2141 municipality and \$9 shall be deposited by the clerk of the court
 2142 into the fine and forfeiture fund established pursuant to s.
 2143 142.01, if the offense was committed within the municipality. If
 2144 the offense was committed in an unincorporated area of a county
 2145 or if the citation was for a violation of s. 316.646(1)-(3), the
 2146 entire amount shall be deposited by the clerk of the court into
 2147 the fine and forfeiture fund established pursuant to s. 142.01,
 2148 except for the moneys to be deposited into the Child Welfare
 2149 Training Trust Fund and the Juvenile Justice Training Trust
 2150 Fund. This subsection does not authorize the operation of a
 2151 vehicle without a valid driver license, without a valid vehicle
 2152 tag and registration, or without the maintenance of required
 2153 security.

2154 Section 58. Paragraph (a) of subsection (8) of section
 2155 320.0848, Florida Statutes, is amended to read:

2156 320.0848 Persons who have disabilities; issuance of
 2157 disabled parking permits; temporary permits; permits for certain
 2158 providers of transportation services to persons who have

2159 disabilities.—

2160 (8) A law enforcement officer or a parking enforcement
 2161 specialist may confiscate the disabled parking permit from any
 2162 person who fraudulently obtains or unlawfully uses such a
 2163 permit. A law enforcement officer or a parking enforcement
 2164 specialist may confiscate any disabled parking permit that is
 2165 expired, reported as lost or stolen, or defaced or that does not
 2166 display a personal identification number.

2167 (a) The permit number of each confiscated permit must be
 2168 submitted to the department, and the fact that the permit has
 2169 been confiscated must be noted on the permit holder's record. If
 2170 two permits issued to the same person have been confiscated, the
 2171 department shall refer the information to the central abuse
 2172 hotline of the Department of Children and Families ~~Family~~
 2173 ~~Services~~ for an investigation of potential abuse, neglect, or
 2174 exploitation of the permit owner.

2175 Section 59. Subsections (1), (2), (3), and (4) of section
 2176 322.055, Florida Statutes, are amended to read:

2177 322.055 Revocation or suspension of, or delay of
 2178 eligibility for, driver's license for persons 18 years of age or
 2179 older convicted of certain drug offenses.—

2180 (1) Notwithstanding the provisions of s. 322.28, upon the
 2181 conviction of a person 18 years of age or older for possession
 2182 or sale of, trafficking in, or conspiracy to possess, sell, or
 2183 traffic in a controlled substance, the court shall direct the
 2184 department to revoke the driver's license or driving privilege

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2185 of the person. The period of such revocation shall be 2 years or
2186 until the person is evaluated for and, if deemed necessary by
2187 the evaluating agency, completes a drug treatment and
2188 rehabilitation program approved or regulated by the Department
2189 of Children and Families ~~Family Services~~. However, the court
2190 may, in its sound discretion, direct the department to issue a
2191 license for driving privileges restricted to business or
2192 employment purposes only, as defined by s. 322.271, if the
2193 person is otherwise qualified for such a license. A driver whose
2194 license or driving privilege has been suspended or revoked under
2195 this section or s. 322.056 may, upon the expiration of 6 months,
2196 petition the department for restoration of the driving privilege
2197 on a restricted or unrestricted basis depending on length of
2198 suspension or revocation. In no case shall a restricted license
2199 be available until 6 months of the suspension or revocation
2200 period has expired.

2201 (2) If a person 18 years of age or older is convicted for
2202 the possession or sale of, trafficking in, or conspiracy to
2203 possess, sell, or traffic in a controlled substance and such
2204 person is eligible by reason of age for a driver's license or
2205 privilege, the court shall direct the department to withhold
2206 issuance of such person's driver's license or driving privilege
2207 for a period of 2 years after the date the person was convicted
2208 or until the person is evaluated for and, if deemed necessary by
2209 the evaluating agency, completes a drug treatment and
2210 rehabilitation program approved or regulated by the Department

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2211 of Children and Families ~~Family Services~~. However, the court
2212 may, in its sound discretion, direct the department to issue a
2213 license for driving privileges restricted to business or
2214 employment purposes only, as defined by s. 322.271, if the
2215 person is otherwise qualified for such a license. A driver whose
2216 license or driving privilege has been suspended or revoked under
2217 this section or s. 322.056 may, upon the expiration of 6 months,
2218 petition the department for restoration of the driving privilege
2219 on a restricted or unrestricted basis depending on the length of
2220 suspension or revocation. In no case shall a restricted license
2221 be available until 6 months of the suspension or revocation
2222 period has expired.

2223 (3) If a person 18 years of age or older is convicted for
2224 the possession or sale of, trafficking in, or conspiracy to
2225 possess, sell, or traffic in a controlled substance and such
2226 person's driver's license or driving privilege is already under
2227 suspension or revocation for any reason, the court shall direct
2228 the department to extend the period of such suspension or
2229 revocation by an additional period of 2 years or until the
2230 person is evaluated for and, if deemed necessary by the
2231 evaluating agency, completes a drug treatment and rehabilitation
2232 program approved or regulated by the Department of Children and
2233 Families ~~Family Services~~. However, the court may, in its sound
2234 discretion, direct the department to issue a license for driving
2235 privileges restricted to business or employment purposes only,
2236 as defined by s. 322.271, if the person is otherwise qualified

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2237 | for such a license. A driver whose license or driving privilege
2238 | has been suspended or revoked under this section or s. 322.056
2239 | may, upon the expiration of 6 months, petition the department
2240 | for restoration of the driving privilege on a restricted or
2241 | unrestricted basis depending on the length of suspension or
2242 | revocation. In no case shall a restricted license be available
2243 | until 6 months of the suspension or revocation period has
2244 | expired.

2245 | (4) If a person 18 years of age or older is convicted for
2246 | the possession or sale of, trafficking in, or conspiracy to
2247 | possess, sell, or traffic in a controlled substance and such
2248 | person is ineligible by reason of age for a driver's license or
2249 | driving privilege, the court shall direct the department to
2250 | withhold issuance of such person's driver's license or driving
2251 | privilege for a period of 2 years after the date that he or she
2252 | would otherwise have become eligible or until he or she becomes
2253 | eligible by reason of age for a driver's license and is
2254 | evaluated for and, if deemed necessary by the evaluating agency,
2255 | completes a drug treatment and rehabilitation program approved
2256 | or regulated by the Department of Children and Families ~~Family~~
2257 | ~~Services~~. However, the court may, in its sound discretion,
2258 | direct the department to issue a license for driving privileges
2259 | restricted to business or employment purposes only, as defined
2260 | by s. 322.271, if the person is otherwise qualified for such a
2261 | license. A driver whose license or driving privilege has been
2262 | suspended or revoked under this section or s. 322.056 may, upon

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2263 the expiration of 6 months, petition the department for
2264 restoration of the driving privilege on a restricted or
2265 unrestricted basis depending on the length of suspension or
2266 revocation. In no case shall a restricted license be available
2267 until 6 months of the suspension or revocation period has
2268 expired.

2269 Section 60. Paragraph (g) of subsection (2) of section
2270 364.10, Florida Statutes, is amended to read:

2271 364.10 Lifeline service.—

2272 (2)

2273 (g)1. By December 31, 2010, each state agency that
2274 provides benefits to persons eligible for Lifeline service shall
2275 undertake, in cooperation with the Department of Children and
2276 Families ~~Family Services~~, the Department of Education, the
2277 commission, the Office of Public Counsel, and telecommunications
2278 companies designated eligible telecommunications carriers
2279 providing Lifeline services, the development of procedures to
2280 promote Lifeline participation. The departments, the commission,
2281 and the Office of Public Counsel may exchange sufficient
2282 information with the appropriate eligible telecommunications
2283 carriers and any commercial mobile radio service provider
2284 electing to provide Lifeline service under paragraph (a), such
2285 as a person's name, date of birth, service address, and
2286 telephone number, so that the carriers can identify and enroll
2287 an eligible person in the Lifeline and Link-Up programs. The
2288 information remains confidential pursuant to s. 364.107 and may

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2289 only be used for purposes of determining eligibility and
2290 enrollment in the Lifeline and Link-Up programs.

2291 2. If any state agency determines that a person is
2292 eligible for Lifeline services, the agency shall immediately
2293 forward the information to the commission to ensure that the
2294 person is automatically enrolled in the program with the
2295 appropriate eligible telecommunications carrier. The state
2296 agency shall include an option for an eligible customer to
2297 choose not to subscribe to the Lifeline service. The Public
2298 Service Commission and the Department of Children and Families
2299 ~~Family Services~~ shall, no later than December 31, 2007, adopt
2300 rules creating procedures to automatically enroll eligible
2301 customers in Lifeline service.

2302 3. By December 31, 2010, the commission, the Department of
2303 Children and Families ~~Family Services~~, the Office of Public
2304 Counsel, and each eligible telecommunications carrier offering
2305 Lifeline and Link-Up services shall convene a Lifeline Workgroup
2306 to discuss how the eligible subscriber information in
2307 subparagraph 1. will be shared, the obligations of each party
2308 with respect to the use of that information, and the procedures
2309 to be implemented to increase enrollment and verify eligibility
2310 in these programs.

2311 Section 61. Paragraphs (g) and (h) of subsection (2) of
2312 section 379.353, Florida Statutes, are amended to read:

2313 379.353 Recreational licenses and permits; exemptions from
2314 fees and requirements.-

2315 (2) A hunting, freshwater fishing, or saltwater fishing
 2316 license or permit is not required for:

2317 (g) Any person fishing who has been accepted as a client
 2318 for developmental disabilities services by the Department of
 2319 Children and Families ~~Family Services~~, provided the department
 2320 furnishes proof thereof.

2321 (h) Any resident saltwater fishing from land or from a
 2322 structure fixed to the land who has been determined eligible by
 2323 the Department of Children and Families ~~Family Services~~ for the
 2324 food assistance program, temporary cash assistance, or the
 2325 Medicaid programs. A benefit issuance or program identification
 2326 card issued by the Department of Children and Families ~~Family~~
 2327 ~~Services~~ or the Florida Medicaid program of the Agency for
 2328 Health Care Administration shall serve as proof of program
 2329 eligibility. The client must have in his or her possession the
 2330 ID card and positive proof of identification when fishing.

2331 Section 62. Subsection (1) of section 381.0022, Florida
 2332 Statutes, is amended to read:

2333 381.0022 Sharing confidential or exempt information.—

2334 (1) Notwithstanding any other provision of law to the
 2335 contrary, the Department of Health and the Department of
 2336 Children and Families ~~Family Services~~ may share confidential
 2337 information or information exempt from disclosure under chapter
 2338 119 on any individual who is or has been the subject of a
 2339 program within the jurisdiction of each agency. Information so
 2340 exchanged remains confidential or exempt as provided by law.

2341 Section 63. Subsection (18) of section 381.006, Florida
 2342 Statutes, is amended to read:

2343 381.006 Environmental health.—The department shall conduct
 2344 an environmental health program as part of fulfilling the
 2345 state's public health mission. The purpose of this program is to
 2346 detect and prevent disease caused by natural and manmade factors
 2347 in the environment. The environmental health program shall
 2348 include, but not be limited to:

2349 (18) A food service inspection function for domestic
 2350 violence centers that are certified by the Department of
 2351 Children and Families ~~Family Services~~ and monitored by the
 2352 Florida Coalition Against Domestic Violence under part XII of
 2353 chapter 39 and group care homes as described in subsection (16),
 2354 which shall be conducted annually and be limited to the
 2355 requirements in department rule applicable to community-based
 2356 residential facilities with five or fewer residents.

2357
 2358 The department may adopt rules to carry out the provisions of
 2359 this section.

2360 Section 64. Paragraph (b) of subsection (1) and paragraph
 2361 (a) of subsection (2) of section 381.0072, Florida Statutes, are
 2362 amended to read:

2363 381.0072 Food service protection.—It shall be the duty of
 2364 the Department of Health to adopt and enforce sanitation rules
 2365 consistent with law to ensure the protection of the public from
 2366 food-borne illness. These rules shall provide the standards and

2367 requirements for the storage, preparation, serving, or display
 2368 of food in food service establishments as defined in this
 2369 section and which are not permitted or licensed under chapter
 2370 500 or chapter 509.

2371 (1) DEFINITIONS.—As used in this section, the term:

2372 (b) "Food service establishment" means detention
 2373 facilities, public or private schools, migrant labor camps,
 2374 assisted living facilities, facilities participating in the
 2375 United States Department of Agriculture Afterschool Meal Program
 2376 that are located at a facility or site that is not inspected by
 2377 another state agency for compliance with sanitation standards,
 2378 adult family-care homes, adult day care centers, short-term
 2379 residential treatment centers, residential treatment facilities,
 2380 homes for special services, transitional living facilities,
 2381 crisis stabilization units, hospices, prescribed pediatric
 2382 extended care centers, intermediate care facilities for persons
 2383 with developmental disabilities, boarding schools, civic or
 2384 fraternal organizations, bars and lounges, vending machines that
 2385 dispense potentially hazardous foods at facilities expressly
 2386 named in this paragraph, and facilities used as temporary food
 2387 events or mobile food units at any facility expressly named in
 2388 this paragraph, where food is prepared and intended for
 2389 individual portion service, including the site at which
 2390 individual portions are provided, regardless of whether
 2391 consumption is on or off the premises and regardless of whether
 2392 there is a charge for the food. The term does not include any

2393 entity not expressly named in this paragraph; nor does the term
 2394 include a domestic violence center certified by the Department
 2395 of Children and Families ~~Family Services~~ and monitored by the
 2396 Florida Coalition Against Domestic Violence under part XII of
 2397 chapter 39 if the center does not prepare and serve food to its
 2398 residents and does not advertise food or drink for public
 2399 consumption.

2400 (2) DUTIES.—

2401 (a) The department may advise and consult with the Agency
 2402 for Health Care Administration, the Department of Business and
 2403 Professional Regulation, the Department of Agriculture and
 2404 Consumer Services, and the Department of Children and Families
 2405 ~~Family Services~~ concerning procedures related to the storage,
 2406 preparation, serving, or display of food at any building,
 2407 structure, or facility not expressly included in this section
 2408 that is inspected, licensed, or regulated by those agencies.

2409 Section 65. Paragraph (e) of subsection (2) and paragraph
 2410 (b) of subsection (5) of section 381.0303, Florida Statutes, are
 2411 amended to read:

2412 381.0303 Special needs shelters.—

2413 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
 2414 ASSISTANCE.—If funds have been appropriated to support disaster
 2415 coordinator positions in county health departments:

2416 (e) The Secretary of Elderly Affairs, or his or her
 2417 designee, shall convene, at any time that he or she deems
 2418 appropriate and necessary, a multiagency special needs shelter

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2419 discharge planning team to assist local areas that are severely
2420 impacted by a natural or manmade disaster that requires the use
2421 of special needs shelters. Multiagency special needs shelter
2422 discharge planning teams shall provide assistance to local
2423 emergency management agencies with the continued operation or
2424 closure of the shelters, as well as with the discharge of
2425 special needs clients to alternate facilities if necessary.
2426 Local emergency management agencies may request the assistance
2427 of a multiagency special needs shelter discharge planning team
2428 by alerting statewide emergency management officials of the
2429 necessity for additional assistance in their area. The Secretary
2430 of Elderly Affairs is encouraged to proactively work with other
2431 state agencies prior to any natural disasters for which warnings
2432 are provided to ensure that multiagency special needs shelter
2433 discharge planning teams are ready to assemble and deploy
2434 rapidly upon a determination by state emergency management
2435 officials that a disaster area requires additional assistance.
2436 The Secretary of Elderly Affairs may call upon any state agency
2437 or office to provide staff to assist a multiagency special needs
2438 shelter discharge planning team. Unless the secretary determines
2439 that the nature or circumstances surrounding the disaster do not
2440 warrant participation from a particular agency's staff, each
2441 multiagency special needs shelter discharge planning team shall
2442 include at least one representative from each of the following
2443 state agencies:

- 2444 1. Department of Elderly Affairs.

- 2445 2. Department of Health.
- 2446 3. Department of Children and Families ~~Family Services~~.
- 2447 4. Department of Veterans' Affairs.
- 2448 5. Division of Emergency Management.
- 2449 6. Agency for Health Care Administration.
- 2450 7. Agency for Persons with Disabilities.
- 2451 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
- 2452 Surgeon General may establish a special needs shelter
- 2453 interagency committee and serve as, or appoint a designee to
- 2454 serve as, the committee's chair. The department shall provide
- 2455 any necessary staff and resources to support the committee in
- 2456 the performance of its duties. The committee shall address and
- 2457 resolve problems related to special needs shelters not addressed
- 2458 in the state comprehensive emergency medical plan and shall
- 2459 consult on the planning and operation of special needs shelters.
- 2460 (b) The special needs shelter interagency committee shall
- 2461 be composed of representatives of emergency management, health,
- 2462 medical, and social services organizations. Membership shall
- 2463 include, but shall not be limited to, representatives of the
- 2464 Departments of Health, Children and Families ~~Family Services~~,
- 2465 Elderly Affairs, and Education; the Agency for Health Care
- 2466 Administration; the Division of Emergency Management; the
- 2467 Florida Medical Association; the Florida Osteopathic Medical
- 2468 Association; Associated Home Health Industries of Florida, Inc.;
- 2469 the Florida Nurses Association; the Florida Health Care
- 2470 Association; the Florida Assisted Living Affiliation; the

2471 Florida Hospital Association; the Florida Statutory Teaching
 2472 Hospital Council; the Florida Association of Homes for the
 2473 Aging; the Florida Emergency Preparedness Association; the
 2474 American Red Cross; Florida Hospices and Palliative Care, Inc.;
 2475 the Association of Community Hospitals and Health Systems; the
 2476 Florida Association of Health Maintenance Organizations; the
 2477 Florida League of Health Systems; the Private Care Association;
 2478 the Salvation Army; the Florida Association of Aging Services
 2479 Providers; the AARP; and the Florida Renal Coalition.

2480 Section 66. Subsection (5) of section 381.0407, Florida
 2481 Statutes, is amended to read:

2482 381.0407 Managed care and publicly funded primary care
 2483 program coordination.—

2484 (5) EMERGENCY SHELTER MEDICAL SCREENING REIMBURSEMENT.—
 2485 County health departments shall be reimbursed by managed care
 2486 plans, and the MediPass program as administered by the Agency
 2487 for Health Care Administration, for clients of the Department of
 2488 Children and Families ~~Family Services~~ who receive emergency
 2489 shelter medical screenings.

2490 Section 67. Paragraph (e) of subsection (1) of section
 2491 382.016, Florida Statutes, is amended to read:

2492 382.016 Amendment of records.—The department, upon receipt
 2493 of the fee prescribed in s. 382.0255; documentary evidence, as
 2494 specified by rule, of any misstatement, error, or omission
 2495 occurring in any birth, death, or fetal death record; and an
 2496 affidavit setting forth the changes to be made, shall amend or

2497 | replace the original certificate as necessary.

2498 | (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

2499 | (e) The Department of Revenue shall develop written
 2500 | educational materials for use and distribution by the Department
 2501 | of Children and Families ~~Family Services~~, Department of
 2502 | Corrections, Department of Education, Department of Health, and
 2503 | Department of Juvenile Justice that describe how paternity is
 2504 | established and the benefits of establishing paternity. The
 2505 | Department of Children and Families ~~Family Services~~, Department
 2506 | of Corrections, Department of Education, Department of Health,
 2507 | and Department of Juvenile Justice shall make the materials
 2508 | available to individuals to whom services are provided and are
 2509 | encouraged to provide additional education on how paternity is
 2510 | established and the benefits of establishing paternity.

2511 | Section 68. Paragraph (g) of subsection (1) of section
 2512 | 383.011, Florida Statutes, is amended to read:

2513 | 383.011 Administration of maternal and child health
 2514 | programs.—

2515 | (1) The Department of Health is designated as the state
 2516 | agency for:

2517 | (g) Receiving the federal funds for the "Special
 2518 | Supplemental Nutrition Program for Women, Infants, and
 2519 | Children," or WIC, authorized by the Child Nutrition Act of
 2520 | 1966, as amended, and for providing clinical leadership for the
 2521 | statewide WIC program.

2522 | 1. The department shall establish an interagency agreement

2523 with the Department of Children and Families ~~Family Services~~ for
 2524 fiscal management of the program. Responsibilities are delegated
 2525 to each department, as follows:

2526 a. The department shall provide clinical leadership,
 2527 manage program eligibility, and distribute nutritional guidance
 2528 and information to participants.

2529 b. The Department of Children and Families ~~Family Services~~
 2530 shall develop and implement an electronic benefits transfer
 2531 system.

2532 c. The Department of Children and Families ~~Family Services~~
 2533 shall develop a cost containment plan that provides timely and
 2534 accurate adjustments based on wholesale price fluctuations and
 2535 adjusts for the number of cash registers in calculating
 2536 statewide averages.

2537 d. The department shall coordinate submission of
 2538 information to appropriate federal officials in order to obtain
 2539 approval of the electronic benefits system and cost containment
 2540 plan, which must include participation of WIC-only stores.

2541 2. The department shall assist the Department of Children
 2542 and Families ~~Family Services~~ in the development of the
 2543 electronic benefits system to ensure full implementation no
 2544 later than July 1, 2013.

2545 Section 69. Subsection (2), paragraph (b) of subsection
 2546 (8), and subsection (18) of section 383.402, Florida Statutes,
 2547 are amended to read:

2548 383.402 Child abuse death review; State Child Abuse Death

2549 Review Committee; local child abuse death review committees.—

2550 (2) (a) The State Child Abuse Death Review Committee is
 2551 established within the Department of Health and shall consist of
 2552 a representative of the Department of Health, appointed by the
 2553 State Surgeon General, who shall serve as the state committee
 2554 coordinator. The head of each of the following agencies or
 2555 organizations shall also appoint a representative to the state
 2556 committee:

- 2557 1. The Department of Legal Affairs.
- 2558 2. The Department of Children and Families ~~Family~~
 2559 ~~Services~~.
- 2560 3. The Department of Law Enforcement.
- 2561 4. The Department of Education.
- 2562 5. The Florida Prosecuting Attorneys Association, Inc.
- 2563 6. The Florida Medical Examiners Commission, whose
 2564 representative must be a forensic pathologist.

2565 (b) In addition, the State Surgeon General shall appoint
 2566 the following members to the state committee, based on
 2567 recommendations from the Department of Health and the agencies
 2568 listed in paragraph (a), and ensuring that the committee
 2569 represents the regional, gender, and ethnic diversity of the
 2570 state to the greatest extent possible:

- 2571 1. A board-certified pediatrician.
- 2572 2. A public health nurse.
- 2573 3. A mental health professional who treats children or
 2574 adolescents.

2575 4. An employee of the Department of Children and Families
 2576 ~~Family Services~~ who supervises family services counselors and
 2577 who has at least 5 years of experience in child protective
 2578 investigations.

2579 5. The medical director of a child protection team.

2580 6. A member of a child advocacy organization.

2581 7. A social worker who has experience in working with
 2582 victims and perpetrators of child abuse.

2583 8. A person trained as a paraprofessional in patient
 2584 resources who is employed in a child abuse prevention program.

2585 9. A law enforcement officer who has at least 5 years of
 2586 experience in children's issues.

2587 10. A representative of the Florida Coalition Against
 2588 Domestic Violence.

2589 11. A representative from a private provider of programs
 2590 on preventing child abuse and neglect.

2591 (8) Notwithstanding any other law, the chairperson of the
 2592 State Child Abuse Death Review Committee, or the chairperson of
 2593 a local committee, shall be provided with access to any
 2594 information or records that pertain to a child whose death is
 2595 being reviewed by the committee and that are necessary for the
 2596 committee to carry out its duties, including information or
 2597 records that pertain to the child's family, as follows:

2598 (b) Information or records of any state agency or
 2599 political subdivision which might assist a committee in
 2600 reviewing a child's death, including, but not limited to,

2601 information or records of the Department of Children and
 2602 Families ~~Family Services~~, the Department of Health, the
 2603 Department of Education, or the Department of Juvenile Justice.

2604 (18) Each district administrator of the Department of
 2605 Children and Families ~~Family Services~~ must appoint a child abuse
 2606 death review coordinator for the district. The coordinator must
 2607 have knowledge and expertise in the area of child abuse and
 2608 neglect. The coordinator's general responsibilities include:

2609 (a) Coordinating with the local child abuse death review
 2610 committee.

2611 (b) Ensuring the appropriate implementation of the child
 2612 abuse death review process and all district activities related
 2613 to the review of child abuse deaths.

2614 (c) Working with the committee to ensure that the reviews
 2615 are thorough and that all issues are appropriately addressed.

2616 (d) Maintaining a system of logging child abuse deaths
 2617 covered by this procedure and tracking cases during the child
 2618 abuse death review process.

2619 (e) Conducting or arranging for a Florida Abuse Hotline
 2620 Information System (FAHIS) record check on all child abuse
 2621 deaths covered by this procedure to determine whether there were
 2622 any prior reports concerning the child or concerning any
 2623 siblings, other children, or adults in the home.

2624 (f) Coordinating child abuse death review activities, as
 2625 needed, with individuals in the community and the Department of
 2626 Health.

2627 (g) Notifying the district administrator, the Secretary of
 2628 Children and Families ~~Family Services~~, the Deputy Secretary for
 2629 Children's Medical Services, and the Department of Health Child
 2630 Abuse Death Review Coordinator of all child abuse deaths meeting
 2631 criteria for review as specified in this section within 1
 2632 working day after verifying the child's death was due to abuse,
 2633 neglect, or abandonment.

2634 (h) Ensuring that all critical issues identified by the
 2635 local child abuse death review committee are brought to the
 2636 attention of the district administrator and the Secretary of
 2637 Children and Families ~~Family Services~~.

2638 (i) Providing technical assistance to the local child
 2639 abuse death review committee during the review of any child
 2640 abuse death.

2641 Section 70. Subsection (5) of section 393.002, Florida
 2642 Statutes, is amended to read:

2643 393.002 Transfer of Florida Developmental Disabilities
 2644 Council as formerly created in this chapter to private nonprofit
 2645 corporation.—

2646 (5) Pursuant to the applicable provisions of chapter 284,
 2647 the Division of Risk Management of the Department of Financial
 2648 Services is authorized to insure this nonprofit corporation
 2649 under the same general terms and conditions as the Florida
 2650 Developmental Disabilities Council was insured in the Department
 2651 of Children and Families ~~Family Services~~ by the division prior
 2652 to the transfer of its functions authorized by this section.

2653 Section 71. Paragraph (b) of subsection (5) of section
 2654 393.065, Florida Statutes, is amended to read:

2655 393.065 Application and eligibility determination.—

2656 (5) Except as otherwise directed by law, beginning July 1,
 2657 2010, the agency shall assign and provide priority to clients
 2658 waiting for waiver services in the following order:

2659 (b) Category 2, which includes children on the wait list
 2660 who are from the child welfare system with an open case in the
 2661 Department of Children and Families' ~~Family Services'~~ statewide
 2662 automated child welfare information system.

2663
 2664 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
 2665 wait list of clients placed in the order of the date that the
 2666 client is determined eligible for waiver services.

2667 Section 72. Paragraph (a) of subsection (1) and subsection
 2668 (3) of section 393.0661, Florida Statutes, are amended to read:

2669 393.0661 Home and community-based services delivery
 2670 system; comprehensive redesign.—The Legislature finds that the
 2671 home and community-based services delivery system for persons
 2672 with developmental disabilities and the availability of
 2673 appropriated funds are two of the critical elements in making
 2674 services available. Therefore, it is the intent of the
 2675 Legislature that the Agency for Persons with Disabilities shall
 2676 develop and implement a comprehensive redesign of the system.

2677 (1) The redesign of the home and community-based services
 2678 system shall include, at a minimum, all actions necessary to

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2679 achieve an appropriate rate structure, client choice within a
2680 specified service package, appropriate assessment strategies, an
2681 efficient billing process that contains reconciliation and
2682 monitoring components, and a redefined role for support
2683 coordinators that avoids potential conflicts of interest and
2684 ensures that family/client budgets are linked to levels of need.

2685 (a) The agency shall use an assessment instrument that the
2686 agency deems to be reliable and valid, including, but not
2687 limited to, the Department of Children and Families' ~~Family~~
2688 ~~Services'~~ Individual Cost Guidelines or the agency's
2689 Questionnaire for Situational Information. The agency may
2690 contract with an external vendor or may use support coordinators
2691 to complete client assessments if it develops sufficient
2692 safeguards and training to ensure ongoing inter-rater
2693 reliability.

2694 (3) The Agency for Health Care Administration, in
2695 consultation with the agency, shall seek federal approval and
2696 implement a four-tiered waiver system to serve eligible clients
2697 through the developmental disabilities and family and supported
2698 living waivers. For the purpose of this waiver program, eligible
2699 clients shall include individuals with a diagnosis of Down
2700 syndrome or a developmental disability as defined in s. 393.063.
2701 The agency shall assign all clients receiving services through
2702 the developmental disabilities waiver to a tier based on the
2703 Department of Children and Families' ~~Family Services'~~ Individual
2704 Cost Guidelines, the agency's Questionnaire for Situational

2705 Information, or another such assessment instrument deemed to be
2706 valid and reliable by the agency; client characteristics,
2707 including, but not limited to, age; and other appropriate
2708 assessment methods.

2709 (a) Tier one is limited to clients who have service needs
2710 that cannot be met in tier two, three, or four for intensive
2711 medical or adaptive needs and that are essential for avoiding
2712 institutionalization, or who possess behavioral problems that
2713 are exceptional in intensity, duration, or frequency and present
2714 a substantial risk of harm to themselves or others. Total annual
2715 expenditures under tier one may not exceed \$150,000 per client
2716 each year, provided that expenditures for clients in tier one
2717 with a documented medical necessity requiring intensive
2718 behavioral residential habilitation services, intensive
2719 behavioral residential habilitation services with medical needs,
2720 or special medical home care, as provided in the Developmental
2721 Disabilities Waiver Services Coverage and Limitations Handbook,
2722 are not subject to the \$150,000 limit on annual expenditures.

2723 (b) Tier two is limited to clients whose service needs
2724 include a licensed residential facility and who are authorized
2725 to receive a moderate level of support for standard residential
2726 habilitation services or a minimal level of support for behavior
2727 focus residential habilitation services, or clients in supported
2728 living who receive more than 6 hours a day of in-home support
2729 services. Total annual expenditures under tier two may not
2730 exceed \$53,625 per client each year.

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2731 (c) Tier three includes, but is not limited to, clients
2732 requiring residential placements, clients in independent or
2733 supported living situations, and clients who live in their
2734 family home. Total annual expenditures under tier three may not
2735 exceed \$34,125 per client each year.

2736 (d) Tier four includes individuals who were enrolled in
2737 the family and supported living waiver on July 1, 2007, who
2738 shall be assigned to this tier without the assessments required
2739 by this section. Tier four also includes, but is not limited to,
2740 clients in independent or supported living situations and
2741 clients who live in their family home. Total annual expenditures
2742 under tier four may not exceed \$14,422 per client each year.

2743 (e) The Agency for Health Care Administration shall also
2744 seek federal approval to provide a consumer-directed option for
2745 persons with developmental disabilities which corresponds to the
2746 funding levels in each of the waiver tiers. The agency shall
2747 implement the four-tiered waiver system beginning with tiers
2748 one, three, and four and followed by tier two. The agency and
2749 the Agency for Health Care Administration may adopt rules
2750 necessary to administer this subsection.

2751 (f) The agency shall seek federal waivers and amend
2752 contracts as necessary to make changes to services defined in
2753 federal waiver programs administered by the agency as follows:

2754 1. Supported living coaching services may not exceed 20
2755 hours per month for persons who also receive in-home support
2756 services.

2757 2. Limited support coordination services is the only type
2758 of support coordination service that may be provided to persons
2759 under the age of 18 who live in the family home.

2760 3. Personal care assistance services are limited to 180
2761 hours per calendar month and may not include rate modifiers.
2762 Additional hours may be authorized for persons who have
2763 intensive physical, medical, or adaptive needs if such hours are
2764 essential for avoiding institutionalization.

2765 4. Residential habilitation services are limited to 8
2766 hours per day. Additional hours may be authorized for persons
2767 who have intensive medical or adaptive needs and if such hours
2768 are essential for avoiding institutionalization, or for persons
2769 who possess behavioral problems that are exceptional in
2770 intensity, duration, or frequency and present a substantial risk
2771 of harming themselves or others. This restriction shall be in
2772 effect until the four-tiered waiver system is fully implemented.

2773 5. Chore services, nonresidential support services, and
2774 homemaker services are eliminated. The agency shall expand the
2775 definition of in-home support services to allow the service
2776 provider to include activities previously provided in these
2777 eliminated services.

2778 6. Massage therapy, medication review, and psychological
2779 assessment services are eliminated.

2780 7. The agency shall conduct supplemental cost plan reviews
2781 to verify the medical necessity of authorized services for plans
2782 that have increased by more than 8 percent during either of the

2783 2 preceding fiscal years.

2784 8. The agency shall implement a consolidated residential
 2785 habilitation rate structure to increase savings to the state
 2786 through a more cost-effective payment method and establish
 2787 uniform rates for intensive behavioral residential habilitation
 2788 services.

2789 9. Pending federal approval, the agency may extend current
 2790 support plans for clients receiving services under Medicaid
 2791 waivers for 1 year beginning July 1, 2007, or from the date
 2792 approved, whichever is later. Clients who have a substantial
 2793 change in circumstances which threatens their health and safety
 2794 may be reassessed during this year in order to determine the
 2795 necessity for a change in their support plan.

2796 10. The agency shall develop a plan to eliminate
 2797 redundancies and duplications between in-home support services,
 2798 companion services, personal care services, and supported living
 2799 coaching by limiting or consolidating such services.

2800 11. The agency shall develop a plan to reduce the
 2801 intensity and frequency of supported employment services to
 2802 clients in stable employment situations who have a documented
 2803 history of at least 3 years' employment with the same company or
 2804 in the same industry.

2805 Section 73. Paragraph (b) of subsection (1) and subsection
 2806 (2) of section 393.0673, Florida Statutes, are amended to read:

2807 393.0673 Denial, suspension, or revocation of license;
 2808 moratorium on admissions; administrative fines; procedures.—

2809 (1) The agency may revoke or suspend a license or impose
 2810 an administrative fine, not to exceed \$1,000 per violation per
 2811 day, if:

2812 (b) The Department of Children and Families ~~Family~~
 2813 ~~Services~~ has verified that the licensee is responsible for the
 2814 abuse, neglect, or abandonment of a child or the abuse, neglect,
 2815 or exploitation of a vulnerable adult.

2816 (2) The agency may deny an application for licensure
 2817 submitted under s. 393.067 if:

2818 (a) The applicant has:

2819 1. Falsely represented or omitted a material fact in its
 2820 license application submitted under s. 393.067;

2821 2. Had prior action taken against it under the Medicaid or
 2822 Medicare program;

2823 3. Failed to comply with the applicable requirements of
 2824 this chapter or rules applicable to the applicant; or

2825 4. Previously had a license to operate a residential
 2826 facility revoked by the agency, the Department of Children and
 2827 Families ~~Family~~ ~~Services~~, or the Agency for Health Care
 2828 Administration; or

2829 (b) The Department of Children and Families ~~Family~~
 2830 ~~Services~~ has verified that the applicant is responsible for the
 2831 abuse, neglect, or abandonment of a child or the abuse, neglect,
 2832 or exploitation of a vulnerable adult.

2833 Section 74. Paragraph (a) of subsection (1) of section
 2834 393.125, Florida Statutes, is amended to read:

2835 393.125 Hearing rights.—

2836 (1) REVIEW OF AGENCY DECISIONS.—

2837 (a) For Medicaid programs administered by the agency, any
 2838 developmental services applicant or client, or his or her
 2839 parent, guardian advocate, or authorized representative, may
 2840 request a hearing in accordance with federal law and rules
 2841 applicable to Medicaid cases and has the right to request an
 2842 administrative hearing pursuant to ss. 120.569 and 120.57. These
 2843 hearings shall be provided by the Department of Children and
 2844 Families ~~Family Services~~ pursuant to s. 409.285 and shall follow
 2845 procedures consistent with federal law and rules applicable to
 2846 Medicaid cases.

2847 Section 75. Subsection (5) of section 393.135, Florida
 2848 Statutes, is amended to read:

2849 393.135 Sexual misconduct prohibited; reporting required;
 2850 penalties.—

2851 (5) A covered person who witnesses sexual misconduct, or
 2852 who otherwise knows or has reasonable cause to suspect that a
 2853 person has engaged in sexual misconduct, shall immediately
 2854 report the incident to the central abuse hotline of the
 2855 Department of Children and Families ~~Family Services~~ and to the
 2856 appropriate local law enforcement agency. The covered person
 2857 shall also prepare, date, and sign an independent report that
 2858 specifically describes the nature of the sexual misconduct, the
 2859 location and time of the incident, and the persons involved. The
 2860 covered person shall deliver the report to the supervisor or

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2861 program director, who is responsible for providing copies to the
2862 agency's local office and the agency's inspector general.

2863 Section 76. Paragraph (b) of subsection (6) of section
2864 393.18, Florida Statutes, is amended to read:

2865 393.18 Comprehensive transitional education program.—A
2866 comprehensive transitional education program is a group of
2867 jointly operating centers or units, the collective purpose of
2868 which is to provide a sequential series of educational care,
2869 training, treatment, habilitation, and rehabilitation services
2870 to persons who have developmental disabilities and who have
2871 severe or moderate maladaptive behaviors. However, this section
2872 does not require such programs to provide services only to
2873 persons with developmental disabilities. All such services shall
2874 be temporary in nature and delivered in a structured residential
2875 setting, having the primary goal of incorporating the principle
2876 of self-determination in establishing permanent residence for
2877 persons with maladaptive behaviors in facilities that are not
2878 associated with the comprehensive transitional education
2879 program. The staff shall include behavior analysts and teachers,
2880 as appropriate, who shall be available to provide services in
2881 each component center or unit of the program. A behavior analyst
2882 must be certified pursuant to s. 393.17.

2883 (6) Notwithstanding subsection (5), in order to maximize
2884 federal revenues and provide for children needing special
2885 behavioral services, the agency may authorize the licensure of a
2886 facility that:

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2887 (b) As of July 1, 2010, serve children who were served by
2888 the child welfare system and who have an open case in the
2889 automated child welfare system of the Department of Children and
2890 Families ~~Family Services~~.

2891
2892 The facility must be in compliance with all program criteria and
2893 local zoning requirements and may not exceed a capacity of 15
2894 children.

2895 Section 77. Section 394.453, Florida Statutes, is amended
2896 to read:

2897 394.453 Legislative intent.—It is the intent of the
2898 Legislature to authorize and direct the Department of Children
2899 and Families ~~Family Services~~ to evaluate, research, plan, and
2900 recommend to the Governor and the Legislature programs designed
2901 to reduce the occurrence, severity, duration, and disabling
2902 aspects of mental, emotional, and behavioral disorders. It is
2903 the intent of the Legislature that treatment programs for such
2904 disorders shall include, but not be limited to, comprehensive
2905 health, social, educational, and rehabilitative services to
2906 persons requiring intensive short-term and continued treatment
2907 in order to encourage them to assume responsibility for their
2908 treatment and recovery. It is intended that such persons be
2909 provided with emergency service and temporary detention for
2910 evaluation when required; that they be admitted to treatment
2911 facilities on a voluntary basis when extended or continuing care
2912 is needed and unavailable in the community; that involuntary

2913 placement be provided only when expert evaluation determines
 2914 that it is necessary; that any involuntary treatment or
 2915 examination be accomplished in a setting which is clinically
 2916 appropriate and most likely to facilitate the person's return to
 2917 the community as soon as possible; and that individual dignity
 2918 and human rights be guaranteed to all persons who are admitted
 2919 to mental health facilities or who are being held under s.
 2920 394.463. It is the further intent of the Legislature that the
 2921 least restrictive means of intervention be employed based on the
 2922 individual needs of each person, within the scope of available
 2923 services. It is the policy of this state that the use of
 2924 restraint and seclusion on clients is justified only as an
 2925 emergency safety measure to be used in response to imminent
 2926 danger to the client or others. It is, therefore, the intent of
 2927 the Legislature to achieve an ongoing reduction in the use of
 2928 restraint and seclusion in programs and facilities serving
 2929 persons with mental illness.

2930 Section 78. Subsections (8), (30), and (33) of section
 2931 394.455, Florida Statutes, are amended to read:

2932 394.455 Definitions.—As used in this part, unless the
 2933 context clearly requires otherwise, the term:

2934 (8) "Department" means the Department of Children and
 2935 Families ~~Family Services~~.

2936 (30) "Secretary" means the Secretary of Children and
 2937 Families ~~Family Services~~.

2938 (33) "Service provider" means any public or private

2939 receiving facility, an entity under contract with the Department
 2940 of Children and Families ~~Family Services~~ to provide mental
 2941 health services, a clinical psychologist, a clinical social
 2942 worker, a marriage and family therapist, a mental health
 2943 counselor, a physician, a psychiatric nurse as defined in
 2944 subsection (23), or a community mental health center or clinic
 2945 as defined in this part.

2946 Section 79. Subsection (1) of section 394.457, Florida
 2947 Statutes, is amended to read:

2948 394.457 Operation and administration.—

2949 (1) ADMINISTRATION.—The Department of Children and
 2950 Families ~~Family Services~~ is designated the "Mental Health
 2951 Authority" of Florida. The department and the Agency for Health
 2952 Care Administration shall exercise executive and administrative
 2953 supervision over all mental health facilities, programs, and
 2954 services.

2955 Section 80. Subsection (3) of section 394.4574, Florida
 2956 Statutes, is amended to read:

2957 394.4574 Department responsibilities for a mental health
 2958 resident who resides in an assisted living facility that holds a
 2959 limited mental health license.—

2960 (3) The Secretary of Children and Families ~~Family~~
 2961 ~~Services~~, in consultation with the Agency for Health Care
 2962 Administration, shall annually require each district
 2963 administrator to develop, with community input, detailed plans
 2964 that demonstrate how the district will ensure the provision of

2965 state-funded mental health and substance abuse treatment
 2966 services to residents of assisted living facilities that hold a
 2967 limited mental health license. These plans must be consistent
 2968 with the substance abuse and mental health district plan
 2969 developed pursuant to s. 394.75 and must address case management
 2970 services; access to consumer-operated drop-in centers; access to
 2971 services during evenings, weekends, and holidays; supervision of
 2972 the clinical needs of the residents; and access to emergency
 2973 psychiatric care.

2974 Section 81. Paragraph (b) of subsection (4) of section
 2975 394.461, Florida Statutes, is amended to read:

2976 394.461 Designation of receiving and treatment
 2977 facilities.—The department is authorized to designate and
 2978 monitor receiving facilities and treatment facilities and may
 2979 suspend or withdraw such designation for failure to comply with
 2980 this part and rules adopted under this part. Unless designated
 2981 by the department, facilities are not permitted to hold or treat
 2982 involuntary patients under this part.

2983 (4)

2984 (b) For the purposes of this subsection, "payor class"
 2985 means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-
 2986 pay health insurance, private-pay health maintenance
 2987 organization, private preferred provider organization, the
 2988 Department of Children and Families ~~Family Services~~, other
 2989 government programs, self-pay patients, and charity care.

2990 Section 82. Subsection (1) of section 394.4612, Florida

2991 Statutes, is amended to read:

2992 394.4612 Integrated adult mental health crisis
2993 stabilization and addictions receiving facilities.—

2994 (1) The Agency for Health Care Administration, in
2995 consultation with the Department of Children and Families ~~Family~~
2996 ~~Services~~, may license facilities that integrate services
2997 provided in an adult mental health crisis stabilization unit
2998 with services provided in an adult addictions receiving
2999 facility. Such a facility shall be licensed by the agency as an
3000 adult crisis stabilization unit under part IV and must meet all
3001 licensure requirements for crisis stabilization units providing
3002 integrated services.

3003 Section 83. Paragraph (d) of subsection (2) of section
3004 394.4615, Florida Statutes, is amended to read:

3005 394.4615 Clinical records; confidentiality.—

3006 (2) The clinical record shall be released when:

3007 (d) The patient is committed to, or is to be returned to,
3008 the Department of Corrections from the Department of Children
3009 and Families ~~Family Services~~, and the Department of Corrections
3010 requests such records. These records shall be furnished without
3011 charge to the Department of Corrections.

3012 Section 84. Section 394.46715, Florida Statutes, is
3013 amended to read:

3014 394.46715 Rulemaking authority.—The Department of Children
3015 and Families ~~Family Services~~ shall have rulemaking authority to
3016 implement the provisions of ss. 394.455, 394.4598, 394.4615,

3017 394.463, 394.4655, and 394.467 as amended or created by this
 3018 act. These rules shall be for the purpose of protecting the
 3019 health, safety, and well-being of persons examined, treated, or
 3020 placed under this act.

3021 Section 85. Paragraph (b) of subsection (1) of section
 3022 394.4781, Florida Statutes, is amended to read:

3023 394.4781 Residential care for psychotic and emotionally
 3024 disturbed children.—

3025 (1) DEFINITIONS.—As used in this section:

3026 (b) "Department" means the Department of Children and
 3027 Families ~~Family Services~~.

3028 Section 86. Subsection (1) of section 394.47865, Florida
 3029 Statutes, is amended to read:

3030 394.47865 South Florida State Hospital; privatization.—

3031 (1) The Department of Children and Families ~~Family~~
 3032 ~~Services~~ shall, through a request for proposals, privatize South
 3033 Florida State Hospital. The department shall plan to begin
 3034 implementation of this privatization initiative by July 1, 1998.

3035 (a) Notwithstanding s. 287.057(13), the department may
 3036 enter into agreements, not to exceed 20 years, with a private
 3037 provider, a coalition of providers, or another agency to
 3038 finance, design, and construct a treatment facility having up to
 3039 350 beds and to operate all aspects of daily operations within
 3040 the facility. The department may subcontract any or all
 3041 components of this procurement to a statutorily established
 3042 state governmental entity that has successfully contracted with

3043 private companies for designing, financing, acquiring, leasing,
 3044 constructing, and operating major privatized state facilities.

3045 (b) The selected contractor is authorized to sponsor the
 3046 issuance of tax-exempt bonds, certificates of participation, or
 3047 other securities to finance the project, and the state is
 3048 authorized to enter into a lease-purchase agreement for the
 3049 treatment facility.

3050 Section 87. Section 394.480, Florida Statutes, is amended
 3051 to read:

3052 394.480 Compact administrator.—Pursuant to said compact,
 3053 the Secretary of Children and Families ~~Family Services~~ shall be
 3054 the compact administrator who, acting jointly with like officers
 3055 of other party states, shall have power to promulgate rules and
 3056 regulations to carry out more effectively the terms of the
 3057 compact. The compact administrator is hereby authorized,
 3058 empowered, and directed to cooperate with all departments,
 3059 agencies, and officers of and in the government of this state
 3060 and its subdivisions in facilitating the proper administration
 3061 of the compact of any supplementary agreement or agreements
 3062 entered into by this state thereunder.

3063 Section 88. Subsection (8) of section 394.492, Florida
 3064 Statutes, is amended to read:

3065 394.492 Definitions.—As used in ss. 394.490-394.497, the
 3066 term:

3067 (8) "Department" means the Department of Children and
 3068 Families ~~Family Services~~.

3069 Section 89. Subsection (1) of section 394.493, Florida
 3070 Statutes, is amended to read:

3071 394.493 Target populations for child and adolescent mental
 3072 health services funded through the department.—

3073 (1) The child and adolescent mental health system of care
 3074 funded through the Department of Children and Families ~~Family~~
 3075 ~~Services~~ shall serve, to the extent that resources are
 3076 available, the following groups of children and adolescents who
 3077 reside with their parents or legal guardians or who are placed
 3078 in state custody:

3079 (a) Children and adolescents who are experiencing an acute
 3080 mental or emotional crisis.

3081 (b) Children and adolescents who have a serious emotional
 3082 disturbance or mental illness.

3083 (c) Children and adolescents who have an emotional
 3084 disturbance.

3085 (d) Children and adolescents who are at risk of emotional
 3086 disturbance.

3087 Section 90. Subsection (1) of section 394.4985, Florida
 3088 Statutes, is amended to read:

3089 394.4985 Districtwide information and referral network;
 3090 implementation.—

3091 (1) Each service district of the Department of Children
 3092 and Families ~~Family Services~~ shall develop a detailed
 3093 implementation plan for a districtwide comprehensive child and
 3094 adolescent mental health information and referral network to be

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3095 operational by July 1, 1999. The plan must include an operating
3096 budget that demonstrates cost efficiencies and identifies
3097 funding sources for the district information and referral
3098 network. The district shall use existing district information
3099 and referral providers if, in the development of the plan, it is
3100 concluded that these providers would deliver information and
3101 referral services in a more efficient and effective manner when
3102 compared to other alternatives. The district information and
3103 referral network must include:

3104 (a) A resource file that contains information about the
3105 child and adolescent mental health services as described in s.
3106 394.495, including, but not limited to:

- 3107 1. Type of program;
- 3108 2. Hours of service;
- 3109 3. Ages of persons served;
- 3110 4. Program description;
- 3111 5. Eligibility requirements; and
- 3112 6. Fees.

3113 (b) Information about private providers and professionals
3114 in the community who serve children and adolescents with an
3115 emotional disturbance.

3116 (c) A system to document requests for services which are
3117 received through the network referral process, including, but
3118 not limited to:

- 3119 1. Number of calls by type of service requested;
- 3120 2. Ages of the children and adolescents for whom services

3121 are requested; and

3122 3. Type of referral made by the network.

3123 (d) The ability to share client information with the
3124 appropriate community agencies.

3125 Section 91. Subsection (1) of section 394.499, Florida
3126 Statutes, is amended to read:

3127 394.499 Integrated children's crisis stabilization
3128 unit/juvenile addictions receiving facility services.—

3129 (1) Beginning July 1, 2001, the Department of Children and
3130 Families ~~Family Services~~, in consultation with the Agency for
3131 Health Care Administration, is authorized to establish
3132 children's behavioral crisis unit demonstration models in
3133 Collier, Lee, and Sarasota Counties. As a result of the
3134 recommendations regarding expansion of the demonstration models
3135 contained in the evaluation report of December 31, 2003, the
3136 department, in cooperation with the agency, may expand the
3137 demonstration models to other areas in the state after July 1,
3138 2005. The children's behavioral crisis unit demonstration models
3139 will integrate children's mental health crisis stabilization
3140 units with substance abuse juvenile addictions receiving
3141 facility services, to provide emergency mental health and
3142 substance abuse services that are integrated within facilities
3143 licensed and designated by the agency for children under 18
3144 years of age who meet criteria for admission or examination
3145 under this section. The services shall be designated as
3146 "integrated children's crisis stabilization unit/juvenile

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3147 | addictions receiving facility services," shall be licensed by
3148 | the agency as children's crisis stabilization units, and shall
3149 | meet all licensure requirements for crisis stabilization units.
3150 | The department, in cooperation with the agency, shall develop
3151 | standards that address eligibility criteria; clinical
3152 | procedures; staffing requirements; operational, administrative,
3153 | and financing requirements; and investigation of complaints for
3154 | such integrated facility services. Standards that are
3155 | implemented specific to substance abuse services shall meet or
3156 | exceed existing standards for addictions receiving facilities.

3157 | Section 92. Subsection (1), paragraph (a) of subsection
3158 | (2), and subsection (4) of section 394.656, Florida Statutes,
3159 | are amended to read:

3160 | 394.656 Criminal Justice, Mental Health, and Substance
3161 | Abuse Reinvestment Grant Program.—

3162 | (1) There is created within the Department of Children and
3163 | Families ~~Family Services~~ the Criminal Justice, Mental Health,
3164 | and Substance Abuse Reinvestment Grant Program. The purpose of
3165 | the program is to provide funding to counties with which they
3166 | can plan, implement, or expand initiatives that increase public
3167 | safety, avert increased spending on criminal justice, and
3168 | improve the accessibility and effectiveness of treatment
3169 | services for adults and juveniles who have a mental illness,
3170 | substance abuse disorder, or co-occurring mental health and
3171 | substance abuse disorders and who are in, or at risk of
3172 | entering, the criminal or juvenile justice systems.

3173 (2) The department shall establish a Criminal Justice,
 3174 Mental Health, and Substance Abuse Statewide Grant Review
 3175 Committee. The committee shall include:

3176 (a) One representative of the Department of Children and
 3177 Families ~~Family Services~~;

3178
 3179 To the extent possible, the members of the committee shall have
 3180 expertise in grant writing, grant reviewing, and grant
 3181 application scoring.

3182 (4) The grant review committee shall notify the Department
 3183 of Children and Families ~~Family Services~~ in writing of the names
 3184 of the applicants who have been selected by the committee to
 3185 receive a grant. Contingent upon the availability of funds and
 3186 upon notification by the review committee of those applicants
 3187 approved to receive planning, implementation, or expansion
 3188 grants, the Department of Children and Families ~~Family Services~~
 3189 may transfer funds appropriated for the grant program to any
 3190 county awarded a grant.

3191 Section 93. Paragraph (a) of subsection (2) of section
 3192 394.657, Florida Statutes, is amended to read:

3193 394.657 County planning councils or committees.—

3194 (2) (a) For the purposes of this section, the membership of
 3195 a designated planning council or committee must include:

3196 1. The state attorney, or an assistant state attorney
 3197 designated by the state attorney.

3198 2. A public defender, or an assistant public defender

- 3199 designated by the public defender.
- 3200 3. A circuit judge designated by the chief judge of the
3201 circuit.
- 3202 4. A county court judge designated by the chief judge of
3203 the circuit.
- 3204 5. The chief correctional officer.
- 3205 6. The sheriff, if the sheriff is the chief correctional
3206 officer, or a person designated by the sheriff.
- 3207 7. The police chief, or a person designated by the local
3208 police chiefs association.
- 3209 8. The state probation circuit administrator, or a person
3210 designated by the state probation circuit administrator.
- 3211 9. The local court administrator, or a person designated
3212 by the local court administrator.
- 3213 10. The chairperson of the board of county commissioners,
3214 or another county commissioner designated by the chairperson,
3215 or, if the planning council is a consortium of counties, a
3216 county commissioner or designee from each member county.
- 3217 11. The director of any county probation or pretrial
3218 intervention program, if the county has such a program.
- 3219 12. The director of a local substance abuse treatment
3220 program, or a person designated by the director.
- 3221 13. The director of a community mental health agency, or a
3222 person designated by the director.
- 3223 14. A representative of the substance abuse program office
3224 and the mental health program office of the Department of

3225 Children and Families ~~Family Services~~, selected by the substance
 3226 abuse and mental health program supervisor of the district in
 3227 which the county is located.

3228 15. A primary consumer of mental health services, selected
 3229 by the substance abuse and mental health program supervisor of
 3230 the district in which the primary consumer resides. If multiple
 3231 counties apply together, a primary consumer may be selected to
 3232 represent each county.

3233 16. A primary consumer of substance abuse services,
 3234 selected by the substance abuse and mental health program
 3235 supervisor of the district in which the primary consumer
 3236 resides. If the planning council is a consortium of counties, a
 3237 primary consumer may be selected to represent each county.

3238 17. A family member of a primary consumer of community-
 3239 based treatment services, selected by the abuse and mental
 3240 health program supervisor of the district in which the family
 3241 member resides.

3242 18. A representative from an area homeless program or a
 3243 supportive housing program.

3244 19. The director of the detention facility of the
 3245 Department of Juvenile Justice, or a person designated by the
 3246 director.

3247 20. The chief probation officer of the Department of
 3248 Juvenile Justice, or an employee designated by the chief
 3249 probation officer.

3250 Section 94. Subsection (1) of section 394.658, Florida

3251 Statutes, is amended to read:

3252 394.658 Criminal Justice, Mental Health, and Substance
 3253 Abuse Reinvestment Grant Program requirements.—

3254 (1) The Criminal Justice, Mental Health, and Substance
 3255 Abuse Statewide Grant Review Committee, in collaboration with
 3256 the Department of Children and Families ~~Family Services~~, the
 3257 Department of Corrections, the Department of Juvenile Justice,
 3258 the Department of Elderly Affairs, and the Office of the State
 3259 Courts Administrator, shall establish criteria to be used to
 3260 review submitted applications and to select the county that will
 3261 be awarded a 1-year planning grant or a 3-year implementation or
 3262 expansion grant. A planning, implementation, or expansion grant
 3263 may not be awarded unless the application of the county meets
 3264 the established criteria.

3265 (a) The application criteria for a 1-year planning grant
 3266 must include a requirement that the applicant county or counties
 3267 have a strategic plan to initiate systemic change to identify
 3268 and treat individuals who have a mental illness, substance abuse
 3269 disorder, or co-occurring mental health and substance abuse
 3270 disorders who are in, or at risk of entering, the criminal or
 3271 juvenile justice systems. The 1-year planning grant must be used
 3272 to develop effective collaboration efforts among participants in
 3273 affected governmental agencies, including the criminal,
 3274 juvenile, and civil justice systems, mental health and substance
 3275 abuse treatment service providers, transportation programs, and
 3276 housing assistance programs. The collaboration efforts shall be

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3277 the basis for developing a problem-solving model and strategic
3278 plan for treating adults and juveniles who are in, or at risk of
3279 entering, the criminal or juvenile justice system and doing so
3280 at the earliest point of contact, taking into consideration
3281 public safety. The planning grant shall include strategies to
3282 divert individuals from judicial commitment to community-based
3283 service programs offered by the Department of Children and
3284 Families ~~Family Services~~ in accordance with ss. 916.13 and
3285 916.17.

3286 (b) The application criteria for a 3-year implementation
3287 or expansion grant shall require information from a county that
3288 demonstrates its completion of a well-established collaboration
3289 plan that includes public-private partnership models and the
3290 application of evidence-based practices. The implementation or
3291 expansion grants may support programs and diversion initiatives
3292 that include, but need not be limited to:

- 3293 1. Mental health courts;
- 3294 2. Diversion programs;
- 3295 3. Alternative prosecution and sentencing programs;
- 3296 4. Crisis intervention teams;
- 3297 5. Treatment accountability services;
- 3298 6. Specialized training for criminal justice, juvenile
3299 justice, and treatment services professionals;
- 3300 7. Service delivery of collateral services such as
3301 housing, transitional housing, and supported employment; and
- 3302 8. Reentry services to create or expand mental health and

3303 substance abuse services and supports for affected persons.

3304 (c) Each county application must include the following
3305 information:

3306 1. An analysis of the current population of the jail and
3307 juvenile detention center in the county, which includes:

3308 a. The screening and assessment process that the county
3309 uses to identify an adult or juvenile who has a mental illness,
3310 substance abuse disorder, or co-occurring mental health and
3311 substance abuse disorders;

3312 b. The percentage of each category of persons admitted to
3313 the jail and juvenile detention center that represents people
3314 who have a mental illness, substance abuse disorder, or co-
3315 occurring mental health and substance abuse disorders; and

3316 c. An analysis of observed contributing factors that
3317 affect population trends in the county jail and juvenile
3318 detention center.

3319 2. A description of the strategies the county intends to
3320 use to serve one or more clearly defined subsets of the
3321 population of the jail and juvenile detention center who have a
3322 mental illness or to serve those at risk of arrest and
3323 incarceration. The proposed strategies may include identifying
3324 the population designated to receive the new interventions, a
3325 description of the services and supervision methods to be
3326 applied to that population, and the goals and measurable
3327 objectives of the new interventions. The interventions a county
3328 may use with the target population may include, but are not

3329 limited to:

3330 a. Specialized responses by law enforcement agencies;

3331 b. Centralized receiving facilities for individuals

3332 evidencing behavioral difficulties;

3333 c. Postbooking alternatives to incarceration;

3334 d. New court programs, including pretrial services and

3335 specialized dockets;

3336 e. Specialized diversion programs;

3337 f. Intensified transition services that are directed to

3338 the designated populations while they are in jail or juvenile

3339 detention to facilitate their transition to the community;

3340 g. Specialized probation processes;

3341 h. Day-reporting centers;

3342 i. Linkages to community-based, evidence-based treatment

3343 programs for adults and juveniles who have mental illness or

3344 substance abuse disorders; and

3345 j. Community services and programs designed to prevent

3346 high-risk populations from becoming involved in the criminal or

3347 juvenile justice system.

3348 3. The projected effect the proposed initiatives will have

3349 on the population and the budget of the jail and juvenile

3350 detention center. The information must include:

3351 a. The county's estimate of how the initiative will reduce

3352 the expenditures associated with the incarceration of adults and

3353 the detention of juveniles who have a mental illness;

3354 b. The methodology that the county intends to use to

3355 | measure the defined outcomes and the corresponding savings or
 3356 | averted costs;

3357 | c. The county's estimate of how the cost savings or
 3358 | averted costs will sustain or expand the mental health and
 3359 | substance abuse treatment services and supports needed in the
 3360 | community; and

3361 | d. How the county's proposed initiative will reduce the
 3362 | number of individuals judicially committed to a state mental
 3363 | health treatment facility.

3364 | 4. The proposed strategies that the county intends to use
 3365 | to preserve and enhance its community mental health and
 3366 | substance abuse system, which serves as the local behavioral
 3367 | health safety net for low-income and uninsured individuals.

3368 | 5. The proposed strategies that the county intends to use
 3369 | to continue the implemented or expanded programs and initiatives
 3370 | that have resulted from the grant funding.

3371 | Section 95. Subsections (6) and (12) of section 394.66,
 3372 | Florida Statutes, are amended to read:

3373 | 394.66 Legislative intent with respect to substance abuse
 3374 | and mental health services.—It is the intent of the Legislature
 3375 | to:

3376 | (6) Ensure that all activities of the Department of
 3377 | Children and Families ~~Family Services~~ and the Agency for Health
 3378 | Care Administration, and their respective contract providers,
 3379 | involved in the delivery of substance abuse and mental health
 3380 | treatment and prevention services are coordinated and integrated

3381 with other local systems and groups, public and private, such as
 3382 juvenile justice, criminal justice, child protection, and public
 3383 health organizations; school districts; and local groups or
 3384 organizations that focus on services to older adults.

3385 (12) Include substance abuse and mental health services as
 3386 a component of the integrated service delivery system of the
 3387 Department of Children and Families ~~Family Services~~.

3388 Section 96. Subsections (5), (7), and (20) of section
 3389 394.67, Florida Statutes, are amended to read:

3390 394.67 Definitions.—As used in this part, the term:

3391 (5) "Department" means the Department of Children and
 3392 Families ~~Family Services~~.

3393 (7) "District administrator" means the person appointed by
 3394 the Secretary of Children and Families ~~Family Services~~ for the
 3395 purpose of administering a department service district as set
 3396 forth in s. 20.19.

3397 (20) "Program office" means the Mental Health Program
 3398 Office of the Department of Children and Families ~~Family~~
 3399 ~~Services~~.

3400 Section 97. Section 394.745, Florida Statutes, is amended
 3401 to read:

3402 394.745 Annual report; compliance of providers under
 3403 contract with department.—By November 1 of each year, the
 3404 Department of Children and Families ~~Family Services~~ shall submit
 3405 a report to the President of the Senate and the Speaker of the
 3406 House of Representatives which describes the compliance of

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3407 providers that provide substance abuse treatment programs and
3408 mental health services under contract with the Department of
3409 Children and Families ~~Family Services~~. The report must describe
3410 the status of compliance with the annual performance outcome
3411 standards established by the Legislature and must address the
3412 providers that meet or exceed performance standards, the
3413 providers that did not achieve performance standards for which
3414 corrective action measures were developed, and the providers
3415 whose contracts were terminated due to failure to meet the
3416 requirements of the corrective plan.

3417 Section 98. Paragraph (b) of subsection (1) of section
3418 394.75, Florida Statutes, is amended to read:

3419 394.75 State and district substance abuse and mental
3420 health plans.—

3421 (1)

3422 (b) The initial plan must include an assessment of the
3423 clinical practice guidelines and standards for community-based
3424 mental health and substance abuse services delivered by persons
3425 or agencies under contract with the Department of Children and
3426 Families ~~Family Services~~. The assessment must include an
3427 inventory of current clinical guidelines and standards used by
3428 persons and agencies under contract with the department, and by
3429 nationally recognized accreditation organizations, to address
3430 the quality of care and must specify additional clinical
3431 practice standards and guidelines for new or existing services
3432 and programs.

3433 Section 99. Paragraph (a) of subsection (1) of section
 3434 394.78, Florida Statutes, is amended to read:

3435 394.78 Operation and administration; personnel standards;
 3436 procedures for audit and monitoring of service providers;
 3437 resolution of disputes.—

3438 (1) (a) The Department of Children and Families ~~Family~~
 3439 ~~Services~~ shall administer this part and shall adopt rules
 3440 necessary for its administration. In addition to other
 3441 rulemaking authority, the department may adopt financial rules
 3442 relating to conflicts of interest; related party transactions;
 3443 full disclosure of revenue funds and expenses; charts of
 3444 accounts for state reporting; auditing; penalties for
 3445 nonperformance; benefit packages; performance outcomes,
 3446 including client satisfaction and functional assessments;
 3447 nonpayment and suspended payments for failure to timely submit
 3448 required client service reports; and client financial
 3449 eligibility requirements.

3450 Section 100. Subsection (1) of section 394.9084, Florida
 3451 Statutes, is amended to read:

3452 394.9084 Florida Self-Directed Care program.—

3453 (1) The Department of Children and Families ~~Family~~
 3454 ~~Services~~, in cooperation with the Agency for Health Care
 3455 Administration, may provide a client-directed and choice-based
 3456 Florida Self-Directed Care program in all department service
 3457 districts, in addition to the pilot projects established in
 3458 district 4 and district 8, to provide mental health treatment

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3459 and support services to adults who have a serious mental
3460 illness. The department may also develop and implement a client-
3461 directed and choice-based pilot project in one district to
3462 provide mental health treatment and support services for
3463 children with a serious emotional disturbance who live at home.
3464 If established, any staff who work with children must be
3465 screened under s. 435.04. The department shall implement a
3466 payment mechanism in which each client controls the money that
3467 is available for that client's mental health treatment and
3468 support services. The department shall establish interagency
3469 cooperative agreements and work with the agency, the Division of
3470 Vocational Rehabilitation, and the Social Security
3471 Administration to implement and administer the Florida Self-
3472 Directed Care program.

3473 Section 101. Subsections (1), (3), (7), and (11) of
3474 section 394.912, Florida Statutes, are amended to read:

3475 394.912 Definitions.—As used in this part, the term:

3476 (1) "Agency with jurisdiction" means the agency that
3477 releases, upon lawful order or authority, a person who is
3478 serving a sentence in the custody of the Department of
3479 Corrections, a person who was adjudicated delinquent and is
3480 committed to the custody of the Department of Juvenile Justice,
3481 or a person who was involuntarily committed to the custody of
3482 the Department of Children and Families ~~Family Services~~ upon an
3483 adjudication of not guilty by reason of insanity.

3484 (3) "Department" means the Department of Children and

3485 Families ~~Family Services~~.

3486 (7) "Secretary" means the secretary of the Department of
 3487 Children and Families ~~Family Services~~.

3488 (11) "Total confinement" means that the person is
 3489 currently being held in any physically secure facility being
 3490 operated or contractually operated for the Department of
 3491 Corrections, the Department of Juvenile Justice, or the
 3492 Department of Children and Families ~~Family Services~~. A person
 3493 shall also be deemed to be in total confinement for
 3494 applicability of provisions under this part if the person is
 3495 serving an incarcerative sentence under the custody of the
 3496 Department of Corrections or the Department of Juvenile Justice
 3497 and is being held in any other secure facility for any reason.

3498 Section 102. Paragraph (e) of subsection (3) of section
 3499 394.913, Florida Statutes, is amended to read:

3500 394.913 Notice to state attorney and multidisciplinary
 3501 team of release of sexually violent predator; establishing
 3502 multidisciplinary teams; information to be provided to
 3503 multidisciplinary teams.-

3504 (3)

3505 (e)1. Within 180 days after receiving notice, there shall
 3506 be a written assessment as to whether the person meets the
 3507 definition of a sexually violent predator and a written
 3508 recommendation, which shall be provided to the state attorney.
 3509 The written recommendation shall be provided by the Department
 3510 of Children and Families ~~Family Services~~ and shall include the

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3511 written report of the multidisciplinary team.

3512 2. Notwithstanding subparagraph 1., in the case of a
3513 person for whom the written assessment and recommendation has
3514 not been completed at least 365 days before his or her release
3515 from total confinement, the department shall prioritize the
3516 assessment of that person based upon the person's release date.

3517 Section 103. Subsection (1) of section 394.9135, Florida
3518 Statutes, is amended to read:

3519 394.9135 Immediate releases from total confinement;
3520 transfer of person to department; time limitations on
3521 assessment, notification, and filing petition to hold in
3522 custody; filing petition after release.—

3523 (1) If the anticipated release from total confinement of a
3524 person who has been convicted of a sexually violent offense
3525 becomes immediate for any reason, the agency with jurisdiction
3526 shall upon immediate release from total confinement transfer
3527 that person to the custody of the Department of Children and
3528 Families ~~Family Services~~ to be held in an appropriate secure
3529 facility.

3530 Section 104. Section 394.9151, Florida Statutes, is
3531 amended to read:

3532 394.9151 Contract authority.—The Department of Children
3533 and Families ~~Family Services~~ may contract with a private entity
3534 or state agency for use of and operation of facilities to comply
3535 with the requirements of this act. The Department of Children
3536 and Families ~~Family Services~~ may also contract with the

3537 Department of Management Services to issue a request for
 3538 proposals and monitor contract compliance for these services.

3539 Section 105. Subsection (2) of section 394.917, Florida
 3540 Statutes, is amended to read:

3541 394.917 Determination; commitment procedure; mistrials;
 3542 housing; counsel and costs in indigent appellate cases.—

3543 (2) If the court or jury determines that the person is a
 3544 sexually violent predator, upon the expiration of the
 3545 incarcerative portion of all criminal sentences and disposition
 3546 of any detainers, the person shall be committed to the custody
 3547 of the Department of Children and Families ~~Family Services~~ for
 3548 control, care, and treatment until such time as the person's
 3549 mental abnormality or personality disorder has so changed that
 3550 it is safe for the person to be at large. At all times, persons
 3551 who are detained or committed under this part shall be kept in a
 3552 secure facility segregated from patients of the department who
 3553 are not detained or committed under this part.

3554 Section 106. Paragraph (b) of subsection (1) of section
 3555 394.9215, Florida Statutes, is amended to read:

3556 394.9215 Right to habeas corpus.—

3557 (1)

3558 (b) Upon filing a legally sufficient petition stating a
 3559 prima facie case under paragraph (a), the court may direct the
 3560 Department of Children and Families ~~Family Services~~ to file a
 3561 response. If necessary, the court may conduct an evidentiary
 3562 proceeding and issue an order to correct a violation of state or

3563 federal rights found to exist by the court. A final order
 3564 entered under this section may be appealed to the district court
 3565 of appeal. A nonfinal order may be appealed to the extent
 3566 provided by the Florida Rules of Appellate Procedure. An appeal
 3567 by the department shall stay the trial court's order until
 3568 disposition of the appeal.

3569 Section 107. Section 394.929, Florida Statutes, is amended
 3570 to read:

3571 394.929 Program costs.—The Department of Children and
 3572 Families ~~Family Services~~ is responsible for all costs relating
 3573 to the evaluation and treatment of persons committed to the
 3574 department's custody as sexually violent predators. A county is
 3575 not obligated to fund costs for psychological examinations,
 3576 expert witnesses, court-appointed counsel, or other costs
 3577 required by this part. Other costs for psychological
 3578 examinations, expert witnesses, and court-appointed counsel
 3579 required by this part shall be paid from state funds
 3580 appropriated by general law.

3581 Section 108. Section 394.930, Florida Statutes, is amended
 3582 to read:

3583 394.930 Authority to adopt rules.—The Department of
 3584 Children and Families ~~Family Services~~ shall adopt rules for:

3585 (1) Procedures that must be followed by members of the
 3586 multidisciplinary teams when assessing and evaluating persons
 3587 subject to this part;

3588 (2) Education and training requirements for members of the

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3589 multidisciplinary teams and professionals who assess and
3590 evaluate persons under this part;

3591 (3) The criteria that must exist in order for a
3592 multidisciplinary team to recommend to a state attorney that a
3593 petition should be filed to involuntarily commit a person under
3594 this part. The criteria shall include, but are not limited to,
3595 whether:

3596 (a) The person has a propensity to engage in future acts
3597 of sexual violence;

3598 (b) The person should be placed in a secure, residential
3599 facility; and

3600 (c) The person needs long-term treatment and care.

3601 (4) The designation of secure facilities for sexually
3602 violent predators who are subject to involuntary commitment
3603 under this part;

3604 (5) The components of the basic treatment plan for all
3605 committed persons under this part;

3606 (6) The protocol to inform a person that he or she is
3607 being examined to determine whether he or she is a sexually
3608 violent predator under this part.

3609 Section 109. Section 394.931, Florida Statutes, is amended
3610 to read:

3611 394.931 Quarterly reports.—Beginning July 1, 1999, the
3612 Department of Corrections shall collect information and compile
3613 quarterly reports with statistics profiling inmates released the
3614 previous quarter who fit the criteria and were referred to the

3615 Department of Children and Families ~~Family Services~~ pursuant to
 3616 this act. The quarterly reports must be produced beginning
 3617 October 1, 1999. At a minimum, the information that must be
 3618 collected and compiled for inclusion in the reports includes:
 3619 whether the qualifying offense was the current offense or the
 3620 prior offense; the most serious sexual offense; the total number
 3621 of distinct victims of the sexual offense; whether the victim
 3622 was known to the offender; whether the sexual act was
 3623 consensual; whether the sexual act involved multiple victims;
 3624 whether direct violence was involved in the sexual offense; the
 3625 age of each victim at the time of the offense; the age of the
 3626 offender at the time of the first sexual offense; whether a
 3627 weapon was used; length of time since the most recent sexual
 3628 offense; and the total number of prior and current sexual-
 3629 offense convictions. In addition, the Department of Children and
 3630 Families ~~Family Services~~ shall implement a long-term study to
 3631 determine the overall efficacy of the provisions of this part.

3632 Section 110. Subsection (2) of section 395.1023, Florida
 3633 Statutes, is amended to read:

3634 395.1023 Child abuse and neglect cases; duties.—Each
 3635 licensed facility shall adopt a protocol that, at a minimum,
 3636 requires the facility to:

3637 (2) In any case involving suspected child abuse,
 3638 abandonment, or neglect, designate, at the request of the
 3639 department, a staff physician to act as a liaison between the
 3640 hospital and the Department of Children and Families ~~Family~~

3641 ~~Services~~ office which is investigating the suspected abuse,
 3642 abandonment, or neglect, and the child protection team, as
 3643 defined in s. 39.01, when the case is referred to such a team.
 3644

3645 Each general hospital and appropriate specialty hospital shall
 3646 comply with the provisions of this section and shall notify the
 3647 agency and the department of its compliance by sending a copy of
 3648 its policy to the agency and the department as required by rule.
 3649 The failure by a general hospital or appropriate specialty
 3650 hospital to comply shall be punished by a fine not exceeding
 3651 \$1,000, to be fixed, imposed, and collected by the agency. Each
 3652 day in violation is considered a separate offense.

3653 Section 111. Paragraph (g) of subsection (4) of section
 3654 395.3025, Florida Statutes, is amended to read:

3655 395.3025 Patient and personnel records; copies;
 3656 examination.—

3657 (4) Patient records are confidential and must not be
 3658 disclosed without the consent of the patient or his or her legal
 3659 representative, but appropriate disclosure may be made without
 3660 such consent to:

3661 (g) The Department of Children and Families ~~Family~~
 3662 ~~Services~~ or its agent, for the purpose of investigations of
 3663 cases of abuse, neglect, or exploitation of children or
 3664 vulnerable adults.

3665 Section 112. Subsection (6) of section 397.311, Florida
 3666 Statutes, is amended to read:

3667 397.311 Definitions.—As used in this chapter, except part
 3668 VIII, the term:

3669 (6) "Department" means the Department of Children and
 3670 Families ~~Family Services~~.

3671 Section 113. Paragraph (b) of subsection (1) of section
 3672 397.333, Florida Statutes, is amended to read:

3673 397.333 Statewide Drug Policy Advisory Council.—

3674 (1)

3675 (b) The following state officials shall be appointed to
 3676 serve on the advisory council:

3677 1. The Attorney General, or his or her designee.

3678 2. The executive director of the Department of Law
 3679 Enforcement, or his or her designee.

3680 3. The Secretary of Children and Families ~~Family Services~~,
 3681 or his or her designee.

3682 4. The director of the Office of Planning and Budgeting in
 3683 the Executive Office of the Governor, or his or her designee.

3684 5. The Secretary of Corrections, or his or her designee.

3685 6. The Secretary of Juvenile Justice, or his or her
 3686 designee.

3687 7. The Commissioner of Education, or his or her designee.

3688 8. The executive director of the Department of Highway
 3689 Safety and Motor Vehicles, or his or her designee.

3690 9. The Adjutant General of the state as the Chief of the
 3691 Department of Military Affairs, or his or her designee.

3692 Section 114. Subsection (1) of section 397.334, Florida

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3693 Statutes, is amended to read:

3694 397.334 Treatment-based drug court programs.—

3695 (1) Each county may fund a treatment-based drug court
3696 program under which persons in the justice system assessed with
3697 a substance abuse problem will be processed in such a manner as
3698 to appropriately address the severity of the identified
3699 substance abuse problem through treatment services tailored to
3700 the individual needs of the participant. It is the intent of the
3701 Legislature to encourage the Department of Corrections, the
3702 Department of Children and Families ~~Family Services~~, the
3703 Department of Juvenile Justice, the Department of Health, the
3704 Department of Law Enforcement, the Department of Education, and
3705 such agencies, local governments, law enforcement agencies,
3706 other interested public or private sources, and individuals to
3707 support the creation and establishment of these problem-solving
3708 court programs. Participation in the treatment-based drug court
3709 programs does not divest any public or private agency of its
3710 responsibility for a child or adult, but enables these agencies
3711 to better meet their needs through shared responsibility and
3712 resources.

3713 Section 115. Subsection (2) of section 397.6758, Florida
3714 Statutes, is amended to read:

3715 397.6758 Release of individual from protective custody,
3716 emergency admission, involuntary assessment, involuntary
3717 treatment, and alternative involuntary assessment of a minor.—An
3718 individual involuntarily admitted to a licensed service provider

3719 | may be released without further order of the court only by a
 3720 | qualified professional in a hospital, a detoxification facility,
 3721 | an addictions receiving facility, or any less restrictive
 3722 | treatment component. Notice of the release must be provided to
 3723 | the applicant in the case of an emergency admission or an
 3724 | alternative involuntary assessment for a minor, or to the
 3725 | petitioner and the court if the involuntary assessment or
 3726 | treatment was court ordered. In the case of a minor, the release
 3727 | must be:

3728 | (2) To the Department of Children and Families ~~Family~~
 3729 | ~~Services~~ pursuant to s. 39.401; or

3730 | Section 116. Subsection (3) of section 397.753, Florida
 3731 | Statutes, is amended to read:

3732 | 397.753 Definitions.—As used in this part:

3733 | (3) "Inmate substance abuse services" means any service
 3734 | component as defined in s. 397.311 provided directly by the
 3735 | Department of Corrections and licensed and regulated by the
 3736 | Department of Children and Families ~~Family Services~~ pursuant to
 3737 | s. 397.406, or provided through contractual arrangements with a
 3738 | service provider licensed pursuant to part II; or any self-help
 3739 | program or volunteer support group operating for inmates.

3740 | Section 117. Subsection (6) of section 397.754, Florida
 3741 | Statutes, is amended to read:

3742 | 397.754 Duties and responsibilities of the Department of
 3743 | Corrections.—The Department of Corrections shall:

3744 | (6) In cooperation with other agencies, actively seek to

3745 enhance resources for the provision of treatment services for
 3746 inmates and to develop partnerships with other state agencies,
 3747 including but not limited to the Departments of Children and
 3748 Families ~~Family Services~~, Education, Community Affairs, and Law
 3749 Enforcement.

3750 Section 118. Subsection (1) of section 397.801, Florida
 3751 Statutes, is amended to read:

3752 397.801 Substance abuse impairment coordination.—

3753 (1) The Department of Children and Families ~~Family~~
 3754 ~~Services~~, the Department of Education, the Department of
 3755 Corrections, and the Department of Law Enforcement each shall
 3756 appoint a policy level staff person to serve as the agency
 3757 substance abuse impairment coordinator. The responsibilities of
 3758 the agency coordinator include interagency and intraagency
 3759 coordination, collection and dissemination of agency-specific
 3760 data relating to substance abuse impairment, and participation
 3761 in the development of the state comprehensive plan for substance
 3762 abuse impairment.

3763 Section 119. Paragraph (b) of subsection (3) of section
 3764 397.998, Florida Statutes, is amended to read:

3765 397.998 Drug-free communities support match grants.—

3766 (3) ELIGIBLE APPLICANTS.—

3767 (b) The coalition must represent the targeted community
 3768 and include at least one representative of each of the following
 3769 groups: local Department of Children and Families ~~Family~~
 3770 ~~Services~~ official; youth; parents; business community; media;

3771 schools; organizations serving youth; law enforcement agencies;
 3772 religious or fraternal organizations; civic and volunteer
 3773 groups; health care professionals; other local or tribal
 3774 governmental agencies with an expertise in the field of
 3775 substance abuse, including, if applicable, the state authority
 3776 with primary authority for substance abuse; and other
 3777 organizations involved in reducing substance abuse.

3778 Section 120. Paragraph (i) of subsection (2) of section
 3779 400.0065, Florida Statutes, is amended to read:

3780 400.0065 State Long-Term Care Ombudsman; duties and
 3781 responsibilities.—

3782 (2) The State Long-Term Care Ombudsman shall have the duty
 3783 and authority to:

3784 (i) Prepare an annual report describing the activities
 3785 carried out by the office, the state council, and the local
 3786 councils in the year for which the report is prepared. The
 3787 ombudsman shall submit the report to the secretary at least 30
 3788 days before the convening of the regular session of the
 3789 Legislature. The secretary shall in turn submit the report to
 3790 the United States Assistant Secretary for Aging, the Governor,
 3791 the President of the Senate, the Speaker of the House of
 3792 Representatives, the Secretary of Children and Families ~~Family~~
 3793 ~~Services~~, and the Secretary of Health Care Administration. The
 3794 report shall, at a minimum:

3795 1. Contain and analyze data collected concerning
 3796 complaints about and conditions in long-term care facilities and

3797 the disposition of such complaints.

3798 2. Evaluate the problems experienced by residents.

3799 3. Analyze the successes of the ombudsman program during
3800 the preceding year, including an assessment of how successfully
3801 the program has carried out its responsibilities under the Older
3802 Americans Act.

3803 4. Provide recommendations for policy, regulatory, and
3804 statutory changes designed to solve identified problems; resolve
3805 residents' complaints; improve residents' lives and quality of
3806 care; protect residents' rights, health, safety, and welfare;
3807 and remove any barriers to the optimal operation of the State
3808 Long-Term Care Ombudsman Program.

3809 5. Contain recommendations from the State Long-Term Care
3810 Ombudsman Council regarding program functions and activities and
3811 recommendations for policy, regulatory, and statutory changes
3812 designed to protect residents' rights, health, safety, and
3813 welfare.

3814 6. Contain any relevant recommendations from the local
3815 councils regarding program functions and activities.

3816 Section 121. Paragraph (b) of subsection (4) of section
3817 400.0069, Florida Statutes, is amended to read:

3818 400.0069 Local long-term care ombudsman councils; duties;
3819 membership.—

3820 (4) Each local council shall be composed of members whose
3821 primary residence is located within the boundaries of the local
3822 council's jurisdiction.

3823 (b) In no case shall the medical director of a long-term
 3824 care facility or an employee of the agency, the department, the
 3825 Department of Children and Families ~~Family Services~~, or the
 3826 Agency for Persons with Disabilities serve as a member or as an
 3827 ex officio member of a council.

3828 Section 122. Subsection (6) of section 400.021, Florida
 3829 Statutes, is amended to read:

3830 400.021 Definitions.—When used in this part, unless the
 3831 context otherwise requires, the term:

3832 (6) "Department" means the Department of Children and
 3833 Families ~~Family Services~~.

3834 Section 123. Paragraph (c) of subsection (1) of section
 3835 400.022, Florida Statutes, is amended to read:

3836 400.022 Residents' rights.—

3837 (1) All licensees of nursing home facilities shall adopt
 3838 and make public a statement of the rights and responsibilities
 3839 of the residents of such facilities and shall treat such
 3840 residents in accordance with the provisions of that statement.
 3841 The statement shall assure each resident the following:

3842 (c) Any entity or individual that provides health, social,
 3843 legal, or other services to a resident has the right to have
 3844 reasonable access to the resident. The resident has the right to
 3845 deny or withdraw consent to access at any time by any entity or
 3846 individual. Notwithstanding the visiting policy of the facility,
 3847 the following individuals must be permitted immediate access to
 3848 the resident:

3849 1. Any representative of the federal or state government,
 3850 including, but not limited to, representatives of the Department
 3851 of Children and Families ~~Family Services~~, the Department of
 3852 Health, the Agency for Health Care Administration, the Office of
 3853 the Attorney General, and the Department of Elderly Affairs; any
 3854 law enforcement officer; members of the state or local ombudsman
 3855 council; and the resident's individual physician.

3856 2. Subject to the resident's right to deny or withdraw
 3857 consent, immediate family or other relatives of the resident.

3858
 3859 The facility must allow representatives of the State Long-Term
 3860 Care Ombudsman Council to examine a resident's clinical records
 3861 with the permission of the resident or the resident's legal
 3862 representative and consistent with state law.

3863 Section 124. Subsection (8) of section 400.462, Florida
 3864 Statutes, is amended to read:

3865 400.462 Definitions.—As used in this part, the term:

3866 (8) "Department" means the Department of Children and
 3867 Families ~~Family Services~~.

3868 Section 125. Paragraph (b) of subsection (5) of section
 3869 400.464, Florida Statutes, is amended to read:

3870 400.464 Home health agencies to be licensed; expiration of
 3871 license; exemptions; unlawful acts; penalties.—

3872 (5) The following are exempt from the licensure
 3873 requirements of this part:

3874 (b) Home health services provided by a state agency,

3875 either directly or through a contractor with:

3876 1. The Department of Elderly Affairs.

3877 2. The Department of Health, a community health center, or
 3878 a rural health network that furnishes home visits for the
 3879 purpose of providing environmental assessments, case management,
 3880 health education, personal care services, family planning, or
 3881 followup treatment, or for the purpose of monitoring and
 3882 tracking disease.

3883 3. Services provided to persons with developmental
 3884 disabilities, as defined in s. 393.063.

3885 4. Companion and sitter organizations that were registered
 3886 under s. 400.509(1) on January 1, 1999, and were authorized to
 3887 provide personal services under a developmental services
 3888 provider certificate on January 1, 1999, may continue to provide
 3889 such services to past, present, and future clients of the
 3890 organization who need such services, notwithstanding the
 3891 provisions of this act.

3892 5. The Department of Children and Families ~~Family~~
 3893 ~~Services~~.

3894 Section 126. Subsection (4) of section 400.925, Florida
 3895 Statutes, is amended to read:

3896 400.925 Definitions.—As used in this part, the term:

3897 (4) "Department" means the Department of Children and
 3898 Families ~~Family~~ ~~Services~~.

3899 Section 127. Section 402.04, Florida Statutes, is amended
 3900 to read:

3901 402.04 Award of scholarships and stipends; disbursement of
 3902 funds; administration.—The award of scholarships or stipends
 3903 provided for herein shall be made by the Department of Children
 3904 and Families ~~Family Services~~, hereinafter referred to as the
 3905 department. The department shall handle the administration of
 3906 the scholarship or stipend and the Department of Education
 3907 shall, for and on behalf of the department, handle the notes
 3908 issued for the payment of the scholarships or stipends provided
 3909 for herein and the collection of same. The department shall
 3910 prescribe regulations governing the payment of scholarships or
 3911 stipends to the school, college, or university for the benefit
 3912 of the scholarship or stipend holders. All scholarship awards,
 3913 expenses and costs of administration shall be paid from moneys
 3914 appropriated by the Legislature and shall be paid upon vouchers
 3915 approved by the department and properly certified by the Chief
 3916 Financial Officer.

3917 Section 128. Section 402.06, Florida Statutes, is amended
 3918 to read:

3919 402.06 Notes required of scholarship holders.—Each person
 3920 who receives a scholarship or stipend as provided for in this
 3921 chapter shall execute a promissory note under seal, on forms to
 3922 be prescribed by the Department of Education, which shall be
 3923 endorsed by his or her parent or guardian or, if the person is
 3924 18 years of age or older, by some responsible citizen and shall
 3925 deliver said note to the Department of Children and Families
 3926 ~~Family Services~~. Each note shall be payable to the state and

3927 shall bear interest at the rate of 5 percent per annum beginning
 3928 90 days after completion or termination of the training program.
 3929 Said note shall provide for all costs of collection to be paid
 3930 by the maker of the note. Said note shall be delivered by the
 3931 Department of Children and Families ~~Family Services~~ to said
 3932 Department of Education for collection and final disposition.

3933 Section 129. Subsection (7) of section 402.07, Florida
 3934 Statutes, is amended to read:

3935 402.07 Payment of notes.—Prior to the award of a
 3936 scholarship or stipend provided herein for trainees in
 3937 psychiatric social work, psychiatry, clinical psychology, or
 3938 psychiatric nursing, the recipient thereof must agree in writing
 3939 to practice his or her profession in the employ of any one of
 3940 the following institutions or agencies for 1 month for each
 3941 month of grant immediately after graduation or, in lieu thereof,
 3942 to repay the full amount of the scholarship or stipend together
 3943 with interest at the rate of 5 percent per annum over a period
 3944 not to exceed 10 years:

3945 (7) Such other accredited social agencies or state
 3946 institutions as may be approved by the Department of Children
 3947 and Families ~~Family Services~~.

3948 Section 130. Section 402.115, Florida Statutes, is amended
 3949 to read:

3950 402.115 Sharing confidential or exempt information.—
 3951 Notwithstanding any other provision of law to the contrary, the
 3952 Department of Health, the Department of Children and Families

3953 ~~Family Services~~, and the Agency for Persons with Disabilities
 3954 may share confidential information or information exempt from
 3955 disclosure under chapter 119 on any individual who is or has
 3956 been the subject of a program within the jurisdiction of each
 3957 agency. Information so exchanged remains confidential or exempt
 3958 as provided by law.

3959 Section 131. Section 402.12, Florida Statutes, is amended
 3960 to read:

3961 402.12 National Community Mental Health Centers Act.—Any
 3962 federal funds accruing to the state for the purposes of carrying
 3963 out the national Community Mental Health Centers Act of 1963
 3964 shall be paid to the Department of Children and Families ~~Family~~
 3965 ~~Services~~ for expenditure as directed by said department.

3966 Section 132. Section 402.16, Florida Statutes, is amended
 3967 to read:

3968 402.16 Proceedings by department.—

3969 (1) Whenever it becomes necessary for the welfare and
 3970 convenience of any of the institutions now under the supervision
 3971 and control of the Department of Children and Families ~~Family~~
 3972 ~~Services~~, or which may hereafter be placed under the supervision
 3973 and control of said department, to acquire private property for
 3974 the use of any of said institutions, and the same cannot be
 3975 acquired by agreement satisfactory to the said department and
 3976 the parties interested in, or the owners of said private
 3977 property, the department is hereby empowered and authorized to
 3978 exercise the right of eminent domain, and to proceed to condemn

3979 the said property in the same manner as provided by law for the
 3980 condemnation of property.

3981 (2) Any suit or actions brought by the said department to
 3982 condemn property as provided in this section shall be brought in
 3983 the name of the Department of Children and Families ~~Family~~
 3984 ~~Services~~, and it shall be the duty of the Department of Legal
 3985 Affairs to conduct the proceedings for, and to act as counsel
 3986 for the said Department of Children and Families ~~Family~~
 3987 ~~Services~~.

3988 Section 133. Section 402.161, Florida Statutes, is amended
 3989 to read:

3990 402.161 Authorization for sale of property.—

3991 (1) The Department of Children and Families ~~Family~~
 3992 ~~Services~~ is authorized to sell any real or personal property
 3993 that it acquired by way of donation, gift, contribution,
 3994 bequest, or devise from any person, persons, or organizations
 3995 when such real or personal property is determined by the
 3996 department not to be necessary for use in connection with the
 3997 work of the department. All proceeds derived from the sale of
 3998 such property shall be transmitted to the State Treasury to be
 3999 credited to the department.

4000 (2) The Department of Children and Families ~~Family~~
 4001 ~~Services~~ is authorized to use for its purposes any moneys
 4002 realized from the sale of any such real or personal property. It
 4003 is expressly declared to be the intention of the Legislature
 4004 that such moneys are appropriated to the department and may be

4005 used by it for its purposes. However, such moneys shall be
 4006 withdrawn in accordance with law. Such moneys are appropriated
 4007 to the use of the department in addition to other funds which
 4008 have been or may otherwise be appropriated for its purposes.

4009 Section 134. Paragraph (b) of subsection (2) of section
 4010 402.164, Florida Statutes, is amended to read:

4011 402.164 Legislative intent; definitions.—

4012 (2) As used in this section through s. 402.167, the term:

4013 (b) "Client" means a client of the Agency for Persons with
 4014 Disabilities, the Agency for Health Care Administration, the
 4015 Department of Children and Families ~~Family Services~~, or the
 4016 Department of Elderly Affairs, as defined in s. 393.063, s.
 4017 394.67, s. 397.311, or s. 400.960, a forensic client or client
 4018 as defined in s. 916.106, a child or youth as defined in s.
 4019 39.01, a child as defined in s. 827.01, a family as defined in
 4020 s. 414.0252, a participant as defined in s. 429.901, a resident
 4021 as defined in s. 429.02, a Medicaid recipient or recipient as
 4022 defined in s. 409.901, a child receiving child care as defined
 4023 in s. 402.302, a disabled adult as defined in s. 410.032 or s.
 4024 410.603, or a victim as defined in s. 39.01 or s. 415.102 as
 4025 each definition applies within its respective chapter.

4026 Section 135. Section 402.17, Florida Statutes, is amended
 4027 to read:

4028 402.17 Claims for care and maintenance; trust property.—

4029 The Department of Children and Families ~~Family Services~~ and the
 4030 Agency for Persons with Disabilities shall protect the financial

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4031 interest of the state with respect to claims that the state may
4032 have for the care and maintenance of clients of the department
4033 or agency. The department or agency shall, as trustee, hold in
4034 trust and administer money and property designated for the
4035 personal benefit of clients. The department or agency shall act
4036 as trustee of clients' money and property entrusted to it in
4037 accordance with the usual fiduciary standards applicable
4038 generally to trustees, and shall act to protect both the short-
4039 term and long-term interests of the clients for whose benefit it
4040 is holding such money and property.

4041 (1) CLAIMS FOR CARE AND MAINTENANCE.—

4042 (a) The department or agency shall perform the following
4043 acts:

4044 1. Receive and supervise the collection of sums due the
4045 state.

4046 2. Bring any court action necessary to collect any claim
4047 the state may have against any client, former client, guardian
4048 of any client or former client, executor or administrator of the
4049 client's estate, or any person against whom any client or former
4050 client may have a claim.

4051 3. Obtain a copy of any inventory or appraisal of the
4052 client's property filed with any court.

4053 4. Obtain from the department's Economic Self-Sufficiency
4054 Services Program Office a financial status report on any client
4055 or former client, including the ability of third parties
4056 responsible for such client to pay all or part of the cost of

4057 the client's care and maintenance.

4058 5. Petition the court for appointment of a guardian or
4059 administrator for an otherwise unrepresented client or former
4060 client should the financial status report or other information
4061 indicate the need for such action. The cost of any such action
4062 shall be charged against the assets or estate of the client.

4063 6. Represent the interest of the state in any litigation
4064 in which a client or former client is a party.

4065 7. File claims with any person, firm, or corporation or
4066 with any federal, state, county, district, or municipal agency
4067 on behalf of an unrepresented client.

4068 8. Represent the state in the settlement of the estates of
4069 deceased clients or in the settlement of estates in which a
4070 client or a former client against whom the state may have a
4071 claim has a financial interest.

4072 9. Establish procedures by rule for the use of amounts
4073 held in trust for the client to pay for the cost of care and
4074 maintenance, if such amounts would otherwise cause the client to
4075 become ineligible for services which are in the client's best
4076 interests.

4077 (b) The department or agency may charge off accounts if it
4078 certifies that the accounts are uncollectible after diligent
4079 efforts have been made to collect them. If the department
4080 certifies an account to the Department of Financial Services,
4081 setting forth the circumstances upon which it predicates the
4082 uncollectibility, and if, pursuant to s. 17.04, the Department

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4083 of Financial Services concurs, the account shall be charged off.

4084 (2) MONEY OR OTHER PROPERTY RECEIVED FOR PERSONAL USE OR
4085 BENEFIT OF ANY CLIENT.—The department or agency shall perform
4086 the following acts:

4087 (a) Accept and administer in trust, as a trustee having a
4088 fiduciary responsibility to a client, any money or other
4089 property received for personal use or benefit of that client. In
4090 the case of children in the legal custody of the department,
4091 following the termination of the parental rights, until the
4092 child leaves the legal custody of the department due to adoption
4093 or attaining the age of 18 or, in the case of children who are
4094 otherwise in the custody of the department, the court having
4095 jurisdiction over such child shall have jurisdiction, upon
4096 application of the department or other interested party, to
4097 review or approve any extraordinary action of the department
4098 acting as trustee as to the child's money or other property.
4099 When directed by a court of competent jurisdiction, the
4100 department may further hold money or property of a child who has
4101 been in the care, custody, or control of the department and who
4102 is the subject of a court proceeding during the pendency of that
4103 proceeding.

4104 (b) Deposit the money in banks qualified as state
4105 depositories, or in any bank, credit union, or savings and loan
4106 association authorized to do business in this state, provided
4107 moneys so deposited or held by such institutions are fully
4108 insured by a federal depository or share insurance program, or

4109 an approved state depository or share insurance program, and are
 4110 available on demand.

4111 (c) Withdraw the money and use it to meet current needs of
 4112 clients. For purposes of this paragraph, "current needs"
 4113 includes payment of fees assessed under s. 402.33. The amount of
 4114 money withdrawn shall take into account the need of the
 4115 department or agency, as the trustee of a client's money and
 4116 property, to provide for the long-term needs of a client,
 4117 including, but not limited to, ensuring that a client under the
 4118 age of 18 will have sufficient financial resources available to
 4119 be able to function as an adult upon reaching the age of 18,
 4120 meeting the special needs of a client who has a disability and
 4121 whose special needs cannot otherwise be met by any form of
 4122 public assistance or family resources, or maintaining the
 4123 client's eligibility for public assistance, including medical
 4124 assistance, under state or federal law.

4125 (d) As trustee, invest in the manner authorized by law for
 4126 fiduciaries money not used for current needs of clients. Such
 4127 investments may include, but shall not be limited to,
 4128 investments in savings share accounts of any credit union
 4129 chartered under the laws of the United States and doing business
 4130 in this state, and savings share accounts of any credit union
 4131 chartered under the laws of this state, provided the credit
 4132 union is insured under the federal share insurance program or an
 4133 approved state share insurance program.

4134 (3) DEPOSIT OF FUNDS RECEIVED.—Funds received by the

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4135 Department of Children and Families ~~Family Services~~ in
4136 accordance with s. 402.33 shall be deposited into a trust fund
4137 for the operation of the department.

4138 (4) DISPOSITION OF UNCLAIMED TRUST FUNDS.—Upon the death
4139 of any client affected by the provisions of this section, any
4140 unclaimed money held in trust by the department, the agency, or
4141 by the Chief Financial Officer for the child shall be applied
4142 first to the payment of any unpaid claim of the state against
4143 the client, and any balance remaining unclaimed for a period of
4144 1 year shall escheat to the state as unclaimed funds held by
4145 fiduciaries.

4146 (5) LEGAL REPRESENTATION.—To the extent that the budget
4147 will permit, the Department of Legal Affairs shall furnish the
4148 legal services to carry out the provisions of this section. Upon
4149 the request of the department or agency, the various state and
4150 county attorneys shall assist in litigation within their
4151 jurisdiction. The department or agency may retain legal counsel
4152 for necessary legal services which cannot be furnished by the
4153 Department of Legal Affairs and the various state and county
4154 attorneys.

4155 (6) DEPOSIT OR INVESTMENT OF FUNDS OF CLIENTS.—

4156 (a) The department or agency may deposit any funds of
4157 clients in its possession in any bank in the state or may invest
4158 or reinvest such funds in bonds or obligations of the United
4159 States for the payment of which the full faith and credit of the
4160 United States is pledged. For purposes of deposit only, the

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4161 funds of any client may be mingled with the funds of any other
4162 clients.

4163 (b) The interest or increment accruing on such funds shall
4164 be the property of the clients and shall be used or conserved
4165 for the personal use or benefit of the client, in accordance
4166 with the department's or agency's fiduciary responsibility as a
4167 trustee for the money and property of the client. Such interest
4168 shall not accrue to the general welfare of all clients. Whenever
4169 any proposed action of the department or agency, acting in its
4170 own interest, may conflict with the department's or agency's
4171 fiduciary responsibility to the client, the department or agency
4172 shall promptly present the matter to a court of competent
4173 jurisdiction for the court's determination as to what action the
4174 department or agency may take. The department or agency shall
4175 establish reasonable fees by rule for the cost of administering
4176 such accounts and for establishing the minimum balance eligible
4177 to earn interest.

4178 (7) DISPOSITION OF MONEY AND PROPERTY OF CLIENTS UPON
4179 ATTAINING AGE 18 OR DISCHARGE FROM CARE, CUSTODY, CONTROL, OR
4180 SERVICES OF THE DEPARTMENT.—

4181 (a) Whenever a client of the department for whom the
4182 department is holding money or property as a trustee attains the
4183 age of 18, and thereby will no longer be in the legal custody of
4184 the department, the department shall promptly disburse such
4185 money and property to that client, or as that client directs, as
4186 soon as practicable.

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4187 (b) Whenever a client of the department over the age of 18
4188 for whom the department is holding money or property as a
4189 trustee no longer requires the care, custody, control, or
4190 services of the department, the department shall promptly
4191 disburse such money and property to that client, or as that
4192 client or a court directs, as soon as practicable.

4193 (c) When a client under the age of 18 who has been in the
4194 legal custody, care, or control of the department and for whom
4195 the department is holding money or property as a trustee attains
4196 the age of 18 and has a physical or mental disability, or is
4197 otherwise incapacitated or incompetent to handle that client's
4198 own financial affairs, the department shall apply for a court
4199 order from a court of competent jurisdiction to establish a
4200 trust on behalf of that client. Where there is no willing
4201 relative of the client acceptable to the court available to
4202 serve as trustee of such proposed trust, the court may enter an
4203 order authorizing the department to serve as trustee of a
4204 separate trust under such terms and conditions as the court
4205 determines appropriate to the circumstances.

4206 (d) When a client under the age of 18 who has been in the
4207 legal custody, care, or control of the department and for whom
4208 the department is holding money or property as a trustee leaves
4209 the care, custody, and control of the department due to adoption
4210 or placement of the client with a relative, or as otherwise
4211 directed by a court of competent jurisdiction, the department
4212 shall notify that court of the existence of the money and

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4213 property either prior to, or promptly after, receiving knowledge
4214 of the change of custody, care, or control. The department shall
4215 apply for an order from the court exercising jurisdiction over
4216 the client to direct the disposition of the money and property
4217 belonging to that client. The court order may establish a trust
4218 in which the money and property of the client will be deposited,
4219 appoint a guardian of a property as to the money or property of
4220 the client, or direct the creation of a Uniform Transfers to
4221 Minors Act account on behalf of that client, under the terms and
4222 conditions the court determines appropriate to the
4223 circumstances.

4224 Section 136. Subsection (1) of section 402.18, Florida
4225 Statutes, is amended to read:

4226 402.18 Welfare trust funds created; use of.—

4227 (1) All moneys now held in any auxiliary, canteen,
4228 welfare, donated, or similar fund in any state institution under
4229 the jurisdiction of the Department of Children and Families
4230 ~~Family Services~~ shall be deposited in a welfare trust fund,
4231 which fund is hereby created in the State Treasury, or in a
4232 place which the department shall designate. The money in the
4233 fund of each institution of the department, or which may accrue
4234 thereto, is hereby appropriated for the benefit, education, and
4235 general welfare of clients in that institution. The general
4236 welfare of clients includes, but is not limited to, the
4237 establishment of, maintenance of, employment of personnel for,
4238 and the purchase of items for resale at canteens or vending

4239 machines maintained at the state institutions and for the
 4240 establishment of, maintenance of, employment of personnel for,
 4241 and the operation of canteens, hobby shops, recreational or
 4242 entertainment facilities, sheltered workshops, activity centers,
 4243 farming projects, or other like facilities or programs at the
 4244 institutions.

4245 Section 137. Subsection (1) and paragraph (b) of
 4246 subsection (3) of section 402.181, Florida Statutes, are amended
 4247 to read:

4248 402.181 State Institutions Claims Program.—

4249 (1) There is created a State Institutions Claims Program,
 4250 for the purpose of making restitution for property damages and
 4251 direct medical expenses for injuries caused by shelter children
 4252 or foster children, or escapees, inmates, or patients of state
 4253 institutions or developmental disabilities centers under the
 4254 Department of Children and Families ~~Family Services~~, the
 4255 Department of Health, the Department of Juvenile Justice, the
 4256 Department of Corrections, or the Agency for Persons with
 4257 Disabilities.

4258 (3)

4259 (b) The Department of Legal Affairs shall work with the
 4260 Department of Children and Families ~~Family Services~~, the
 4261 Department of Health, the Department of Juvenile Justice, the
 4262 Department of Corrections, and the Agency for Persons with
 4263 Disabilities to streamline the process of investigations,
 4264 hearings, and determinations with respect to claims under this

4265 section, to ensure that eligible claimants receive restitution
 4266 within a reasonable time.

4267 Section 138. Section 402.185, Florida Statutes, is amended
 4268 to read:

4269 402.185 Productivity enhancing technology.—In accordance
 4270 with the provisions of chapter 216, 20 percent of any
 4271 unobligated General Revenue Fund or any trust fund appropriation
 4272 for salaries and benefits, expenses, other personal services,
 4273 operating capital outlay, and special categories remaining at
 4274 the end of a fiscal year shall be available to the Department of
 4275 Children and Families ~~Family Services~~ for purchases of
 4276 productivity-enhancing technology, to improve existing services,
 4277 and for community services initiatives. Funds used for such
 4278 purposes may be certified forward.

4279 Section 139. Section 402.19, Florida Statutes, is amended
 4280 to read:

4281 402.19 Photographing records; destruction of records;
 4282 effect as evidence.—The Department of Children and Families
 4283 ~~Family Services~~ may authorize each of the agencies under its
 4284 supervision and control to photograph, microphotograph, or
 4285 reproduce on film or prints, such correspondence, documents,
 4286 records, data, and other information as the department shall
 4287 determine, and which is not otherwise authorized to be
 4288 reproduced under chapter 119, whether the same shall be of a
 4289 temporary or permanent character and whether public, private, or
 4290 confidential, including that pertaining to patients or inmates

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4291 of the agencies, and to destroy any of said documents after they
4292 have been reproduced. Photographs or microphotographs in the
4293 form of film or prints made in compliance with the provisions of
4294 this section shall have the same force and effect as the
4295 originals thereof would have, and shall be treated as originals
4296 for the purpose of their admissibility in evidence. Duly
4297 certified or authenticated reproductions of such photographs or
4298 microphotographs shall be admitted in evidence equally with the
4299 original photographs or microphotographs.

4300 Section 140. Section 402.20, Florida Statutes, is amended
4301 to read:

4302 402.20 County contracts authorized for services and
4303 facilities for mental health and developmental disabilities.—The
4304 boards of county commissioners are authorized to provide
4305 monetary grants and facilities, and to enter into renewable
4306 contracts, for services and facilities, for a period not to
4307 exceed 2 years, with public and private hospitals, clinics, and
4308 laboratories; other state agencies, departments, or divisions;
4309 the state colleges and universities; the community colleges;
4310 private colleges and universities; counties; municipalities;
4311 towns; townships; and any other governmental unit or nonprofit
4312 organization which provides needed facilities for persons with
4313 mental illness or developmental disabilities. These services are
4314 hereby declared to be for a public and county purpose. The
4315 county commissioners may make periodic inspections to assure
4316 that the services or facilities provided under this chapter meet

4317 the standards of the Department of Children and Families ~~Family~~
 4318 ~~Services~~ and the Agency for Persons with Disabilities.

4319 Section 141. Paragraph (a) of subsection (1) and
 4320 subsections (2), (3), and (4) of section 402.22, Florida
 4321 Statutes, are amended to read:

4322 402.22 Education program for students who reside in
 4323 residential care facilities operated by the Department of
 4324 Children and Families ~~Family Services~~ or the Agency for Persons
 4325 with Disabilities.-

4326 (1) (a) The Legislature recognizes that the Department of
 4327 Children and Families ~~Family Services~~ and the Agency for Persons
 4328 with Disabilities have under their residential care students
 4329 with critical problems of physical impairment, emotional
 4330 disturbance, mental impairment, and learning impairment.

4331 (2) District school boards shall establish educational
 4332 programs for all students ages 5 through 18 under the
 4333 residential care of the Department of Children and Families
 4334 ~~Family Services~~ and the Agency for Persons with Disabilities,
 4335 and may provide for students below age 3 as provided for in s.
 4336 1003.21(1)(e). Funding of such programs shall be pursuant to s.
 4337 1011.62.

4338 (3) Notwithstanding any provisions of chapters 39, 393,
 4339 394, and 397 to the contrary, the services of the Department of
 4340 Children and Families ~~Family Services~~ and the Agency for Persons
 4341 with Disabilities and those of the Department of Education and
 4342 district school boards shall be mutually supportive and

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4343 complementary of each other. The education programs provided by
4344 the district school board shall meet the standards prescribed by
4345 the State Board of Education and the district school board.
4346 Decisions regarding the design and delivery of department or
4347 agency treatment or habilitative services shall be made by
4348 interdisciplinary teams of professional and paraprofessional
4349 staff of which appropriate district school system administrative
4350 and instructional personnel shall be invited to be participating
4351 members. The requirements for maintenance of confidentiality as
4352 prescribed in chapters 39, 393, 394, and 397 shall be applied to
4353 information used by such interdisciplinary teams, and such
4354 information shall be exempt from the provisions of ss. 119.07(1)
4355 and 286.011.

4356 (4) Students age 18 and under who are under the
4357 residential care of the Department of Children and Families
4358 ~~Family Services~~ or the Agency for Persons with Disabilities and
4359 who receive an education program shall be calculated as full-
4360 time equivalent student membership in the appropriate cost
4361 factor as provided for in s. 1011.62(1)(c). Residential care
4362 facilities shall include, but not be limited to, developmental
4363 disabilities centers and state mental health facilities. All
4364 students shall receive their education program from the district
4365 school system, and funding shall be allocated through the
4366 Florida Education Finance Program for the district school
4367 system.

4368 Section 142. Subsection (5) of section 402.281, Florida

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4369 Statutes, is amended to read:

4370 402.281 Gold Seal Quality Care program.—

4371 (5) The Department of Children and Families ~~Family~~
 4372 ~~Services~~ shall adopt rules under ss. 120.536(1) and 120.54 which
 4373 provide criteria and procedures for reviewing and approving
 4374 accrediting associations for participation in the Gold Seal
 4375 Quality Care program, conferring and revoking designations of
 4376 Gold Seal Quality Care providers, and classifying violations.

4377 Section 143. Subsections (5) and (16) of section 402.302,
 4378 Florida Statutes, are amended to read:

4379 402.302 Definitions.—As used in this chapter, the term:

4380 (5) "Department" means the Department of Children and
 4381 Families ~~Family Services~~.

4382 (16) "Secretary" means the Secretary of Children and
 4383 Families ~~Family Services~~.

4384 Section 144. Section 402.30501, Florida Statutes, is
 4385 amended to read:

4386 402.30501 Modification of introductory child care course
 4387 for community college credit authorized.—The Department of
 4388 Children and Families ~~Family Services~~ may modify the 40-clock-
 4389 hour introductory course in child care under s. 402.305 or s.
 4390 402.3131 to meet the requirements of articulating the course to
 4391 community college credit. Any modification must continue to
 4392 provide that the course satisfies the requirements of s.
 4393 402.305(2)(d).

4394 Section 145. Section 402.3115, Florida Statutes, is

4395 amended to read:

4396 402.3115 Elimination of duplicative and unnecessary
 4397 inspections; abbreviated inspections.—The Department of Children
 4398 and Families ~~Family Services~~ and local governmental agencies
 4399 that license child care facilities shall develop and implement a
 4400 plan to eliminate duplicative and unnecessary inspections of
 4401 child care facilities. In addition, the department and the local
 4402 governmental agencies shall develop and implement an abbreviated
 4403 inspection plan for child care facilities that have had no Class
 4404 1 or Class 2 deficiencies, as defined by rule, for at least 2
 4405 consecutive years. The abbreviated inspection must include those
 4406 elements identified by the department and the local governmental
 4407 agencies as being key indicators of whether the child care
 4408 facility continues to provide quality care and programming.

4409 Section 146. Paragraph (c) of subsection (1) of section
 4410 402.33, Florida Statutes, is amended to read:

4411 402.33 Department authority to charge fees for services
 4412 provided.—

4413 (1) As used in this section, the term:

4414 (c) "Department" means the Department of Children and
 4415 Families ~~Family Services~~, the Department of Health, and the
 4416 Agency for Persons with Disabilities.

4417 Section 147. Section 402.35, Florida Statutes, is amended
 4418 to read:

4419 402.35 Employees.—All personnel of the Department of
 4420 Children and Families ~~Family Services~~ shall be governed by rules

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4421 and regulations adopted and promulgated by the Department of
4422 Management Services relative thereto except the director and
4423 persons paid on a fee basis. The Department of Children and
4424 Families ~~Family Services~~ may participate with other state
4425 departments and agencies in a joint merit system.

4426 Section 148. Subsection (1), paragraph (a) of subsection
4427 (4), paragraph (a) of subsection (5), and subsection (6) of
4428 section 402.40, Florida Statutes, are amended to read:

4429 402.40 Child welfare training and certification.—

4430 (1) LEGISLATIVE INTENT.—In order to enable the state to
4431 provide a systematic approach to staff development and training
4432 for persons providing child welfare services that will meet the
4433 needs of such staff in their discharge of duties, it is the
4434 intent of the Legislature that the Department of Children and
4435 Families ~~Family Services~~ work in collaboration with the child
4436 welfare stakeholder community, including department-approved
4437 third-party credentialing entities, to ensure that staff have
4438 the knowledge, skills, and abilities necessary to competently
4439 provide child welfare services. It is the intent of the
4440 Legislature that each person providing child welfare services in
4441 this state earns and maintains a professional certification from
4442 a professional credentialing entity that is approved by the
4443 Department of Children and Families ~~Family Services~~. The
4444 Legislature further intends that certification and training
4445 programs will aid in the reduction of poor staff morale and of
4446 staff turnover, will positively impact on the quality of

4447 decisions made regarding children and families who require
 4448 assistance from programs providing child welfare services, and
 4449 will afford better quality care of children who must be removed
 4450 from their families.

4451 (4) CHILD WELFARE TRAINING TRUST FUND.—

4452 (a) There is created within the State Treasury a Child
 4453 Welfare Training Trust Fund to be used by the Department of
 4454 Children and Families ~~Family Services~~ for the purpose of funding
 4455 the professional development of persons providing child welfare
 4456 services.

4457 (5) CORE COMPETENCIES.—

4458 (a) The Department of Children and Families ~~Family~~
 4459 ~~Services~~ shall approve the core competencies and related
 4460 preservice curricula that ensures that each person delivering
 4461 child welfare services obtains the knowledge, skills, and
 4462 abilities to competently carry out his or her work
 4463 responsibilities.

4464 (6) ADOPTION OF RULES.—The Department of Children and
 4465 Families ~~Family Services~~ shall adopt rules necessary to carry
 4466 out the provisions of this section.

4467 Section 149. Section 402.401, Florida Statutes, is amended
 4468 to read:

4469 402.401 Florida Child Welfare Student Loan Forgiveness
 4470 Program.—There is created the Florida Child Welfare Student Loan
 4471 Forgiveness Program to be administered by the Department of
 4472 Children and Families ~~Family Services~~. The program shall provide

4473 loan reimbursement to eligible employees in child welfare
 4474 positions that are critical to the department's mission, as
 4475 determined by the department, and that are within the
 4476 department, sheriff's offices, or contracted community-based
 4477 care agencies. To be eligible for a program loan, the employee's
 4478 outstanding student loans may not be in a default status. This
 4479 section shall be implemented only as specifically funded.

4480 Section 150. Subsection (2) of section 402.47, Florida
 4481 Statutes, is amended to read:

4482 402.47 Foster grandparent and retired senior volunteer
 4483 services to high-risk and handicapped children.-

4484 (2) The Department of Children and Families ~~Family~~
 4485 ~~Services~~ shall:

4486 (a) Establish a program to provide foster grandparent and
 4487 retired senior volunteer services to high-risk and handicapped
 4488 children. Foster grandparent services and retired senior
 4489 volunteer services to high-risk and handicapped children shall
 4490 be under the supervision of the department, in coordination with
 4491 intraagency and interagency programs and agreements as provided
 4492 for in s. 411.203.

4493 (b) In authorized districts, contract with foster
 4494 grandparent programs and retired senior volunteer programs for
 4495 services to high-risk and handicapped children, utilizing funds
 4496 appropriated for handicap prevention.

4497 (c) Develop guidelines for the provision of foster
 4498 grandparent services and retired senior volunteer services to

4499 high-risk and handicapped children, and monitor and evaluate the
 4500 implementation of the program.

4501 (d) Coordinate with the Federal Action State Office
 4502 regarding the development of criteria for program elements and
 4503 funding.

4504 Section 151. Subsection (1) of section 402.49, Florida
 4505 Statutes, is amended to read:

4506 402.49 Mediation process established.—

4507 (1) The Department of Children and Families ~~Family~~
 4508 ~~Services~~ shall establish a mediation process for the purpose of
 4509 resolving disputes that arise between the department and
 4510 agencies that are operating under contracts with the department.

4511 Section 152. Paragraph (a) of subsection (4) of section
 4512 402.56, Florida Statutes, is amended to read:

4513 402.56 Children's cabinet; organization; responsibilities;
 4514 annual report.—

4515 (4) MEMBERS.—The cabinet shall consist of 14 members
 4516 including the Governor and the following persons:

4517 (a)1. The Secretary of Children and Families ~~Family~~
 4518 ~~Services~~;

4519 2. The Secretary of Juvenile Justice;

4520 3. The director of the Agency for Persons with
 4521 Disabilities;

4522 4. The director of the Office of Early Learning;

4523 5. The State Surgeon General;

4524 6. The Secretary of Health Care Administration;

- 4525 7. The Commissioner of Education;
 4526 8. The director of the Statewide Guardian Ad Litem Office;
 4527 9. The director of the Office of Child Abuse Prevention;
 4528 and
 4529 10. Five members representing children and youth advocacy
 4530 organizations, who are not service providers and who are
 4531 appointed by the Governor.

4532 Section 153. Section 402.70, Florida Statutes, is amended
 4533 to read:

4534 402.70 Interagency agreement between Department of Health
 4535 and Department of Children and Families ~~Family Services~~.—The
 4536 Department of Health and the Department of Children and Families
 4537 ~~Family Services~~ shall enter into an interagency agreement to
 4538 ensure coordination and cooperation in identifying client
 4539 populations, developing service delivery systems, and meeting
 4540 the needs of the state's residents. The interagency agreement
 4541 must address cooperative programmatic issues, rules-development
 4542 issues, and any other issues that must be resolved to ensure the
 4543 continued working relationship among the health and family
 4544 services programs of the two departments.

4545 Section 154. Subsection (1) of section 402.73, Florida
 4546 Statutes, is amended to read:

4547 402.73 Contracting and performance standards.—

4548 (1) The Department of Children and Families ~~Family~~
 4549 ~~Services~~ shall adopt, by rule, provisions for including in its
 4550 contracts incremental penalties to be imposed by its contract

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4551 managers on a service provider due to the provider's failure to
4552 comply with a requirement for corrective action. Any financial
4553 penalty that is imposed upon a provider may not be paid from
4554 funds being used to provide services to clients, and the
4555 provider may not reduce the amount of services being delivered
4556 to clients as a method for offsetting the impact of the penalty.
4557 If a financial penalty is imposed upon a provider that is a
4558 corporation, the department shall notify, at a minimum, the
4559 board of directors of the corporation. The department may
4560 notify, at its discretion, any additional parties that the
4561 department believes may be helpful in obtaining the corrective
4562 action that is being sought. Further, the rules adopted by the
4563 department must include provisions that permit the department to
4564 deduct the financial penalties from funds that would otherwise
4565 be due to the provider, not to exceed 10 percent of the amount
4566 that otherwise would be due to the provider for the period of
4567 noncompliance. If the department imposes a financial penalty, it
4568 shall advise the provider in writing of the cause for the
4569 penalty. A failure to include such deductions in a request for
4570 payment constitutes a ground for the department to reject that
4571 request for payment. The remedies identified in this subsection
4572 do not limit or restrict the department's application of any
4573 other remedy available to it in the contract or under law. The
4574 remedies described in this subsection may be cumulative and may
4575 be assessed upon each separate failure to comply with
4576 instructions from the department to complete corrective action.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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4577 Section 155. Paragraph (c) of subsection (1) and
 4578 subsection (3) of section 402.7305, Florida Statutes, are
 4579 amended to read:

4580 402.7305 Department of Children and Families ~~Family~~
 4581 ~~Services~~; procurement of contractual services; contract
 4582 management.—

4583 (1) DEFINITIONS.—As used in this section, the term:

4584 (c) "Department" means the Department of Children and
 4585 Families ~~Family Services~~.

4586 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
 4587 Department of Children and Families ~~Family Services~~ shall review
 4588 the time period for which the department executes contracts and
 4589 shall execute multiyear contracts to make the most efficient use
 4590 of the resources devoted to contract processing and execution.
 4591 Whenever the department chooses not to use a multiyear contract,
 4592 a justification for that decision must be contained in the
 4593 contract. Notwithstanding s. 287.057(14), the department is
 4594 responsible for establishing a contract management process that
 4595 requires a member of the department's Senior Management or
 4596 Selected Exempt Service to assign in writing the responsibility
 4597 of a contract to a contract manager. The department shall
 4598 maintain a set of procedures describing its contract management
 4599 process which must minimally include the following requirements:

4600 (a) The contract manager shall maintain the official
 4601 contract file throughout the duration of the contract and for a
 4602 period not less than 6 years after the termination of the

4603 contract.

4604 (b) The contract manager shall review all invoices for
4605 compliance with the criteria and payment schedule provided for
4606 in the contract and shall approve payment of all invoices before
4607 their transmission to the Department of Financial Services for
4608 payment.

4609 (c) The contract manager shall maintain a schedule of
4610 payments and total amounts disbursed and shall periodically
4611 reconcile the records with the state's official accounting
4612 records.

4613 (d) For contracts involving the provision of direct client
4614 services, the contract manager shall periodically visit the
4615 physical location where the services are delivered and speak
4616 directly to clients receiving the services and the staff
4617 responsible for delivering the services.

4618 (e) The contract manager shall meet at least once a month
4619 directly with the contractor's representative and maintain
4620 records of such meetings.

4621 (f) The contract manager shall periodically document any
4622 differences between the required performance measures and the
4623 actual performance measures. If a contractor fails to meet and
4624 comply with the performance measures established in the
4625 contract, the department may allow a reasonable period for the
4626 contractor to correct performance deficiencies. If performance
4627 deficiencies are not resolved to the satisfaction of the
4628 department within the prescribed time, and if no extenuating

4629 | circumstances can be documented by the contractor to the
 4630 | department's satisfaction, the department must terminate the
 4631 | contract. The department may not enter into a new contract with
 4632 | that same contractor for the services for which the contract was
 4633 | previously terminated for a period of at least 24 months after
 4634 | the date of termination. The contract manager shall obtain and
 4635 | enforce corrective action plans, if appropriate, and maintain
 4636 | records regarding the completion or failure to complete
 4637 | corrective action items.

4638 | (g) The contract manager shall document any contract
 4639 | modifications, which shall include recording any contract
 4640 | amendments as provided for in this section.

4641 | (h) The contract manager shall be properly trained before
 4642 | being assigned responsibility for any contract.

4643 | Section 156. Section 402.7306, Florida Statutes, is
 4644 | amended to read:

4645 | 402.7306 Administrative monitoring of child welfare
 4646 | providers, and administrative, licensure, and programmatic
 4647 | monitoring of mental health and substance abuse service
 4648 | providers.—The Department of Children and Families ~~Family~~
 4649 | ~~Services~~, the Department of Health, the Agency for Persons with
 4650 | Disabilities, the Agency for Health Care Administration,
 4651 | community-based care lead agencies, managing entities as defined
 4652 | in s. 394.9082, and agencies who have contracted with monitoring
 4653 | agents shall identify and implement changes that improve the
 4654 | efficiency of administrative monitoring of child welfare

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4655 services, and the administrative, licensure, and programmatic
4656 monitoring of mental health and substance abuse service
4657 providers. For the purpose of this section, the term "mental
4658 health and substance abuse service provider" means a provider
4659 who provides services to this state's priority population as
4660 defined in s. 394.674. To assist with that goal, each such
4661 agency shall adopt the following policies:

4662 (1) Limit administrative monitoring to once every 3 years
4663 if the child welfare provider is accredited by an accrediting
4664 organization whose standards incorporate comparable licensure
4665 regulations required by this state. If the accrediting body does
4666 not require documentation that the state agency requires, that
4667 documentation shall be requested by the state agency and may be
4668 posted by the service provider on the data warehouse for the
4669 agency's review. Notwithstanding the survey or inspection of an
4670 accrediting organization specified in this subsection, an agency
4671 specified in and subject to this section may continue to monitor
4672 the service provider as necessary with respect to:

4673 (a) Ensuring that services for which the agency is paying
4674 are being provided.

4675 (b) Investigating complaints or suspected problems and
4676 monitoring the service provider's compliance with resulting
4677 negotiated terms and conditions, including provisions relating
4678 to consent decrees that are unique to a specific service and are
4679 not statements of general applicability.

4680 (c) Ensuring compliance with federal and state laws,

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4681 federal regulations, or state rules if such monitoring does not
4682 duplicate the accrediting organization's review pursuant to
4683 accreditation standards.

4684
4685 Medicaid certification and precertification reviews are exempt
4686 from this subsection to ensure Medicaid compliance.

4687 (2) Limit administrative, licensure, and programmatic
4688 monitoring to once every 3 years if the mental health or
4689 substance abuse service provider is accredited by an accrediting
4690 organization whose standards incorporate comparable licensure
4691 regulations required by this state. If the services being
4692 monitored are not the services for which the provider is
4693 accredited, the limitations of this subsection do not apply. If
4694 the accrediting body does not require documentation that the
4695 state agency requires, that documentation, except documentation
4696 relating to licensure applications and fees, must be requested
4697 by the state agency and may be posted by the service provider on
4698 the data warehouse for the agency's review. Notwithstanding the
4699 survey or inspection of an accrediting organization specified in
4700 this subsection, an agency specified in and subject to this
4701 section may continue to monitor the service provider as
4702 necessary with respect to:

4703 (a) Ensuring that services for which the agency is paying
4704 are being provided.

4705 (b) Investigating complaints, identifying problems that
4706 would affect the safety or viability of the service provider,

4707 and monitoring the service provider's compliance with resulting
4708 negotiated terms and conditions, including provisions relating
4709 to consent decrees that are unique to a specific service and are
4710 not statements of general applicability.

4711 (c) Ensuring compliance with federal and state laws,
4712 federal regulations, or state rules if such monitoring does not
4713 duplicate the accrediting organization's review pursuant to
4714 accreditation standards.

4715
4716 Federal certification and precertification reviews are exempt
4717 from this subsection to ensure Medicaid compliance.

4718 (3) Allow private sector development and implementation of
4719 an Internet-based, secure, and consolidated data warehouse and
4720 archive for maintaining corporate, fiscal, and administrative
4721 records of child welfare, mental health, or substance abuse
4722 service providers. A service provider shall ensure that the data
4723 is up to date and accessible to the applicable agency under this
4724 section and the appropriate agency subcontractor. A service
4725 provider shall submit any revised, updated information to the
4726 data warehouse within 10 business days after receiving the
4727 request. An agency that conducts administrative monitoring of
4728 child welfare, mental health, or substance abuse service
4729 providers under this section must use the data warehouse for
4730 document requests. If the information provided to the agency by
4731 the provider's data warehouse is not current or is unavailable
4732 from the data warehouse and archive, the agency may contact the

4733 service provider directly. A service provider that fails to
 4734 comply with an agency's requested documents may be subject to a
 4735 site visit to ensure compliance. Access to the data warehouse
 4736 must be provided without charge to an applicable agency under
 4737 this section. At a minimum, the records must include the service
 4738 provider's:

- 4739 (a) Articles of incorporation.
- 4740 (b) Bylaws.
- 4741 (c) Governing board and committee minutes.
- 4742 (d) Financial audits.
- 4743 (e) Expenditure reports.
- 4744 (f) Compliance audits.
- 4745 (g) Organizational charts.
- 4746 (h) Governing board membership information.
- 4747 (i) Human resource policies and procedures.
- 4748 (j) Staff credentials.
- 4749 (k) Monitoring procedures, including tools and schedules.
- 4750 (l) Procurement and contracting policies and procedures.
- 4751 (m) Monitoring reports.

4752 Section 157. Subsection (1) of section 402.731, Florida
 4753 Statutes, is amended to read:

4754 402.731 Department of Children and Families ~~Family~~
 4755 ~~Services~~ certification programs for employees and service
 4756 providers; employment provisions for transition to community-
 4757 based care.-

- 4758 (1) The Department of Children and Families ~~Family~~

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4759 ~~Services~~ is authorized to approve third-party credentialing
4760 entities, as defined in s. 402.40, for its employees and service
4761 providers to ensure that only qualified employees and service
4762 providers provide client services.

4763 Section 158. Section 402.80, Florida Statutes, is amended
4764 to read:

4765 402.80 Office of Community Partners.—There is established
4766 the Office of Community Partners within the Department of Health
4767 for the purpose of receiving, coordinating, and dispensing
4768 federal funds set aside to expand the delivery of social
4769 services through eligible private community organizations and
4770 programs. The office shall provide policy direction and promote
4771 civic initiatives which seek to preserve and strengthen families
4772 and communities. The Department of Health, the Department of
4773 Children and Families ~~Family Services~~, the Department of
4774 Juvenile Justice, and the Department of Corrections may request
4775 transfer of general revenue funds between agencies, as approved
4776 by the Legislative Budget Commission, as necessary to match
4777 federal funds received by the Office of Community Partners for
4778 these initiatives.

4779 Section 159. Subsection (4) of section 402.81, Florida
4780 Statutes, is amended to read:

4781 402.81 Pharmaceutical expense assistance.—

4782 (4) ADMINISTRATION.—The pharmaceutical expense assistance
4783 program shall be administered by the agency, in collaboration
4784 with the Department of Elderly Affairs and the Department of

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4785 Children and Families ~~Family Services~~. By January 1 of each
4786 year, the agency shall report to the Legislature on the
4787 operation of the program. The report shall include information
4788 on the number of individuals served, use rates, and expenditures
4789 under the program.

4790 Section 160. Section 402.86, Florida Statutes, is amended
4791 to read:

4792 402.86 Rulemaking authority for refugee assistance
4793 program.—

4794 (1) The Department of Children and Families ~~Family~~
4795 ~~Services~~ has the authority to administer the refugee assistance
4796 program in accordance with 45 C.F.R. parts 400 and 401. The
4797 Department of Children and Families ~~Family Services~~ or a child-
4798 placing or child-caring agency designated by the department may
4799 petition in circuit court to establish custody. Upon making a
4800 finding that a child is an Unaccompanied Refugee Minor as
4801 defined in 45 C.F.R. s. 400.111, the court may establish custody
4802 and placement of the child in the Unaccompanied Refugee Minor
4803 Program.

4804 (2) The Department of Children and Families ~~Family~~
4805 ~~Services~~ shall adopt any rules necessary for the implementation
4806 and administration of this section.

4807 Section 161. Section 402.87, Florida Statutes, is amended
4808 to read:

4809 402.87 Services to immigrant survivors of human
4810 trafficking, domestic violence, and other serious crimes.—The

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4811 Department of Children and Families ~~Family Services~~ shall
4812 establish a structure by which the department shall:

4813 (1) Provide services to immigrant survivors of human
4814 trafficking, domestic violence, and other serious crimes, during
4815 the interim period between the time the survivor applies for a
4816 visa and receives such visa from the United States Department of
4817 Homeland Security or receives certification from the United
4818 States Department of Health and Human Services.

4819 (2) Ensure that immigrant survivors of serious crimes are
4820 eligible to receive existing state and local benefits and
4821 services to the same extent that refugees receive those benefits
4822 and services.

4823 (3) Ensure that immigrant survivors of serious crimes have
4824 access to state-funded services that are equivalent to the
4825 federal programs that provide cash, medical services, and social
4826 service for refugees.

4827 (4) Provide survivors of serious crimes with medical care,
4828 mental health care, and basic assistance in order to help them
4829 secure housing, food, and supportive services.

4830 (5) Create a state-funded component of the cash, medical,
4831 and social services programs for refugees for the purpose of
4832 serving immigrant survivors during the temporary period while
4833 they wait for federal processing to be completed.

4834 (6) Provide that a sworn statement by a survivor is
4835 sufficient evidence for the purposes of determining eligibility
4836 if that statement is supported by at least one item of

4837 additional evidence, including, but not limited to:

4838 (a) Police and court records;

4839 (b) News articles;

4840 (c) Documentation from a professional agency;

4841 (d) Physical evidence; or

4842 (e) A statement from an individual having knowledge of the
4843 circumstances providing the basis for the claim.

4844 (7) Develop a public awareness program for employers and
4845 other organizations that may come into contact with immigrant
4846 survivors of human trafficking in order to provide education and
4847 raise awareness of the problem.

4848 Section 162. Paragraph (b) of subsection (2) of section
4849 408.033, Florida Statutes, is amended to read:

4850 408.033 Local and state health planning.—

4851 (2) FUNDING.—

4852 (b)1. A hospital licensed under chapter 395, a nursing
4853 home licensed under chapter 400, and an assisted living facility
4854 licensed under chapter 429 shall be assessed an annual fee based
4855 on number of beds.

4856 2. All other facilities and organizations listed in
4857 paragraph (a) shall each be assessed an annual fee of \$150.

4858 3. Facilities operated by the Department of Children and
4859 Families ~~Family Services~~, the Department of Health, or the
4860 Department of Corrections and any hospital which meets the
4861 definition of rural hospital pursuant to s. 395.602 are exempt
4862 from the assessment required in this subsection.

4863 Section 163. Subsection (4) of section 408.20, Florida
 4864 Statutes, is amended to read:

4865 408.20 Assessments; Health Care Trust Fund.—

4866 (4) Hospitals operated by the Department of Children and
 4867 Families ~~Family Services~~, the Department of Health, or the
 4868 Department of Corrections are exempt from the assessments
 4869 required under this section.

4870 Section 164. Section 408.301, Florida Statutes, is amended
 4871 to read:

4872 408.301 Legislative findings.—The Legislature has found
 4873 that access to quality, affordable, health care for all
 4874 Floridians is an important goal for the state. The Legislature
 4875 recognizes that there are Floridians with special health care
 4876 and social needs which require particular attention. The people
 4877 served by the Department of Children and Families ~~Family~~
 4878 ~~Services~~, the Agency for Persons with Disabilities, the
 4879 Department of Health, and the Department of Elderly Affairs are
 4880 examples of citizens with special needs. The Legislature further
 4881 recognizes that the Medicaid program is an intricate part of the
 4882 service delivery system for the special needs citizens. However,
 4883 the Agency for Health Care Administration is not a service
 4884 provider and does not develop or direct programs for the special
 4885 needs citizens. Therefore, it is the intent of the Legislature
 4886 that the Agency for Health Care Administration work closely with
 4887 the Department of Children and Families ~~Family Services~~, the
 4888 Agency for Persons with Disabilities, the Department of Health,

4889 and the Department of Elderly Affairs in developing plans for
 4890 assuring access to all Floridians in order to assure that the
 4891 needs of special citizens are met.

4892 Section 165. Section 408.302, Florida Statutes, is amended
 4893 to read:

4894 408.302 Interagency agreement.—

4895 (1) The Agency for Health Care Administration shall enter
 4896 into an interagency agreement with the Department of Children
 4897 and Families ~~Family Services~~, the Agency for Persons with
 4898 Disabilities, the Department of Health, and the Department of
 4899 Elderly Affairs to assure coordination and cooperation in
 4900 serving special needs citizens. The agreement shall include the
 4901 requirement that the secretaries or directors of the Department
 4902 of Children and Families ~~Family Services~~, the Agency for Persons
 4903 with Disabilities, the Department of Health, and the Department
 4904 of Elderly Affairs approve, prior to adoption, any rule
 4905 developed by the Agency for Health Care Administration where
 4906 such rule has a direct impact on the mission of the respective
 4907 state agencies, their programs, or their budgets.

4908 (2) For rules which indirectly impact on the mission of
 4909 the Department of Children and Families ~~Family Services~~, the
 4910 Agency for Persons with Disabilities, the Department of Health,
 4911 and the Department of Elderly Affairs, their programs, or their
 4912 budgets, the concurrence of the respective secretaries or
 4913 directors on the rule is required.

4914 (3) For all other rules developed by the Agency for Health

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4915 Care Administration, coordination with the Department of
4916 Children and Families ~~Family Services~~, the Agency for Persons
4917 with Disabilities, the Department of Health, and the Department
4918 of Elderly Affairs is encouraged.

4919 (4) The interagency agreement shall also include any other
4920 provisions necessary to ensure a continued cooperative working
4921 relationship between the Agency for Health Care Administration
4922 and the Department of Children and Families ~~Family Services~~, the
4923 Agency for Persons with Disabilities, the Department of Health,
4924 and the Department of Elderly Affairs as each strives to meet
4925 the needs of the citizens of Florida.

4926 Section 166. Subsection (2) of section 408.809, Florida
4927 Statutes, is amended to read:

4928 408.809 Background screening; prohibited offenses.—

4929 (2) Every 5 years following his or her licensure,
4930 employment, or entry into a contract in a capacity that under
4931 subsection (1) would require level 2 background screening under
4932 chapter 435, each such person must submit to level 2 background
4933 rescreening as a condition of retaining such license or
4934 continuing in such employment or contractual status. For any
4935 such rescreening, the agency shall request the Department of Law
4936 Enforcement to forward the person's fingerprints to the Federal
4937 Bureau of Investigation for a national criminal history record
4938 check. If the fingerprints of such a person are not retained by
4939 the Department of Law Enforcement under s. 943.05(2)(g), the
4940 person must file a complete set of fingerprints with the agency

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4941 and the agency shall forward the fingerprints to the Department
4942 of Law Enforcement for state processing, and the Department of
4943 Law Enforcement shall forward the fingerprints to the Federal
4944 Bureau of Investigation for a national criminal history record
4945 check. The fingerprints may be retained by the Department of Law
4946 Enforcement under s. 943.05(2)(g). The cost of the state and
4947 national criminal history records checks required by level 2
4948 screening may be borne by the licensee or the person
4949 fingerprinted. Until the person's background screening results
4950 are retained in the clearinghouse created under s. 435.12, the
4951 agency may accept as satisfying the requirements of this section
4952 proof of compliance with level 2 screening standards submitted
4953 within the previous 5 years to meet any provider or professional
4954 licensure requirements of the agency, the Department of Health,
4955 the Department of Elderly Affairs, the Agency for Persons with
4956 Disabilities, the Department of Children and Families ~~Family~~
4957 ~~Services~~, or the Department of Financial Services for an
4958 applicant for a certificate of authority or provisional
4959 certificate of authority to operate a continuing care retirement
4960 community under chapter 651, provided that:

4961 (a) The screening standards and disqualifying offenses for
4962 the prior screening are equivalent to those specified in s.
4963 435.04 and this section;

4964 (b) The person subject to screening has not had a break in
4965 service from a position that requires level 2 screening for more
4966 than 90 days; and

4967 (c) Such proof is accompanied, under penalty of perjury,
 4968 by an affidavit of compliance with the provisions of chapter 435
 4969 and this section using forms provided by the agency.

4970 Section 167. Paragraph (b) of subsection (1) of section
 4971 408.916, Florida Statutes, is amended to read:

4972 408.916 Steering committee.—In order to guide the
 4973 implementation of the pilot project, there is created a Health
 4974 Care Access Steering Committee.

4975 (1) The steering committee shall be composed of the
 4976 following members:

4977 (b) The Secretary of Children and Families ~~Family~~
 4978 ~~Services~~.

4979 Section 168. Subsections (1) and (2) of section 409.016,
 4980 Florida Statutes, are amended to read:

4981 409.016 Definitions.—As used in this chapter:

4982 (1) "Department," unless otherwise specified, means the
 4983 Department of Children and Families ~~Family Services~~.

4984 (2) "Secretary" means the secretary of the Department of
 4985 Children and Families ~~Family Services~~.

4986 Section 169. Paragraph (a) of subsection (3) of section
 4987 409.017, Florida Statutes, is amended to read:

4988 409.017 Revenue Maximization Act; legislative intent;
 4989 revenue maximization program.—

4990 (3) REVENUE MAXIMIZATION PROGRAM.—

4991 (a) For purposes of this section, the term "agency" means
 4992 any state agency or department that is involved in providing

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4993 health, social, or human services, including, but not limited
4994 to, the Agency for Health Care Administration, the Department of
4995 Children and Families ~~Family Services~~, the Department of Elderly
4996 Affairs, the Department of Juvenile Justice, the Department of
4997 Education, and the State Board of Education.

4998 Section 170. Subsections (1) and (4) of section 409.141,
4999 Florida Statutes, are amended to read:

5000 409.141 Equitable reimbursement methodology.—

5001 (1) To assure high standards of care and essential
5002 residential services as a component of the services continuum
5003 for at-risk youth and families, the Department of Children and
5004 Families ~~Family Services~~ shall adopt an equitable reimbursement
5005 methodology. This methodology, which addresses only those
5006 children placed in nonprofit residential group care by the
5007 department and funded through public appropriations, shall
5008 consist of a standardized base of allowable costs of a
5009 provider's actual per diem rate costs. The actual percentage of
5010 base costs met through this methodology shall be determined by
5011 the availability of state funding. The full utilization of the
5012 department's Children, Youth and Families Purchase of
5013 Residential Group Care Appropriation Category shall be used to
5014 fund this methodology. Definitions of care and allowable costs
5015 shall be based upon those mandated services standards as set out
5016 in chapter 10M-9, Florida Administrative Code (Licensing
5017 Standards Residential Child Care Agencies), plus any special
5018 enhancements required by the specific treatment component.

5019 Actual costs shall be verified through the agency's annual
 5020 fiscal audit for the 2 prior calendar years.

5021 (4) The Department of Children and Families ~~Family~~
 5022 ~~Services~~ shall develop administrative rules in full cooperation
 5023 with the Florida Group Child Care Association to carry out the
 5024 intent and provisions of this section.

5025 Section 171. Subsections (1), (5), (6), and (9) of section
 5026 409.146, Florida Statutes, are amended to read:

5027 409.146 Children and families client and management
 5028 information system.—

5029 (1) The Department of Children and Families ~~Family~~
 5030 ~~Services~~ shall establish a children and families client and
 5031 management information system which shall provide information
 5032 concerning children served by the children and families
 5033 programs.

5034 (5) The Department of Children and Families ~~Family~~
 5035 ~~Services~~ shall employ accepted current system development
 5036 methodology to determine the appropriate design and contents of
 5037 the system, as well as the most rapid feasible implementation
 5038 schedule as outlined in the information resources management
 5039 operational plan of the Department of Children and Families
 5040 ~~Family Services~~.

5041 (6) The Department of Children and Families ~~Family~~
 5042 ~~Services~~ shall aggregate, on a quarterly and an annual basis,
 5043 the information and statistical data of the children and
 5044 families client and management information system into a

5045 descriptive report and shall disseminate the quarterly and
 5046 annual reports to interested parties, including substantive
 5047 committees of the House of Representatives and the Senate.

5048 (9) The Department of Children and Families ~~Family~~
 5049 ~~Services~~ shall provide an annual report to the President of the
 5050 Senate and the Speaker of the House of Representatives. In
 5051 developing the system, the Department of Children and Families
 5052 ~~Family Services~~ shall consider and report on the availability
 5053 of, and the costs associated with using, existing software and
 5054 systems, including, but not limited to, those that are
 5055 operational in other states, to meet the requirements of this
 5056 section. The department shall also consider and report on the
 5057 compatibility of such existing software and systems with an
 5058 integrated management information system. The report shall be
 5059 submitted no later than December 1 of each year.

5060 Section 172. Paragraph (a) of subsection (8) of section
 5061 409.147, Florida Statutes, is amended to read:

5062 409.147 Children's initiatives.—

5063 (8) CREATION OF MIAMI CHILDREN'S INITIATIVE, INC.—

5064 (a) There is created within the Liberty City neighborhood
 5065 in Miami-Dade County a 10-year project that shall be managed by
 5066 an entity organized as a corporation not for profit which shall
 5067 be registered, incorporated, organized, and operated in
 5068 compliance with chapter 617. An entity may not be incorporated
 5069 until the governing body has adopted the resolution described in
 5070 subsection (4), has established the planning team as provided in

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5071 subsection (5), and has developed and adopted the strategic
5072 community plan as provided in subsection (6). The corporation
5073 shall be known as the Miami Children's Initiative, Inc., and
5074 shall be administratively housed within the Department of
5075 Children and Families ~~Family Services~~. However, Miami Children's
5076 Initiative, Inc., is not subject to control, supervision, or
5077 direction by the Department of Children and Families ~~Family~~
5078 ~~Services~~ in any manner. The Legislature determines, however,
5079 that public policy dictates that the corporation operate in the
5080 most open and accessible manner consistent with its public
5081 purpose. Therefore, the Legislature specifically declares that
5082 the corporation is subject to chapter 119, relating to public
5083 records, chapter 286, relating to public meetings and records,
5084 and chapter 287, relating to procurement of commodities or
5085 contractual services.

5086 Section 173. Section 409.153, Florida Statutes, is amended
5087 to read:

5088 409.153 Implementation of Healthy Families Florida
5089 program.—The Department of Children and Families ~~Family Services~~
5090 shall contract with a private nonprofit corporation to implement
5091 the Healthy Families Florida program. The private nonprofit
5092 corporation shall be incorporated for the purpose of
5093 identifying, funding, supporting, and evaluating programs and
5094 community initiatives to improve the development and life
5095 outcomes of children and to preserve and strengthen families
5096 with a primary emphasis on prevention. The private nonprofit

5097 corporation shall implement the program. The program shall work
 5098 in partnership with existing community-based home visitation and
 5099 family support resources to provide assistance to families in an
 5100 effort to prevent child abuse. The program shall be voluntary
 5101 for participants and shall require the informed consent of the
 5102 participants at the initial contact. The Kempe Family Stress
 5103 Checklist shall not be used.

5104 Section 174. Paragraph (d) of subsection (2) of section
 5105 409.166, Florida Statutes, is amended to read:

5106 409.166 Children within the child welfare system; adoption
 5107 assistance program.—

5108 (2) DEFINITIONS.—As used in this section, the term:

5109 (d) "Department" means the Department of Children and
 5110 Families ~~Family Services~~.

5111 Section 175. Subsection (1) of section 409.167, Florida
 5112 Statutes, is amended to read:

5113 409.167 Statewide adoption exchange; establishment;
 5114 responsibilities; registration requirements; rules.—

5115 (1) The Department of Children and Families ~~Family~~
 5116 ~~Services~~ shall establish, either directly or through purchase, a
 5117 statewide adoption exchange, with a photo listing component,
 5118 which shall serve all authorized licensed child-placing agencies
 5119 in the state as a means of recruiting adoptive families for
 5120 children who have been legally freed for adoption and who have
 5121 been permanently placed with the department or a licensed child-
 5122 placing agency. The exchange shall provide descriptions and

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5123 | photographs of such children, as well as any other information
5124 | deemed useful in the recruitment of adoptive families for each
5125 | child. The photo listing component of the adoption exchange must
5126 | be updated monthly.

5127 | Section 176. Paragraphs (a) and (e) of subsection (1),
5128 | paragraph (a) of subsection (5), and subsections (6) and (16) of
5129 | section 409.1671, Florida Statutes, are amended to read:

5130 | 409.1671 Foster care and related services; outsourcing.—

5131 | (1) (a) It is the intent of the Legislature that the
5132 | Department of Children and Families ~~Family Services~~ shall
5133 | outsource the provision of foster care and related services
5134 | statewide. It is further the Legislature's intent to encourage
5135 | communities and other stakeholders in the well-being of children
5136 | to participate in assuring that children are safe and well-
5137 | nurtured. However, while recognizing that some local governments
5138 | are presently funding portions of certain foster care and
5139 | related services programs and may choose to expand such funding
5140 | in the future, the Legislature does not intend by its
5141 | outsourcing of foster care and related services that any county,
5142 | municipality, or special district be required to assist in
5143 | funding programs that previously have been funded by the state.
5144 | Counties that provide children and family services with at least
5145 | 40 licensed residential group care beds by July 1, 2003, and
5146 | provide at least \$2 million annually in county general revenue
5147 | funds to supplement foster and family care services shall
5148 | continue to contract directly with the state and shall be exempt

5149 from the provisions of this section. Nothing in this paragraph
5150 prohibits any county, municipality, or special district from
5151 future voluntary funding participation in foster care and
5152 related services. As used in this section, the term "outsource"
5153 means to contract with competent, community-based agencies. The
5154 department shall submit a plan to accomplish outsourcing
5155 statewide, through a competitive process, phased in over a 3-
5156 year period beginning January 1, 2000. This plan must be
5157 developed with local community participation, including, but not
5158 limited to, input from community-based providers that are
5159 currently under contract with the department to furnish
5160 community-based foster care and related services, and must
5161 include a methodology for determining and transferring all
5162 available funds, including federal funds that the provider is
5163 eligible for and agrees to earn and that portion of general
5164 revenue funds which is currently associated with the services
5165 that are being furnished under contract. The methodology must
5166 provide for the transfer of funds appropriated and budgeted for
5167 all services and programs that have been incorporated into the
5168 project, including all management, capital (including current
5169 furniture and equipment), and administrative funds to accomplish
5170 the transfer of these programs. This methodology must address
5171 expected workload and at least the 3 previous years' experience
5172 in expenses and workload. With respect to any district or
5173 portion of a district in which outsourcing cannot be
5174 accomplished within the 3-year timeframe, the department must

5175 clearly state in its plan the reasons the timeframe cannot be
5176 met and the efforts that should be made to remediate the
5177 obstacles, which may include alternatives to total outsourcing,
5178 such as public-private partnerships. As used in this section,
5179 the term "related services" includes, but is not limited to,
5180 family preservation, independent living, emergency shelter,
5181 residential group care, foster care, therapeutic foster care,
5182 intensive residential treatment, foster care supervision, case
5183 management, postplacement supervision, permanent foster care,
5184 and family reunification. Unless otherwise provided for, the
5185 state attorney shall provide child welfare legal services,
5186 pursuant to chapter 39 and other relevant provisions, in
5187 Pinellas and Pasco Counties. When a private nonprofit agency has
5188 received case management responsibilities, transferred from the
5189 state under this section, for a child who is sheltered or found
5190 to be dependent and who is assigned to the care of the
5191 outsourcing project, the agency may act as the child's guardian
5192 for the purpose of registering the child in school if a parent
5193 or guardian of the child is unavailable and his or her
5194 whereabouts cannot reasonably be ascertained. The private
5195 nonprofit agency may also seek emergency medical attention for
5196 such a child, but only if a parent or guardian of the child is
5197 unavailable, his or her whereabouts cannot reasonably be
5198 ascertained, and a court order for such emergency medical
5199 services cannot be obtained because of the severity of the
5200 emergency or because it is after normal working hours. However,

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5201 the provider may not consent to sterilization, abortion, or
5202 termination of life support. If a child's parents' rights have
5203 been terminated, the nonprofit agency shall act as guardian of
5204 the child in all circumstances.

5205 (e) As used in this section, the term "eligible lead
5206 community-based provider" means a single agency with which the
5207 department shall contract for the provision of child protective
5208 services in a community that is no smaller than a county. The
5209 secretary of the department may authorize more than one eligible
5210 lead community-based provider within a single county when to do
5211 so will result in more effective delivery of foster care and
5212 related services. To compete for an outsourcing project, such
5213 agency must have:

5214 1. The ability to coordinate, integrate, and manage all
5215 child protective services in the designated community in
5216 cooperation with child protective investigations.

5217 2. The ability to ensure continuity of care from entry to
5218 exit for all children referred from the protective investigation
5219 and court systems.

5220 3. The ability to provide directly, or contract for
5221 through a local network of providers, all necessary child
5222 protective services. Such agencies should directly provide no
5223 more than 35 percent of all child protective services provided.

5224 4. The willingness to accept accountability for meeting
5225 the outcomes and performance standards related to child
5226 protective services established by the Legislature and the

5227 Federal Government.

5228 5. The capability and the willingness to serve all
 5229 children referred to it from the protective investigation and
 5230 court systems, regardless of the level of funding allocated to
 5231 the community by the state, provided all related funding is
 5232 transferred.

5233 6. The willingness to ensure that each individual who
 5234 provides child protective services completes the training
 5235 required of child protective service workers by the Department
 5236 of Children and Families ~~Family Services~~.

5237 7. The ability to maintain eligibility to receive all
 5238 federal child welfare funds, including Title IV-E and IV-A
 5239 funds, currently being used by the Department of Children and
 5240 Families ~~Family Services~~.

5241 8. Written agreements with Healthy Families Florida lead
 5242 entities in their community, pursuant to s. 409.153, to promote
 5243 cooperative planning for the provision of prevention and
 5244 intervention services.

5245 9. A board of directors, of which at least 51 percent of
 5246 the membership is comprised of persons residing in this state.
 5247 Of the state residents, at least 51 percent must also reside
 5248 within the service area of the lead community-based provider.

5249 (5) (a) The community-based agency must comply with
 5250 statutory requirements and agency rules in the provision of
 5251 contractual services. Each foster home, therapeutic foster home,
 5252 emergency shelter, or other placement facility operated by the

5253 community-based agency or agencies must be licensed by the
5254 Department of Children and Families ~~Family Services~~ under
5255 chapter 402 or this chapter. Each community-based agency must be
5256 licensed as a child-caring or child-placing agency by the
5257 department under this chapter. The department, in order to
5258 eliminate or reduce the number of duplicate inspections by
5259 various program offices, shall coordinate inspections required
5260 pursuant to licensure of agencies under this section.

5261 (6) Beginning January 1, 1999, and continuing at least
5262 through June 30, 2000, the Department of Children and Families
5263 ~~Family Services~~ shall outsource all foster care and related
5264 services in district 5 while continuing to contract with the
5265 current model programs in districts 1, 4, and 13, and in
5266 subdistrict 8A, and shall expand the subdistrict 8A pilot
5267 program to incorporate Manatee County. Planning for the district
5268 5 outsourcing shall be done by providers that are currently
5269 under contract with the department for foster care and related
5270 services and shall be done in consultation with the department.
5271 A lead provider of the district 5 program shall be competitively
5272 selected, must demonstrate the ability to provide necessary
5273 comprehensive services through a local network of providers, and
5274 must meet criteria established in this section. Contracts with
5275 organizations responsible for the model programs must include
5276 the management and administration of all outsourced services
5277 specified in subsection (1). However, the department may use
5278 funds for contract management only after obtaining written

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5279 approval from the Executive Office of the Governor. The request
5280 for such approval must include, but is not limited to, a
5281 statement of the proposed amount of such funds and a description
5282 of the manner in which such funds will be used. If the
5283 community-based organization selected for a model program under
5284 this subsection is not a Medicaid provider, the organization
5285 shall be issued a Medicaid provider number pursuant to s.
5286 409.907 for the provision of services currently authorized under
5287 the state Medicaid plan to those children encompassed in this
5288 model and in a manner not to exceed the current level of state
5289 expenditure.

5290 (16) A lead community-based provider and its
5291 subcontractors are exempt from including in written contracts
5292 and other written documents the statement "sponsored by the
5293 State of Florida" or the logo of the Department of Children and
5294 Families ~~Family Services~~, otherwise required in s. 286.25,
5295 unless the lead community-based provider or its subcontractors
5296 receive more than 35 percent of their total funding from the
5297 state.

5298 Section 177. Section 409.16715, Florida Statutes, is
5299 amended to read:

5300 409.16715 Therapy treatments designed to mitigate out-of-
5301 home placement for dependent children.—The Department of
5302 Children and Families ~~Family Services~~ may serve dependent
5303 children deemed to be in need of family-centered, cognitive-
5304 behavioral interventions designed to mitigate out-of-home

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5305 placements. Treatment services may be evidenced-based with
5306 family therapy and group therapy components for youth for whom
5307 these services are appropriate. Dependent youth at risk of out-
5308 of-home placement or currently within the foster care system are
5309 eligible for these family therapy and group therapy services.
5310 The services shall be provided as an alternative to specialized
5311 therapeutic foster or group care. A child who has been
5312 adjudicated delinquent, had adjudication withheld, or committed
5313 any violent crime, except for females adjudicated delinquent for
5314 domestic violence, any first-degree felony, or any felony
5315 direct-filed in adult court, may not be served by the program.
5316 The department and each participating dependency court may
5317 jointly develop eligibility criteria to identify youth
5318 appropriate for services in this program.

5319 Section 178. Section 409.16745, Florida Statutes, is
5320 amended to read:

5321 409.16745 Community partnership matching grant program.—It
5322 is the intent of the Legislature to improve services and local
5323 participation in community-based care initiatives by fostering
5324 community support and providing enhanced prevention and in-home
5325 services, thereby reducing the risk otherwise faced by lead
5326 agencies. There is established a community partnership matching
5327 grant program to be operated by the Department of Children and
5328 Families ~~Family Services~~ for the purpose of encouraging local
5329 participation in community-based care for child welfare. Any
5330 children's services council or other local government entity

5331 that makes a financial commitment to a community-based care lead
 5332 agency is eligible for a grant upon proof that the children's
 5333 services council or local government entity has provided the
 5334 selected lead agency at least \$250,000 from any local resources
 5335 otherwise available to it. The total amount of local
 5336 contribution may be matched on a two-for-one basis up to a
 5337 maximum amount of \$2 million per council or local government
 5338 entity. Awarded matching grant funds may be used for any
 5339 prevention or in-home services provided by the children's
 5340 services council or other local government entity that meets
 5341 temporary-assistance-for-needy-families' eligibility
 5342 requirements and can be reasonably expected to reduce the number
 5343 of children entering the child welfare system. Funding available
 5344 for the matching grant program is subject to legislative
 5345 appropriation of nonrecurring funds provided for the purpose.

5346 Section 179. Subsection (1) of section 409.1675, Florida
 5347 Statutes, is amended to read:

5348 409.1675 Lead community-based providers; receivership.—

5349 (1) The Department of Children and Families ~~Family~~
 5350 ~~Services~~ may petition a court of competent jurisdiction for the
 5351 appointment of a receiver for a lead community-based provider
 5352 established pursuant to s. 409.1671 when any of the following
 5353 conditions exist:

5354 (a) The lead community-based provider is operating without
 5355 a license as a child-placing agency.

5356 (b) The lead community-based provider has given less than

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5357 120 days' notice of its intent to cease operations, and
5358 arrangements have not been made for another lead community-based
5359 provider or for the department to continue the uninterrupted
5360 provision of services.

5361 (c) The department determines that conditions exist in the
5362 lead community-based provider which present an imminent danger
5363 to the health, safety, or welfare of the dependent children
5364 under that provider's care or supervision. Whenever possible,
5365 the department shall make a reasonable effort to facilitate the
5366 continued operation of the program.

5367 (d) The lead community-based provider cannot meet its
5368 current financial obligations to its employees, contractors, or
5369 foster parents. Issuance of bad checks or the existence of
5370 delinquent obligations for payment of salaries, utilities, or
5371 invoices for essential services or commodities shall constitute
5372 prima facie evidence that the lead community-based provider
5373 lacks the financial ability to meet its financial obligations.

5374 Section 180. Subsection (1) of section 409.1676, Florida
5375 Statutes, is amended to read:

5376 409.1676 Comprehensive residential group care services to
5377 children who have extraordinary needs.—

5378 (1) It is the intent of the Legislature to provide
5379 comprehensive residential group care services, including
5380 residential care, case management, and other services, to
5381 children in the child protection system who have extraordinary
5382 needs. These services are to be provided in a residential group

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5383 care setting by a not-for-profit corporation or a local
5384 government entity under a contract with the Department of
5385 Children and Families ~~Family Services~~ or by a lead agency as
5386 described in s. 409.1671. These contracts should be designed to
5387 provide an identified number of children with access to a full
5388 array of services for a fixed price. Further, it is the intent
5389 of the Legislature that the Department of Children and Families
5390 ~~Family Services~~ and the Department of Juvenile Justice establish
5391 an interagency agreement by December 1, 2002, which describes
5392 respective agency responsibilities for referral, placement,
5393 service provision, and service coordination for dependent and
5394 delinquent youth who are referred to these residential group
5395 care facilities. The agreement must require interagency
5396 collaboration in the development of terms, conditions, and
5397 performance outcomes for residential group care contracts
5398 serving the youth referred who have been adjudicated both
5399 dependent and delinquent.

5400 Section 181. Subsection (2) of section 409.1679, Florida
5401 Statutes, is amended to read:

5402 409.1679 Additional requirements; reimbursement
5403 methodology.—

5404 (2) Notwithstanding the provisions of s. 409.141, the
5405 Department of Children and Families ~~Family Services~~ shall fairly
5406 and reasonably reimburse the programs established under ss.
5407 409.1676 and 409.1677 based on a prospective per diem rate,
5408 which must be specified annually in the General Appropriations

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5409 Act. Funding for these programs shall be made available from
5410 resources appropriated and identified in the General
5411 Appropriations Act.

5412 Section 182. Paragraph (a) of subsection (15) and
5413 subsection (16) of section 409.175, Florida Statutes, are
5414 amended to read:

5415 409.175 Licensure of family foster homes, residential
5416 child-caring agencies, and child-placing agencies; public
5417 records exemption.—

5418 (15) (a) The Division of Risk Management of the Department
5419 of Financial Services shall provide coverage through the
5420 Department of Children and Families ~~Family Services~~ to any
5421 person who owns or operates a family foster home solely for the
5422 Department of Children and Families ~~Family Services~~ and who is
5423 licensed to provide family foster home care in her or his place
5424 of residence. The coverage shall be provided from the general
5425 liability account of the State Risk Management Trust Fund, and
5426 the coverage shall be primary. The coverage is limited to
5427 general liability claims arising from the provision of family
5428 foster home care pursuant to an agreement with the department
5429 and pursuant to guidelines established through policy, rule, or
5430 statute. Coverage shall be limited as provided in ss. 284.38 and
5431 284.385, and the exclusions set forth therein, together with
5432 other exclusions as may be set forth in the certificate of
5433 coverage issued by the trust fund, shall apply. A person covered
5434 under the general liability account pursuant to this subsection

5435 shall immediately notify the Division of Risk Management of the
 5436 Department of Financial Services of any potential or actual
 5437 claim.

5438 (16)(a)1. The following information held by the Department
 5439 of Children and Families ~~Family Services~~ regarding a foster
 5440 parent applicant and such applicant's spouse, minor child, and
 5441 other adult household member is exempt from s. 119.07(1) and s.
 5442 24(a), Art. I of the State Constitution:

5443 a. The home, business, work, child care, or school
 5444 addresses and telephone numbers;

5445 b. Birth dates;

5446 c. Medical records;

5447 d. The floor plan of the home; and

5448 e. Photographs of such persons.

5449 2. If a foster parent applicant does not receive a foster
 5450 parent license, the information made exempt pursuant to this
 5451 paragraph shall become public 5 years after the date of
 5452 application, except that medical records shall remain exempt
 5453 from s. 119.07(1) and s. 24(a), Art. I of the State
 5454 Constitution.

5455 3. This exemption applies to information made exempt by
 5456 this paragraph before, on, or after the effective date of the
 5457 exemption.

5458 (b)1. The following information held by the Department of
 5459 Children and Families ~~Family Services~~ regarding a licensed
 5460 foster parent and the foster parent's spouse, minor child, and

5461 other adult household member is exempt from s. 119.07(1) and s.
 5462 24(a), Art. I of the State Constitution:

- 5463 a. The home, business, work, child care, or school
- 5464 addresses and telephone numbers;
- 5465 b. Birth dates;
- 5466 c. Medical records;
- 5467 d. The floor plan of the home; and
- 5468 e. Photographs of such persons.

5469 2. If a foster parent's license is no longer active, the
 5470 information made exempt pursuant to this paragraph shall become
 5471 public 5 years after the expiration date of such foster parent's
 5472 foster care license except that:

- 5473 a. Medical records shall remain exempt from s. 119.07(1)
- 5474 and s. 24(a), Art. I of the State Constitution.
- 5475 b. Exempt information regarding a licensed foster parent
- 5476 who has become an adoptive parent and exempt information
- 5477 regarding such foster parent's spouse, minor child, or other
- 5478 adult household member shall remain exempt from s. 119.07(1) and
- 5479 s. 24(a), Art. I of the State Constitution.

5480 3. This exemption applies to information made exempt by
 5481 this paragraph before, on, or after the effective date of the
 5482 exemption.

- 5483 (c) The name, address, and telephone number of persons
- 5484 providing character or neighbor references regarding foster
- 5485 parent applicants or licensed foster parents held by the
- 5486 Department of Children and Families ~~Family Services~~ are exempt

5487 from s. 119.07(1) and s. 24(a), Art. I of the State
 5488 Constitution.

5489 Section 183. Paragraphs (a) and (b) of subsection (3) and
 5490 paragraph (a) of subsection (4) of section 409.1755, Florida
 5491 Statutes, are amended to read:

5492 409.1755 One Church, One Child of Florida Corporation Act;
 5493 creation; duties.—

5494 (3) CORPORATION AUTHORIZATION; DUTIES; POWERS.—

5495 (a) There is hereby authorized the "One Church, One Child
 5496 of Florida Corporation," which shall operate as a not-for-profit
 5497 corporation and shall be located within the Department of
 5498 Children and Families ~~Family Services~~ for administrative
 5499 purposes. The department shall provide administrative support
 5500 and services to the corporation to the extent requested by the
 5501 executive director and to the extent that resources are
 5502 available.

5503 (b) The corporation shall:

5504 1. Provide for community awareness and involvement by
 5505 utilizing the resources of black churches to help find permanent
 5506 homes for black children available for adoption.

5507 2. Develop, monitor, and evaluate projects designed to
 5508 address problems associated with the child welfare system,
 5509 especially those issues affecting black children.

5510 3. Develop beneficial programs that shall include, but not
 5511 be limited to, community education, cultural relations training,
 5512 family support, transition support groups, counseling, parenting

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5513 skills and education, legal and other adoption-related costs,
5514 and any other activities that will enhance and support the
5515 adopted child's transition into permanency.

5516 4. Provide training and technical assistance to community
5517 organizations such as black churches, social service agencies,
5518 and other organizations that assist in identifying prospective
5519 parents willing to adopt.

5520 5. Provide, in conjunction with the Department of Children
5521 and Families ~~Family Services~~, a summary to the Legislature by
5522 September 1 of each year on the status of the corporation.

5523 6. Secure staff necessary to properly administer the
5524 corporation. Staff costs shall be funded from general revenue,
5525 grant funds, and state and private donations. The board of
5526 directors is authorized to determine the number of staff
5527 necessary to administer the corporation, but the staff shall
5528 include, at a minimum, an executive director and a staff
5529 assistant.

5530 (4) BOARD OF DIRECTORS.—

5531 (a) The One Church, One Child of Florida Corporation shall
5532 operate subject to the supervision and approval of a board of
5533 directors consisting of 23 members, with two directors
5534 representing each service district of the Department of Children
5535 and Families ~~Family Services~~ and one director who shall be an
5536 at-large member.

5537 Section 184. Paragraphs (a) and (j) of subsection (4) of
5538 section 409.221, Florida Statutes, are amended to read:

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5539 409.221 Consumer-directed care program.—

5540 (4) CONSUMER-DIRECTED CARE.—

5541 (a) *Program established.*—The Agency for Health Care
5542 Administration shall establish the consumer-directed care
5543 program which shall be based on the principles of consumer
5544 choice and control. The agency shall implement the program upon
5545 federal approval. The agency shall establish interagency
5546 cooperative agreements with and shall work with the Departments
5547 of Elderly Affairs, Health, and Children and Families ~~Family~~
5548 ~~Services~~ and the Agency for Persons with Disabilities to
5549 implement and administer the program. The program shall allow
5550 enrolled persons to choose the providers of services and to
5551 direct the delivery of services, to best meet their long-term
5552 care needs. The program must operate within the funds
5553 appropriated by the Legislature.

5554 (j) *Rules; federal waivers.*—In order to implement this
5555 section:

5556 1. The agency and the Departments of Elderly Affairs,
5557 Health, and Children and Families ~~Family Services~~ and the Agency
5558 for Persons with Disabilities are authorized to adopt and
5559 enforce rules.

5560 2. The agency shall take all necessary action to ensure
5561 state compliance with federal regulations. The agency shall
5562 apply for any necessary federal waivers or waiver amendments
5563 needed to implement the program.

5564 Section 185. Section 409.2355, Florida Statutes, is

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5565 amended to read:

5566 409.2355 Programs for prosecution of males over age 21 who
5567 commit certain offenses involving girls under age 16.—Subject to
5568 specific appropriated funds, the Department of Children and
5569 Families ~~Family Services~~ is directed to establish a program by
5570 which local communities, through the state attorney's office of
5571 each judicial circuit, may apply for grants to fund innovative
5572 programs for the prosecution of males over the age of 21 who
5573 victimize girls under the age of 16 in violation of s. 794.011,
5574 s. 794.05, s. 800.04, s. 827.04(3), or s. 847.0135(5).

5575 Section 186. Subsection (3) of section 409.2572, Florida
5576 Statutes, is amended to read:

5577 409.2572 Cooperation.—

5578 (3) The Title IV-D staff of the department shall be
5579 responsible for determining and reporting to the staff of the
5580 Department of Children and Families ~~Family Services~~ acts of
5581 noncooperation by applicants or recipients of public assistance.
5582 Any person who applies for or is receiving public assistance
5583 for, or who has the care, custody, or control of, a dependent
5584 child and who without good cause fails or refuses to cooperate
5585 with the department, a program attorney, or a prosecuting
5586 attorney in the course of administering this chapter shall be
5587 sanctioned by the Department of Children and Families ~~Family~~
5588 ~~Services~~ pursuant to chapter 414 and is ineligible to receive
5589 public assistance until such time as the department determines
5590 cooperation has been satisfactory.

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5591 Section 187. Section 409.2577, Florida Statutes, is
5592 amended to read:

5593 409.2577 Parent locator service.—The department shall
5594 establish a parent locator service to assist in locating parents
5595 who have deserted their children and other persons liable for
5596 support of dependent children. The department shall use all
5597 sources of information available, including the Federal Parent
5598 Locator Service, and may request and shall receive information
5599 from the records of any person or the state or any of its
5600 political subdivisions or any officer thereof. Any agency as
5601 defined in s. 120.52, any political subdivision, and any other
5602 person shall, upon request, provide the department any
5603 information relating to location, salary, insurance, social
5604 security, income tax, and employment history necessary to locate
5605 parents who owe or potentially owe a duty of support pursuant to
5606 Title IV-D of the Social Security Act. This provision shall
5607 expressly take precedence over any other statutory nondisclosure
5608 provision which limits the ability of an agency to disclose such
5609 information, except that law enforcement information as provided
5610 in s. 119.071(4)(d) is not required to be disclosed, and except
5611 that confidential taxpayer information possessed by the
5612 Department of Revenue shall be disclosed only to the extent
5613 authorized in s. 213.053(16). Nothing in this section requires
5614 the disclosure of information if such disclosure is prohibited
5615 by federal law. Information gathered or used by the parent
5616 locator service is confidential and exempt from the provisions

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5617 of s. 119.07(1). Additionally, the department is authorized to
5618 collect any additional information directly bearing on the
5619 identity and whereabouts of a person owing or asserted to be
5620 owing an obligation of support for a dependent child. The
5621 department shall, upon request, make information available only
5622 to public officials and agencies of this state; political
5623 subdivisions of this state, including any agency thereof
5624 providing child support enforcement services to non-Title IV-D
5625 clients; the parent owed support, legal guardian, attorney, or
5626 agent of the child; and other states seeking to locate parents
5627 who have deserted their children and other persons liable for
5628 support of dependents, for the sole purpose of establishing,
5629 modifying, or enforcing their liability for support, and shall
5630 make such information available to the Department of Children
5631 and Families ~~Family Services~~ for the purpose of diligent search
5632 activities pursuant to chapter 39. If the department has
5633 reasonable evidence of domestic violence or child abuse and the
5634 disclosure of information could be harmful to the parent owed
5635 support or the child of such parent, the child support program
5636 director or designee shall notify the Department of Children and
5637 Families ~~Family Services~~ and the Secretary of the United States
5638 Department of Health and Human Services of this evidence. Such
5639 evidence is sufficient grounds for the department to disapprove
5640 an application for location services.

5641 Section 188. Section 409.2599, Florida Statutes, is
5642 amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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5643 409.2599 Data processing services; interagency agreement.-
 5644 The Department of Children and Families ~~Family Services~~ shall
 5645 provide to the child support enforcement program in the
 5646 Department of Revenue data processing services that meet the
 5647 standards for federal certification pursuant to an interagency
 5648 agreement.

5649 Section 189. Subsections (1) and (2) of section 409.285,
 5650 Florida Statutes, are amended to read:

5651 409.285 Opportunity for hearing and appeal.-

5652 (1) If an application for public assistance is not acted
 5653 upon within a reasonable time after the filing of the
 5654 application, or is denied in whole or in part, or if an
 5655 assistance payment is modified or canceled, the applicant or
 5656 recipient may appeal the decision to the Department of Children
 5657 and Families ~~Family Services~~ in the manner and form prescribed
 5658 by the department.

5659 (2) The hearing authority may be the Secretary of Children
 5660 and Families ~~Family Services~~, a panel of department officials,
 5661 or a hearing officer appointed for that purpose. The hearing
 5662 authority is responsible for a final administrative decision in
 5663 the name of the department on all issues that have been the
 5664 subject of a hearing. With regard to the department, the
 5665 decision of the hearing authority is final and binding. The
 5666 department is responsible for seeing that the decision is
 5667 carried out promptly.

5668 Section 190. Subsections (1) and (2) of section 409.403,

5669 Florida Statutes, are amended to read:

5670 409.403 Definitions; Interstate Compact on the Placement
5671 of Children.—

5672 (1) The "appropriate public authorities" as used in
5673 Article III of the Interstate Compact on the Placement of
5674 Children shall, with reference to this state, mean the
5675 Department of Children and Families ~~Family Services~~, and said
5676 department shall receive and act with reference to notices
5677 required by said Article III.

5678 (2) As used in paragraph (a) of Article V of the
5679 Interstate Compact on the Placement of Children, the phrase
5680 "appropriate authority in the receiving state" with reference to
5681 this state shall mean the Department of Children and Families
5682 ~~Family Services~~.

5683 Section 191. Subsection (1) of section 409.404, Florida
5684 Statutes, is amended to read:

5685 409.404 Agreements between party state officers and
5686 agencies.—

5687 (1) The officers and agencies of this state and its
5688 subdivisions having authority to place children are hereby
5689 empowered to enter into agreements with appropriate officers or
5690 agencies of or in other party states pursuant to paragraph (b)
5691 of Article V of the Interstate Compact on the Placement of
5692 Children, s. 409.401. Any such agreement which contains a
5693 financial commitment or imposes a financial obligation on this
5694 state or subdivision or agency thereof shall not be binding

5695 unless it has the approval in writing of the Secretary of
 5696 Children and Families ~~Family Services~~ in the case of the state.

5697 Section 192. Section 409.406, Florida Statutes, is amended
 5698 to read:

5699 409.406 Interstate Compact on Adoption and Medical
 5700 Assistance.—The Interstate Compact on Adoption and Medical
 5701 Assistance is enacted into law and entered into with all other
 5702 jurisdictions legally joining therein in form substantially as
 5703 follows:

5704
 5705 INTERSTATE COMPACT ON
 5706 ADOPTION AND MEDICAL ASSISTANCE

5707
 5708 ARTICLE I. Findings

5709
 5710 The Legislature finds that:

5711 (a) Special measures are required to find adoptive
 5712 families for children for whom state assistance is desirable
 5713 pursuant to s. 409.166 and to assure the protection of the
 5714 interest of the children affected during the entire assistance
 5715 period when the adoptive parents move to another state or are
 5716 residents of another state.

5717 (b) The providers of medical and other necessary services
 5718 for children who benefit from state assistance encounter special
 5719 difficulties when the provision of services takes place in other
 5720 states.

ARTICLE II. Purposes

The purposes of the act are to:

(a) Authorize the Department of Children and Families
~~Family Services~~ to enter into interstate agreements with
 agencies of other states to protect children for whom it
 provides adoption assistance.

(b) Provide procedures for interstate children's adoption-
 assistance payments, including medical payments.

ARTICLE III. Definitions

As used in this compact, the term:

(a) "Agency" means the Agency for Health Care
 Administration.

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

(c) "State" means a state of the United States, the
 District of Columbia, the Commonwealth of Puerto Rico, the
 United States Virgin Islands, Guam, the Commonwealth of the
 Northern Mariana Islands, or a territory or possession of or
 administered by the United States.

(d) "Adoption-assistance state" means the state that is
 signatory to an adoption-assistance agreement in a particular
 case.

5747 (e) "Residence state" means the state where the child
 5748 resides.

5749 (f) "Medical assistance" means the medical-assistance
 5750 program authorized by Title XIX of the Social Security Act.

5751

5752 ARTICLE IV. Compacts Authorized

5753

5754 The Department of Children and Families ~~Family Services~~, by
 5755 and through its secretary, may participate in the development of
 5756 and negotiate and enter into interstate compacts on behalf of
 5757 this state with other states to implement the purposes of this
 5758 act. Such a compact has the force and effect of law.

5759

5760 ARTICLE V. Contents of Compacts

5761

5762 A compact entered into under this act must have the
 5763 following content:

5764 (a) A provision making it available for joinder by all
 5765 states;

5766 (b) A provision for withdrawal from the compact upon
 5767 written notice to the parties, but with a period of 1 year
 5768 between the date of the notice and the effective date of the
 5769 withdrawal;

5770 (c) A requirement that the protections afforded under the
 5771 compact continue in force for the duration of the adoption
 5772 assistance and are applicable to all children and their adoptive

5773 | parents who, on the effective date of the withdrawal, are
5774 | receiving adoption assistance from a party state other than the
5775 | one in which they are residents and have their principal place
5776 | of abode;

5777 | (d) A requirement that each instance of adoption
5778 | assistance to which the compact applies be covered by an
5779 | adoption-assistance agreement in writing between the adoptive
5780 | parents and the state child welfare agency of the state which
5781 | undertakes to provide the adoption assistance and, further, that
5782 | any such agreement be expressly for the benefit of the adopted
5783 | child and enforceable by the adoptive parents and the state
5784 | agency providing the adoption assistance; and

5785 | (e) Such other provisions as are appropriate to the proper
5786 | administration of the compact.

5787 |

5788 | ARTICLE VI. Optional Contents

5789 | of Compacts

5790 |

5791 | A compact entered into under this section may contain
5792 | provisions in addition to those required by Article V, as
5793 | follows:

5794 | (a) Provisions establishing procedures and entitlement to
5795 | medical and other necessary social services for the child in
5796 | accordance with applicable laws, even though the child and the
5797 | adoptive parents are in a state other than the one responsible
5798 | for or providing the services, or the funds to defray part or

5799 all of the costs thereof; and

5800 (b) Such other provisions as are appropriate or incidental
5801 to the proper administration of the compact.

5802

5803 ARTICLE VII. Medical Assistance

5804

5805 (a) A child with special needs who is a resident of this
5806 state and who is the subject of an adoption-assistance agreement
5807 with another state is entitled to receive a medical-assistance
5808 identification from this state upon the filing with the agency
5809 of a certified copy of the adoption-assistance agreement
5810 obtained from the adoption-assistance state. Pursuant to rules
5811 of the agency, the adoptive parents shall at least annually show
5812 that the agreement is still in force or has been renewed.

5813 (b) The terms of the compact entered into by the
5814 department apply to children who are the subject of federal
5815 adoption-assistance agreements. The state will provide the
5816 benefits under this section to children who are the subject of a
5817 state adoption-assistance agreement, upon the determination by
5818 the department and the agency that the adoption-assistance state
5819 is a party to the compact and has reciprocity in provision of
5820 medical assistance to state adoption-assistance children.

5821 (c) The agency shall consider the holder of a medical-
5822 assistance identification pursuant to this section as any other
5823 holder of a medical-assistance identification under the laws of
5824 this state and shall process and make payment on claims on

5825 | behalf of such holder in the same manner and under the same
5826 | conditions and procedures established for other recipients of
5827 | medical assistance.

5828 | (d) The provisions of this article apply only to medical
5829 | assistance for children under adoption-assistance agreements
5830 | from a state that has entered into a compact with this state
5831 | under which the other state provided medical assistance to
5832 | children with special needs under adoption-assistance agreements
5833 | made by this state. All other children entitled to medical
5834 | assistance pursuant to an adoption-assistance agreement entered
5835 | into by this state are eligible to receive such assistance under
5836 | the laws and procedures applicable thereto.

5837 | (e) The department shall adopt rules necessary for
5838 | administering this section.

5839 |

5840 | ARTICLE VIII. Federal Participation

5841 |

5842 | Consistent with federal law, the department and the agency,
5843 | in administering this act and any compact pursuant to this act,
5844 | must include in any state plan made pursuant to the Adoption
5845 | Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272),
5846 | Titles IV(E) and XIX of the Social Security Act, and any other
5847 | applicable federal laws, the provision of adoption assistance
5848 | and medical assistance for which the Federal Government pays
5849 | some or all of the cost. The department and the agency shall
5850 | apply for and administer all relevant federal aid in accordance

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5851 with law.

5852 Section 193. Section 409.407, Florida Statutes, is amended
5853 to read:

5854 409.407 Interstate agreements between the Department of
5855 Children and Families ~~Family Services~~ and agencies of other
5856 states.—The Department of Children and Families ~~Family Services~~,
5857 which is authorized to enter into interstate agreements with
5858 agencies of other states for the implementation of the purposes
5859 of the Interstate Compact on Adoption and Medical Assistance
5860 pursuant to s. 409.406, may not expand the financial commitment
5861 of the state beyond the financial obligation of the adoption-
5862 assistance agreements and Medicaid.

5863 Section 194. Section 409.4101, Florida Statutes, is
5864 amended to read:

5865 409.4101 Rulemaking authority.—Following entry into the
5866 new Interstate Compact for the Placement of Children by this
5867 state pursuant to ss. 409.408 and 409.409, any rules adopted by
5868 the Interstate Commission shall not be binding unless also
5869 adopted by this state through the rulemaking process. The
5870 Department of Children and Families ~~Family Services~~ shall have
5871 rulemaking authority pursuant to ss. 120.536(1) and 120.54 to
5872 implement the provisions of the Interstate Compact for the
5873 Placement of Children created under s. 409.408.

5874 Section 195. Paragraph (a) of subsection (2) of section
5875 409.441, Florida Statutes, is amended to read:

5876 409.441 Runaway youth programs and centers.—

5877 (2) DEFINITIONS.—

5878 (a) "Department" means the Department of Children and
 5879 Families ~~Family Services~~.

5880 Section 196. Subsection (2) of section 409.813, Florida
 5881 Statutes, is amended to read:

5882 409.813 Health benefits coverage; program components;
 5883 entitlement and nonentitlement.—

5884 (2) Except for Title XIX-funded Florida Kidcare program
 5885 coverage under the Medicaid program, coverage under the Florida
 5886 Kidcare program is not an entitlement. No cause of action shall
 5887 arise against the state, the department, the Department of
 5888 Children and Families ~~Family Services~~, or the agency for failure
 5889 to make health services available to any person under ss.
 5890 409.810-409.821.

5891 Section 197. Section 409.8135, Florida Statutes, is
 5892 amended to read:

5893 409.8135 Behavioral health services.—In order to ensure a
 5894 high level of integration of physical and behavioral health care
 5895 and to meet the more intensive treatment needs of enrollees with
 5896 the most serious emotional disturbances or substance abuse
 5897 problems, the Department of Health shall contract with the
 5898 Department of Children and Families ~~Family Services~~ to provide
 5899 behavioral health services to non-Medicaid-eligible children
 5900 with special health care needs. The Department of Children and
 5901 Families ~~Family Services~~, in consultation with the Department of
 5902 Health and the agency, is authorized to establish the following:

5903 (1) The scope of behavioral health services, including
 5904 duration and frequency.

5905 (2) Clinical guidelines for referral to behavioral health
 5906 services.

5907 (3) Behavioral health services standards.

5908 (4) Performance-based measures and outcomes for behavioral
 5909 health services.

5910 (5) Practice guidelines for behavioral health services to
 5911 ensure cost-effective treatment and to prevent unnecessary
 5912 expenditures.

5913 (6) Rules to implement this section.

5914 Section 198. Subsection (1) of section 409.8177, Florida
 5915 Statutes, is amended to read:

5916 409.8177 Program evaluation.—

5917 (1) The agency, in consultation with the Department of
 5918 Health, the Department of Children and Families ~~Family Services~~,
 5919 and the Florida Healthy Kids Corporation, shall contract for an
 5920 evaluation of the Florida Kidcare program and shall by January 1
 5921 of each year submit to the Governor, the President of the
 5922 Senate, and the Speaker of the House of Representatives a report
 5923 of the program. In addition to the items specified under s. 2108
 5924 of Title XXI of the Social Security Act, the report shall
 5925 include an assessment of crowd-out and access to health care, as
 5926 well as the following:

5927 (a) An assessment of the operation of the program,
 5928 including the progress made in reducing the number of uncovered

5929 low-income children.

5930 (b) An assessment of the effectiveness in increasing the
 5931 number of children with creditable health coverage, including an
 5932 assessment of the impact of outreach.

5933 (c) The characteristics of the children and families
 5934 assisted under the program, including ages of the children,
 5935 family income, and access to or coverage by other health
 5936 insurance prior to the program and after disenrollment from the
 5937 program.

5938 (d) The quality of health coverage provided, including the
 5939 types of benefits provided.

5940 (e) The amount and level, including payment of part or all
 5941 of any premium, of assistance provided.

5942 (f) The average length of coverage of a child under the
 5943 program.

5944 (g) The program's choice of health benefits coverage and
 5945 other methods used for providing child health assistance.

5946 (h) The sources of nonfederal funding used in the program.

5947 (i) An assessment of the effectiveness of the Florida
 5948 Kidcare program, including Medicaid, the Florida Healthy Kids
 5949 program, Medikids, and the Children's Medical Services network,
 5950 and other public and private programs in the state in increasing
 5951 the availability of affordable quality health insurance and
 5952 health care for children.

5953 (j) A review and assessment of state activities to
 5954 coordinate the program with other public and private programs.

5955 (k) An analysis of changes and trends in the state that
 5956 affect the provision of health insurance and health care to
 5957 children.

5958 (l) A description of any plans the state has for improving
 5959 the availability of health insurance and health care for
 5960 children.

5961 (m) Recommendations for improving the program.

5962 (n) Other studies as necessary.

5963 Section 199. Subsection (1), paragraphs (a), (b), and (c)
 5964 of subsection (2), and subsection (6) of section 409.818,
 5965 Florida Statutes, are amended to read:

5966 409.818 Administration.—In order to implement ss. 409.810-
 5967 409.821, the following agencies shall have the following duties:

5968 (1) The Department of Children and Families ~~Family~~
 5969 ~~Services~~ shall:

5970 (a) Develop a simplified eligibility application mail-in
 5971 form to be used for determining the eligibility of children for
 5972 coverage under the Florida Kidcare program, in consultation with
 5973 the agency, the Department of Health, and the Florida Healthy
 5974 Kids Corporation. The simplified eligibility application form
 5975 must include an item that provides an opportunity for the
 5976 applicant to indicate whether coverage is being sought for a
 5977 child with special health care needs. Families applying for
 5978 children's Medicaid coverage must also be able to use the
 5979 simplified application form without having to pay a premium.

5980 (b) Establish and maintain the eligibility determination

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5981 process under the program except as specified in subsection (5).
5982 The department shall directly, or through the services of a
5983 contracted third-party administrator, establish and maintain a
5984 process for determining eligibility of children for coverage
5985 under the program. The eligibility determination process must be
5986 used solely for determining eligibility of applicants for health
5987 benefits coverage under the program. The eligibility
5988 determination process must include an initial determination of
5989 eligibility for any coverage offered under the program, as well
5990 as a redetermination or reverification of eligibility each
5991 subsequent 6 months. Effective January 1, 1999, a child who has
5992 not attained the age of 5 and who has been determined eligible
5993 for the Medicaid program is eligible for coverage for 12 months
5994 without a redetermination or reverification of eligibility. In
5995 conducting an eligibility determination, the department shall
5996 determine if the child has special health care needs. The
5997 department, in consultation with the Agency for Health Care
5998 Administration and the Florida Healthy Kids Corporation, shall
5999 develop procedures for redetermining eligibility which enable a
6000 family to easily update any change in circumstances which could
6001 affect eligibility. The department may accept changes in a
6002 family's status as reported to the department by the Florida
6003 Healthy Kids Corporation without requiring a new application
6004 from the family. Redetermination of a child's eligibility for
6005 Medicaid may not be linked to a child's eligibility
6006 determination for other programs.

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6007 (c) Inform program applicants about eligibility
 6008 determinations and provide information about eligibility of
 6009 applicants to the Florida Kidcare program and to insurers and
 6010 their agents, through a centralized coordinating office.

6011 (d) Adopt rules necessary for conducting program
 6012 eligibility functions.

6013 (2) The Department of Health shall:

6014 (a) Design an eligibility intake process for the program,
 6015 in coordination with the Department of Children and Families
 6016 ~~Family Services~~, the agency, and the Florida Healthy Kids
 6017 Corporation. The eligibility intake process may include local
 6018 intake points that are determined by the Department of Health in
 6019 coordination with the Department of Children and Families ~~Family~~
 6020 ~~Services~~.

6021 (b) Chair a state-level Florida Kidcare coordinating
 6022 council to review and make recommendations concerning the
 6023 implementation and operation of the program. The coordinating
 6024 council shall include representatives from the department, the
 6025 Department of Children and Families ~~Family Services~~, the agency,
 6026 the Florida Healthy Kids Corporation, the Office of Insurance
 6027 Regulation of the Financial Services Commission, local
 6028 government, health insurers, health maintenance organizations,
 6029 health care providers, families participating in the program,
 6030 and organizations representing low-income families.

6031 (c) In consultation with the Florida Healthy Kids
 6032 Corporation and the Department of Children and Families ~~Family~~

6033 ~~Services~~, establish a toll-free telephone line to assist
 6034 families with questions about the program.

6035 (6) The agency, the Department of Health, the Department
 6036 of Children and Families ~~Family Services~~, the Florida Healthy
 6037 Kids Corporation, and the Office of Insurance Regulation, after
 6038 consultation with and approval of the Speaker of the House of
 6039 Representatives and the President of the Senate, are authorized
 6040 to make program modifications that are necessary to overcome any
 6041 objections of the United States Department of Health and Human
 6042 Services to obtain approval of the state's child health
 6043 insurance plan under Title XXI of the Social Security Act.

6044 Section 200. Subsections (1) and (3) of section 409.821,
 6045 Florida Statutes, are amended to read:

6046 409.821 Florida Kidcare program public records exemption.—

6047 (1) Personal identifying information of a Florida Kidcare
 6048 program applicant or enrollee, as defined in s. 409.811, held by
 6049 the Agency for Health Care Administration, the Department of
 6050 Children and Families ~~Family Services~~, the Department of Health,
 6051 or the Florida Healthy Kids Corporation is confidential and
 6052 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 6053 Constitution.

6054 (3) This exemption applies to any information identifying
 6055 a Florida Kidcare program applicant or enrollee held by the
 6056 Agency for Health Care Administration, the Department of
 6057 Children and Families ~~Family Services~~, the Department of Health,
 6058 or the Florida Healthy Kids Corporation before, on, or after the

6059 effective date of this exemption.

6060 Section 201. Subsections (3), (16), and (19) of section
6061 409.901, Florida Statutes, are amended to read:

6062 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
6063 409.901-409.920, except as otherwise specifically provided, the
6064 term:

6065 (3) "Applicant" means an individual whose written
6066 application for medical assistance provided by Medicaid under
6067 ss. 409.903-409.906 has been submitted to the Department of
6068 Children and Families ~~Family Services~~, or to the Social Security
6069 Administration if the application is for Supplemental Security
6070 Income, but has not received final action. This term includes an
6071 individual, who need not be alive at the time of application,
6072 whose application is submitted through a representative or a
6073 person acting for the individual.

6074 (16) "Medicaid program" means the program authorized under
6075 Title XIX of the federal Social Security Act which provides for
6076 payments for medical items or services, or both, on behalf of
6077 any person who is determined by the Department of Children and
6078 Families ~~Family Services~~, or, for Supplemental Security Income,
6079 by the Social Security Administration, to be eligible on the
6080 date of service for Medicaid assistance.

6081 (19) "Medicaid recipient" or "recipient" means an
6082 individual whom the Department of Children and Families ~~Family~~
6083 ~~Services~~, or, for Supplemental Security Income, by the Social
6084 Security Administration, determines is eligible, pursuant to

6085 federal and state law, to receive medical assistance and related
 6086 services for which the agency may make payments under the
 6087 Medicaid program. For the purposes of determining third-party
 6088 liability, the term includes an individual formerly determined
 6089 to be eligible for Medicaid, an individual who has received
 6090 medical assistance under the Medicaid program, or an individual
 6091 on whose behalf Medicaid has become obligated.

6092 Section 202. Subsection (1) and paragraphs (a) and (b) of
 6093 subsection (8) of section 409.902, Florida Statutes, are amended
 6094 to read:

6095 409.902 Designated single state agency; payment
 6096 requirements; program title; release of medical records.—

6097 (1) The Agency for Health Care Administration is
 6098 designated as the single state agency authorized to make
 6099 payments for medical assistance and related services under Title
 6100 XIX of the Social Security Act. These payments shall be made,
 6101 subject to any limitations or directions provided for in the
 6102 General Appropriations Act, only for services included in the
 6103 program, shall be made only on behalf of eligible individuals,
 6104 and shall be made only to qualified providers in accordance with
 6105 federal requirements for Title XIX of the Social Security Act
 6106 and the provisions of state law. This program of medical
 6107 assistance is designated the "Medicaid program." The Department
 6108 of Children and Families ~~Family Services~~ is responsible for
 6109 Medicaid eligibility determinations, including, but not limited
 6110 to, policy, rules, and the agreement with the Social Security

6111 Administration for Medicaid eligibility determinations for
 6112 Supplemental Security Income recipients, as well as the actual
 6113 determination of eligibility. As a condition of Medicaid
 6114 eligibility, subject to federal approval, the Agency for Health
 6115 Care Administration and the Department of Children and Families
 6116 ~~Family Services~~ shall ensure that each recipient of Medicaid
 6117 consents to the release of her or his medical records to the
 6118 Agency for Health Care Administration and the Medicaid Fraud
 6119 Control Unit of the Department of Legal Affairs.

6120 (8) The department shall implement the following project
 6121 governance structure until the system is implemented:

6122 (a) The Secretary of Children and Families ~~Family Services~~
 6123 shall have overall responsibility for the project.

6124 (b) The project shall be governed by an executive steering
 6125 committee composed of three department staff members appointed
 6126 by the Secretary of Children and Families ~~Family Services~~; three
 6127 agency staff members, including at least two state Medicaid
 6128 program staff members, appointed by the Secretary of the Agency
 6129 for Health Care Administration; one staff member from Children's
 6130 Medical Services within the Department of Health appointed by
 6131 the Surgeon General; and a representative from the Florida
 6132 Healthy Kids Corporation.

6133 Section 203. Section 409.90201, Florida Statutes, is
 6134 amended to read:

6135 409.90201 Recipient address update process.—The Agency for
 6136 Health Care Administration and the Department of Children and

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6137 Families ~~Family Services~~, in consultation with hospitals and
6138 nursing homes that serve Medicaid recipients, shall develop a
6139 process to update a recipient's address in the Medicaid
6140 eligibility system at the time a recipient is admitted to a
6141 hospital or nursing home. If a recipient's address information
6142 in the Medicaid eligibility system needs to be updated, the
6143 update shall be completed within 10 days after the recipient's
6144 admission to a hospital or nursing home.

6145 Section 204. Section 409.903, Florida Statutes, is amended
6146 to read:

6147 409.903 Mandatory payments for eligible persons.—The
6148 agency shall make payments for medical assistance and related
6149 services on behalf of the following persons who the department,
6150 or the Social Security Administration by contract with the
6151 Department of Children and Families ~~Family Services~~, determines
6152 to be eligible, subject to the income, assets, and categorical
6153 eligibility tests set forth in federal and state law. Payment on
6154 behalf of these Medicaid eligible persons is subject to the
6155 availability of moneys and any limitations established by the
6156 General Appropriations Act or chapter 216.

6157 (1) Low-income families with children are eligible for
6158 Medicaid provided they meet the following requirements:

6159 (a) The family includes a dependent child who is living
6160 with a caretaker relative.

6161 (b) The family's income does not exceed the gross income
6162 test limit.

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6163 (c) The family's countable income and resources do not
6164 exceed the applicable Aid to Families with Dependent Children
6165 (AFDC) income and resource standards under the AFDC state plan
6166 in effect in July 1996, except as amended in the Medicaid state
6167 plan to conform as closely as possible to the requirements of
6168 the welfare transition program, to the extent permitted by
6169 federal law.

6170 (2) A person who receives payments from, who is determined
6171 eligible for, or who was eligible for but lost cash benefits
6172 from the federal program known as the Supplemental Security
6173 Income program (SSI). This category includes a low-income person
6174 age 65 or over and a low-income person under age 65 considered
6175 to be permanently and totally disabled.

6176 (3) A child under age 21 living in a low-income, two-
6177 parent family, and a child under age 7 living with a
6178 nonrelative, if the income and assets of the family or child, as
6179 applicable, do not exceed the resource limits under the
6180 Temporary Cash Assistance Program.

6181 (4) A child who is eligible under Title IV-E of the Social
6182 Security Act for subsidized board payments, foster care, or
6183 adoption subsidies, and a child for whom the state has assumed
6184 temporary or permanent responsibility and who does not qualify
6185 for Title IV-E assistance but is in foster care, shelter or
6186 emergency shelter care, or subsidized adoption. This category
6187 includes a young adult who is eligible to receive services under
6188 s. 409.1451, until the young adult reaches 21 years of age,

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6189 without regard to any income, resource, or categorical
6190 eligibility test that is otherwise required. This category also
6191 includes a person who as a child was eligible under Title IV-E
6192 of the Social Security Act for foster care or the state-provided
6193 foster care and who is a participant in the Road-to-Independence
6194 Program.

6195 (5) A pregnant woman for the duration of her pregnancy and
6196 for the postpartum period as defined in federal law and rule, or
6197 a child under age 1, if either is living in a family that has an
6198 income which is at or below 150 percent of the most current
6199 federal poverty level, or, effective January 1, 1992, that has
6200 an income which is at or below 185 percent of the most current
6201 federal poverty level. Such a person is not subject to an assets
6202 test. Further, a pregnant woman who applies for eligibility for
6203 the Medicaid program through a qualified Medicaid provider must
6204 be offered the opportunity, subject to federal rules, to be made
6205 presumptively eligible for the Medicaid program.

6206 (6) A child born after September 30, 1983, living in a
6207 family that has an income which is at or below 100 percent of
6208 the current federal poverty level, who has attained the age of
6209 6, but has not attained the age of 19. In determining the
6210 eligibility of such a child, an assets test is not required. A
6211 child who is eligible for Medicaid under this subsection must be
6212 offered the opportunity, subject to federal rules, to be made
6213 presumptively eligible. A child who has been deemed
6214 presumptively eligible for Medicaid shall not be enrolled in a

6215 managed care plan until the child's full eligibility
 6216 determination for Medicaid has been completed.

6217 (7) A child living in a family that has an income which is
 6218 at or below 133 percent of the current federal poverty level,
 6219 who has attained the age of 1, but has not attained the age of
 6220 6. In determining the eligibility of such a child, an assets
 6221 test is not required. A child who is eligible for Medicaid under
 6222 this subsection must be offered the opportunity, subject to
 6223 federal rules, to be made presumptively eligible. A child who
 6224 has been deemed presumptively eligible for Medicaid shall not be
 6225 enrolled in a managed care plan until the child's full
 6226 eligibility determination for Medicaid has been completed.

6227 (8) A person who is age 65 or over or is determined by the
 6228 agency to be disabled, whose income is at or below 100 percent
 6229 of the most current federal poverty level and whose assets do
 6230 not exceed limitations established by the agency. However, the
 6231 agency may only pay for premiums, coinsurance, and deductibles,
 6232 as required by federal law, unless additional coverage is
 6233 provided for any or all members of this group by s. 409.904(1).

6234 Section 205. Paragraph (a) of subsection (8), paragraph
 6235 (d) of subsection (13), and subsection (24) of section 409.906,
 6236 Florida Statutes, are amended to read:

6237 409.906 Optional Medicaid services.—Subject to specific
 6238 appropriations, the agency may make payments for services which
 6239 are optional to the state under Title XIX of the Social Security
 6240 Act and are furnished by Medicaid providers to recipients who

6241 are determined to be eligible on the dates on which the services
 6242 were provided. Any optional service that is provided shall be
 6243 provided only when medically necessary and in accordance with
 6244 state and federal law. Optional services rendered by providers
 6245 in mobile units to Medicaid recipients may be restricted or
 6246 prohibited by the agency. Nothing in this section shall be
 6247 construed to prevent or limit the agency from adjusting fees,
 6248 reimbursement rates, lengths of stay, number of visits, or
 6249 number of services, or making any other adjustments necessary to
 6250 comply with the availability of moneys and any limitations or
 6251 directions provided for in the General Appropriations Act or
 6252 chapter 216. If necessary to safeguard the state's systems of
 6253 providing services to elderly and disabled persons and subject
 6254 to the notice and review provisions of s. 216.177, the Governor
 6255 may direct the Agency for Health Care Administration to amend
 6256 the Medicaid state plan to delete the optional Medicaid service
 6257 known as "Intermediate Care Facilities for the Developmentally
 6258 Disabled." Optional services may include:

6259 (8) COMMUNITY MENTAL HEALTH SERVICES.—

6260 (a) The agency may pay for rehabilitative services
 6261 provided to a recipient by a mental health or substance abuse
 6262 provider under contract with the agency or the Department of
 6263 Children and Families ~~Family Services~~ to provide such services.
 6264 Those services which are psychiatric in nature shall be rendered
 6265 or recommended by a psychiatrist, and those services which are
 6266 medical in nature shall be rendered or recommended by a

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6267 physician or psychiatrist. The agency must develop a provider
6268 enrollment process for community mental health providers which
6269 bases provider enrollment on an assessment of service need. The
6270 provider enrollment process shall be designed to control costs,
6271 prevent fraud and abuse, consider provider expertise and
6272 capacity, and assess provider success in managing utilization of
6273 care and measuring treatment outcomes. Providers will be
6274 selected through a competitive procurement or selective
6275 contracting process. In addition to other community mental
6276 health providers, the agency shall consider for enrollment
6277 mental health programs licensed under chapter 395 and group
6278 practices licensed under chapter 458, chapter 459, chapter 490,
6279 or chapter 491. The agency is also authorized to continue
6280 operation of its behavioral health utilization management
6281 program and may develop new services if these actions are
6282 necessary to ensure savings from the implementation of the
6283 utilization management system. The agency shall coordinate the
6284 implementation of this enrollment process with the Department of
6285 Children and Families ~~Family Services~~ and the Department of
6286 Juvenile Justice. The agency is authorized to utilize diagnostic
6287 criteria in setting reimbursement rates, to preauthorize certain
6288 high-cost or highly utilized services, to limit or eliminate
6289 coverage for certain services, or to make any other adjustments
6290 necessary to comply with any limitations or directions provided
6291 for in the General Appropriations Act.

6292 (13) HOME AND COMMUNITY-BASED SERVICES.—

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6293 (d) The agency shall request federal approval to develop a
6294 system to require payment of premiums or other cost sharing by
6295 the parents of a child who is being served by a waiver under
6296 this subsection if the adjusted household income is greater than
6297 100 percent of the federal poverty level. The amount of the
6298 premium or cost sharing shall be calculated using a sliding
6299 scale based on the size of the family, the amount of the
6300 parent's adjusted gross income, and the federal poverty
6301 guidelines. The premium and cost-sharing system developed by the
6302 agency shall not adversely affect federal funding to the state.
6303 After the agency receives federal approval, the Department of
6304 Children and Families ~~Family Services~~ may collect income
6305 information from parents of children who will be affected by
6306 this paragraph. The agency shall prepare a report to include the
6307 estimated operational cost of implementing the premium and cost-
6308 sharing system and the estimated revenues to be collected from
6309 parents of children in the waiver program. The report shall be
6310 delivered to the President of the Senate and the Speaker of the
6311 House of Representatives by June 30, 2012.

6312 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency
6313 for Health Care Administration, in consultation with the
6314 Department of Children and Families ~~Family Services~~, may
6315 establish a targeted case-management project in those counties
6316 identified by the Department of Children and Families ~~Family~~
6317 ~~Services~~ and for all counties with a community-based child
6318 welfare project, as authorized under s. 409.1671, which have

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6319 | been specifically approved by the department. The covered group
6320 | of individuals who are eligible to receive targeted case
6321 | management include children who are eligible for Medicaid; who
6322 | are between the ages of birth through 21; and who are under
6323 | protective supervision or postplacement supervision, under
6324 | foster-care supervision, or in shelter care or foster care. The
6325 | number of individuals who are eligible to receive targeted case
6326 | management is limited to the number for whom the Department of
6327 | Children and Families ~~Family Services~~ has matching funds to
6328 | cover the costs. The general revenue funds required to match the
6329 | funds for services provided by the community-based child welfare
6330 | projects are limited to funds available for services described
6331 | under s. 409.1671. The Department of Children and Families
6332 | ~~Family Services~~ may transfer the general revenue matching funds
6333 | as billed by the Agency for Health Care Administration.

6334 | Section 206. Section 409.9102, Florida Statutes, is
6335 | amended to read:

6336 | 409.9102 A qualified state Long-Term Care Insurance
6337 | Partnership Program in Florida.—The Agency for Health Care
6338 | Administration, in consultation with the Office of Insurance
6339 | Regulation and the Department of Children and Families ~~Family~~
6340 | ~~Services~~, is directed to establish a qualified state Long-Term
6341 | Care Insurance Partnership Program in Florida, in compliance
6342 | with the requirements of s. 1917(b) of the Social Security Act,
6343 | as amended.

6344 | (1) The program shall:

6345 (a) Provide incentives for an individual to obtain or
 6346 maintain insurance to cover the cost of long-term care.

6347 (b) Provide a mechanism to qualify for coverage of the
 6348 costs of long-term care needs under Medicaid without first being
 6349 required to substantially exhaust his or her assets, including a
 6350 provision for the disregard of any assets in an amount equal to
 6351 the insurance benefit payments that are made to or on behalf of
 6352 an individual who is a beneficiary under the program.

6353 (c) Alleviate the financial burden on the state's medical
 6354 assistance program by encouraging the pursuit of private
 6355 initiatives.

6356 (2) The Agency for Health Care Administration, in
 6357 consultation with the Office of Insurance Regulation and the
 6358 Department of Children and Families ~~Family Services~~, and in
 6359 accordance with federal guidelines, shall create standards for
 6360 long-term care partnership program information distributed to
 6361 individuals through insurance companies offering approved long-
 6362 term care partnership program policies.

6363 (3) The Agency for Health Care Administration is
 6364 authorized to amend the Medicaid state plan and adopt rules
 6365 pursuant to ss. 120.536(1) and 120.54 to implement this section.

6366 (4) The Department of Children and Families ~~Family~~
 6367 ~~Services~~, when determining eligibility for Medicaid long-term
 6368 care services for an individual who is the beneficiary of an
 6369 approved long-term care partnership program policy, shall reduce
 6370 the total countable assets of the individual by an amount equal

6371 to the insurance benefit payments that are made to or on behalf
 6372 of the individual. The department is authorized to adopt rules
 6373 pursuant to ss. 120.536(1) and 120.54 to implement this
 6374 subsection.

6375 Section 207. Subsection (11) of section 409.91195, Florida
 6376 Statutes, is amended to read:

6377 409.91195 Medicaid Pharmaceutical and Therapeutics
 6378 Committee.—There is created a Medicaid Pharmaceutical and
 6379 Therapeutics Committee within the agency for the purpose of
 6380 developing a Medicaid preferred drug list.

6381 (11) Medicaid recipients may appeal agency preferred drug
 6382 formulary decisions using the Medicaid fair hearing process
 6383 administered by the Department of Children and Families ~~Family~~
 6384 ~~Services~~.

6385 Section 208. Subsection (1), paragraph (b) of subsection
 6386 (4), subsection (28), paragraph (a) of subsection (37), and
 6387 subsection (51) of section 409.912, Florida Statutes, are
 6388 amended to read:

6389 409.912 Cost-effective purchasing of health care.—The
 6390 agency shall purchase goods and services for Medicaid recipients
 6391 in the most cost-effective manner consistent with the delivery
 6392 of quality medical care. To ensure that medical services are
 6393 effectively utilized, the agency may, in any case, require a
 6394 confirmation or second physician's opinion of the correct
 6395 diagnosis for purposes of authorizing future services under the
 6396 Medicaid program. This section does not restrict access to

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6397 emergency services or poststabilization care services as defined
6398 in 42 C.F.R. part 438.114. Such confirmation or second opinion
6399 shall be rendered in a manner approved by the agency. The agency
6400 shall maximize the use of prepaid per capita and prepaid
6401 aggregate fixed-sum basis services when appropriate and other
6402 alternative service delivery and reimbursement methodologies,
6403 including competitive bidding pursuant to s. 287.057, designed
6404 to facilitate the cost-effective purchase of a case-managed
6405 continuum of care. The agency shall also require providers to
6406 minimize the exposure of recipients to the need for acute
6407 inpatient, custodial, and other institutional care and the
6408 inappropriate or unnecessary use of high-cost services. The
6409 agency shall contract with a vendor to monitor and evaluate the
6410 clinical practice patterns of providers in order to identify
6411 trends that are outside the normal practice patterns of a
6412 provider's professional peers or the national guidelines of a
6413 provider's professional association. The vendor must be able to
6414 provide information and counseling to a provider whose practice
6415 patterns are outside the norms, in consultation with the agency,
6416 to improve patient care and reduce inappropriate utilization.
6417 The agency may mandate prior authorization, drug therapy
6418 management, or disease management participation for certain
6419 populations of Medicaid beneficiaries, certain drug classes, or
6420 particular drugs to prevent fraud, abuse, overuse, and possible
6421 dangerous drug interactions. The Pharmaceutical and Therapeutics
6422 Committee shall make recommendations to the agency on drugs for

6423 | which prior authorization is required. The agency shall inform
6424 | the Pharmaceutical and Therapeutics Committee of its decisions
6425 | regarding drugs subject to prior authorization. The agency is
6426 | authorized to limit the entities it contracts with or enrolls as
6427 | Medicaid providers by developing a provider network through
6428 | provider credentialing. The agency may competitively bid single-
6429 | source-provider contracts if procurement of goods or services
6430 | results in demonstrated cost savings to the state without
6431 | limiting access to care. The agency may limit its network based
6432 | on the assessment of beneficiary access to care, provider
6433 | availability, provider quality standards, time and distance
6434 | standards for access to care, the cultural competence of the
6435 | provider network, demographic characteristics of Medicaid
6436 | beneficiaries, practice and provider-to-beneficiary standards,
6437 | appointment wait times, beneficiary use of services, provider
6438 | turnover, provider profiling, provider licensure history,
6439 | previous program integrity investigations and findings, peer
6440 | review, provider Medicaid policy and billing compliance records,
6441 | clinical and medical record audits, and other factors. Providers
6442 | are not entitled to enrollment in the Medicaid provider network.
6443 | The agency shall determine instances in which allowing Medicaid
6444 | beneficiaries to purchase durable medical equipment and other
6445 | goods is less expensive to the Medicaid program than long-term
6446 | rental of the equipment or goods. The agency may establish rules
6447 | to facilitate purchases in lieu of long-term rentals in order to
6448 | protect against fraud and abuse in the Medicaid program as

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6449 defined in s. 409.913. The agency may seek federal waivers
6450 necessary to administer these policies.

6451 (1) The agency shall work with the Department of Children
6452 and Families ~~Family Services~~ to ensure access of children and
6453 families in the child protection system to needed and
6454 appropriate mental health and substance abuse services. This
6455 subsection expires October 1, 2014.

6456 (4) The agency may contract with:

6457 (b) An entity that is providing comprehensive behavioral
6458 health care services to certain Medicaid recipients through a
6459 capitated, prepaid arrangement pursuant to the federal waiver
6460 provided for by s. 409.905(5). Such entity must be licensed
6461 under chapter 624, chapter 636, or chapter 641, or authorized
6462 under paragraph (c) or paragraph (d), and must possess the
6463 clinical systems and operational competence to manage risk and
6464 provide comprehensive behavioral health care to Medicaid
6465 recipients. As used in this paragraph, the term "comprehensive
6466 behavioral health care services" means covered mental health and
6467 substance abuse treatment services that are available to
6468 Medicaid recipients. The secretary of the Department of Children
6469 and Families ~~Family Services~~ shall approve provisions of
6470 procurements related to children in the department's care or
6471 custody before enrolling such children in a prepaid behavioral
6472 health plan. Any contract awarded under this paragraph must be
6473 competitively procured. In developing the behavioral health care
6474 prepaid plan procurement document, the agency shall ensure that

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6475 the procurement document requires the contractor to develop and
6476 implement a plan to ensure compliance with s. 394.4574 related
6477 to services provided to residents of licensed assisted living
6478 facilities that hold a limited mental health license. Except as
6479 provided in subparagraph 5., and except in counties where the
6480 Medicaid managed care pilot program is authorized pursuant to s.
6481 409.91211, the agency shall seek federal approval to contract
6482 with a single entity meeting these requirements to provide
6483 comprehensive behavioral health care services to all Medicaid
6484 recipients not enrolled in a Medicaid managed care plan
6485 authorized under s. 409.91211, a provider service network
6486 authorized under paragraph (d), or a Medicaid health maintenance
6487 organization in an AHCA area. In an AHCA area where the Medicaid
6488 managed care pilot program is authorized pursuant to s.
6489 409.91211 in one or more counties, the agency may procure a
6490 contract with a single entity to serve the remaining counties as
6491 an AHCA area or the remaining counties may be included with an
6492 adjacent AHCA area and are subject to this paragraph. Each
6493 entity must offer a sufficient choice of providers in its
6494 network to ensure recipient access to care and the opportunity
6495 to select a provider with whom they are satisfied. The network
6496 shall include all public mental health hospitals. To ensure
6497 unimpaired access to behavioral health care services by Medicaid
6498 recipients, all contracts issued pursuant to this paragraph must
6499 require 80 percent of the capitation paid to the managed care
6500 plan, including health maintenance organizations and capitated

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6501 provider service networks, to be expended for the provision of
6502 behavioral health care services. If the managed care plan
6503 expends less than 80 percent of the capitation paid for the
6504 provision of behavioral health care services, the difference
6505 shall be returned to the agency. The agency shall provide the
6506 plan with a certification letter indicating the amount of
6507 capitation paid during each calendar year for behavioral health
6508 care services pursuant to this section. The agency may reimburse
6509 for substance abuse treatment services on a fee-for-service
6510 basis until the agency finds that adequate funds are available
6511 for capitated, prepaid arrangements.

6512 1. The agency shall modify the contracts with the entities
6513 providing comprehensive inpatient and outpatient mental health
6514 care services to Medicaid recipients in Hillsborough, Highlands,
6515 Hardee, Manatee, and Polk Counties, to include substance abuse
6516 treatment services.

6517 2. Except as provided in subparagraph 5., the agency and
6518 the Department of Children and Families ~~Family Services~~ shall
6519 contract with managed care entities in each AHCA area except
6520 area 6 or arrange to provide comprehensive inpatient and
6521 outpatient mental health and substance abuse services through
6522 capitated prepaid arrangements to all Medicaid recipients who
6523 are eligible to participate in such plans under federal law and
6524 regulation. In AHCA areas where eligible individuals number less
6525 than 150,000, the agency shall contract with a single managed
6526 care plan to provide comprehensive behavioral health services to

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6527 all recipients who are not enrolled in a Medicaid health
6528 maintenance organization, a provider service network authorized
6529 under paragraph (d), or a Medicaid capitated managed care plan
6530 authorized under s. 409.91211. The agency may contract with more
6531 than one comprehensive behavioral health provider to provide
6532 care to recipients who are not enrolled in a Medicaid capitated
6533 managed care plan authorized under s. 409.91211, a provider
6534 service network authorized under paragraph (d), or a Medicaid
6535 health maintenance organization in AHCA areas where the eligible
6536 population exceeds 150,000. In an AHCA area where the Medicaid
6537 managed care pilot program is authorized pursuant to s.
6538 409.91211 in one or more counties, the agency may procure a
6539 contract with a single entity to serve the remaining counties as
6540 an AHCA area or the remaining counties may be included with an
6541 adjacent AHCA area and shall be subject to this paragraph.
6542 Contracts for comprehensive behavioral health providers awarded
6543 pursuant to this section shall be competitively procured. Both
6544 for-profit and not-for-profit corporations are eligible to
6545 compete. Managed care plans contracting with the agency under
6546 subsection (3) or paragraph (d) shall provide and receive
6547 payment for the same comprehensive behavioral health benefits as
6548 provided in AHCA rules, including handbooks incorporated by
6549 reference. In AHCA area 11, the agency shall contract with at
6550 least two comprehensive behavioral health care providers to
6551 provide behavioral health care to recipients in that area who
6552 are enrolled in, or assigned to, the MediPass program. One of

6553 the behavioral health care contracts must be with the existing
6554 provider service network pilot project, as described in
6555 paragraph (d), for the purpose of demonstrating the cost-
6556 effectiveness of the provision of quality mental health services
6557 through a public hospital-operated managed care model. Payment
6558 shall be at an agreed-upon capitated rate to ensure cost
6559 savings. Of the recipients in area 11 who are assigned to
6560 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those
6561 MediPass-enrolled recipients shall be assigned to the existing
6562 provider service network in area 11 for their behavioral care.

6563 3. Children residing in a statewide inpatient psychiatric
6564 program, or in a Department of Juvenile Justice or a Department
6565 of Children and Families ~~Family Services~~ residential program
6566 approved as a Medicaid behavioral health overlay services
6567 provider may not be included in a behavioral health care prepaid
6568 health plan or any other Medicaid managed care plan pursuant to
6569 this paragraph.

6570 4. Traditional community mental health providers under
6571 contract with the Department of Children and Families ~~Family~~
6572 ~~Services~~ pursuant to part IV of chapter 394, child welfare
6573 providers under contract with the Department of Children and
6574 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental
6575 health providers licensed pursuant to chapter 395 must be
6576 offered an opportunity to accept or decline a contract to
6577 participate in any provider network for prepaid behavioral
6578 health services.

6579 | 5. All Medicaid-eligible children, except children in area
6580 | 1 and children in Highlands County, Hardee County, Polk County,
6581 | or Manatee County of area 6, that are open for child welfare
6582 | services in the statewide automated child welfare information
6583 | system, shall receive their behavioral health care services
6584 | through a specialty prepaid plan operated by community-based
6585 | lead agencies through a single agency or formal agreements among
6586 | several agencies. The agency shall work with the specialty plan
6587 | to develop clinically effective, evidence-based alternatives as
6588 | a downward substitution for the statewide inpatient psychiatric
6589 | program and similar residential care and institutional services.
6590 | The specialty prepaid plan must result in savings to the state
6591 | comparable to savings achieved in other Medicaid managed care
6592 | and prepaid programs. Such plan must provide mechanisms to
6593 | maximize state and local revenues. The specialty prepaid plan
6594 | shall be developed by the agency and the Department of Children
6595 | and Families ~~Family Services~~. The agency may seek federal
6596 | waivers to implement this initiative. Medicaid-eligible children
6597 | whose cases are open for child welfare services in the statewide
6598 | automated child welfare information system and who reside in
6599 | AHCA area 10 shall be enrolled in a capitated provider service
6600 | network or other capitated managed care plan, which, in
6601 | coordination with available community-based care providers
6602 | specified in s. 409.1671, shall provide sufficient medical,
6603 | developmental, and behavioral health services to meet the needs
6604 | of these children.

6605
6606 Effective July 1, 2012, in order to ensure continuity of care,
6607 the agency is authorized to extend or modify current contracts
6608 based on current service areas or on a regional basis, as
6609 determined appropriate by the agency, with comprehensive
6610 behavioral health care providers as described in this paragraph
6611 during the period prior to its expiration. This paragraph
6612 expires October 1, 2014.

6613 (28) The agency shall perform enrollments and
6614 disenrollments for Medicaid recipients who are eligible for
6615 MediPass or managed care plans. Notwithstanding the prohibition
6616 contained in paragraph (20) (f), managed care plans may perform
6617 preenrollments of Medicaid recipients under the supervision of
6618 the agency or its agents. For the purposes of this section, the
6619 term "preenrollment" means the provision of marketing and
6620 educational materials to a Medicaid recipient and assistance in
6621 completing the application forms, but does not include actual
6622 enrollment into a managed care plan. An application for
6623 enrollment may not be deemed complete until the agency or its
6624 agent verifies that the recipient made an informed, voluntary
6625 choice. The agency, in cooperation with the Department of
6626 Children and Families ~~Family Services~~, may test new marketing
6627 initiatives to inform Medicaid recipients about their managed
6628 care options at selected sites. The agency may contract with a
6629 third party to perform managed care plan and MediPass enrollment
6630 and disenrollment services for Medicaid recipients and may adopt

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6631 rules to administer such services. The agency may adjust the
6632 capitation rate only to cover the costs of a third-party
6633 enrollment and disenrollment contract, and for agency
6634 supervision and management of the managed care plan enrollment
6635 and disenrollment contract. This subsection expires October 1,
6636 2014.

6637 (37) (a) The agency shall implement a Medicaid prescribed-
6638 drug spending-control program that includes the following
6639 components:

6640 1. A Medicaid preferred drug list, which shall be a
6641 listing of cost-effective therapeutic options recommended by the
6642 Medicaid Pharmacy and Therapeutics Committee established
6643 pursuant to s. 409.91195 and adopted by the agency for each
6644 therapeutic class on the preferred drug list. At the discretion
6645 of the committee, and when feasible, the preferred drug list
6646 should include at least two products in a therapeutic class. The
6647 agency may post the preferred drug list and updates to the list
6648 on an Internet website without following the rulemaking
6649 procedures of chapter 120. Antiretroviral agents are excluded
6650 from the preferred drug list. The agency shall also limit the
6651 amount of a prescribed drug dispensed to no more than a 34-day
6652 supply unless the drug products' smallest marketed package is
6653 greater than a 34-day supply, or the drug is determined by the
6654 agency to be a maintenance drug in which case a 100-day maximum
6655 supply may be authorized. The agency may seek any federal
6656 waivers necessary to implement these cost-control programs and

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6657 to continue participation in the federal Medicaid rebate
6658 program, or alternatively to negotiate state-only manufacturer
6659 rebates. The agency may adopt rules to administer this
6660 subparagraph. The agency shall continue to provide unlimited
6661 contraceptive drugs and items. The agency must establish
6662 procedures to ensure that:

6663 a. There is a response to a request for prior consultation
6664 by telephone or other telecommunication device within 24 hours
6665 after receipt of a request for prior consultation; and

6666 b. A 72-hour supply of the drug prescribed is provided in
6667 an emergency or when the agency does not provide a response
6668 within 24 hours as required by sub-subparagraph a.

6669 2. Reimbursement to pharmacies for Medicaid prescribed
6670 drugs shall be set at the lowest of: the average wholesale price
6671 (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC)
6672 plus 1.5 percent, the federal upper limit (FUL), the state
6673 maximum allowable cost (SMAC), or the usual and customary (UAC)
6674 charge billed by the provider.

6675 3. The agency shall develop and implement a process for
6676 managing the drug therapies of Medicaid recipients who are using
6677 significant numbers of prescribed drugs each month. The
6678 management process may include, but is not limited to,
6679 comprehensive, physician-directed medical-record reviews, claims
6680 analyses, and case evaluations to determine the medical
6681 necessity and appropriateness of a patient's treatment plan and
6682 drug therapies. The agency may contract with a private

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6683 organization to provide drug-program-management services. The
6684 Medicaid drug benefit management program shall include
6685 initiatives to manage drug therapies for HIV/AIDS patients,
6686 patients using 20 or more unique prescriptions in a 180-day
6687 period, and the top 1,000 patients in annual spending. The
6688 agency shall enroll any Medicaid recipient in the drug benefit
6689 management program if he or she meets the specifications of this
6690 provision and is not enrolled in a Medicaid health maintenance
6691 organization.

6692 4. The agency may limit the size of its pharmacy network
6693 based on need, competitive bidding, price negotiations,
6694 credentialing, or similar criteria. The agency shall give
6695 special consideration to rural areas in determining the size and
6696 location of pharmacies included in the Medicaid pharmacy
6697 network. A pharmacy credentialing process may include criteria
6698 such as a pharmacy's full-service status, location, size,
6699 patient educational programs, patient consultation, disease
6700 management services, and other characteristics. The agency may
6701 impose a moratorium on Medicaid pharmacy enrollment if it is
6702 determined that it has a sufficient number of Medicaid-
6703 participating providers. The agency must allow dispensing
6704 practitioners to participate as a part of the Medicaid pharmacy
6705 network regardless of the practitioner's proximity to any other
6706 entity that is dispensing prescription drugs under the Medicaid
6707 program. A dispensing practitioner must meet all credentialing
6708 requirements applicable to his or her practice, as determined by

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6709 the agency.

6710 5. The agency shall develop and implement a program that
6711 requires Medicaid practitioners who prescribe drugs to use a
6712 counterfeit-proof prescription pad for Medicaid prescriptions.
6713 The agency shall require the use of standardized counterfeit-
6714 proof prescription pads by Medicaid-participating prescribers or
6715 prescribers who write prescriptions for Medicaid recipients. The
6716 agency may implement the program in targeted geographic areas or
6717 statewide.

6718 6. The agency may enter into arrangements that require
6719 manufacturers of generic drugs prescribed to Medicaid recipients
6720 to provide rebates of at least 15.1 percent of the average
6721 manufacturer price for the manufacturer's generic products.
6722 These arrangements shall require that if a generic-drug
6723 manufacturer pays federal rebates for Medicaid-reimbursed drugs
6724 at a level below 15.1 percent, the manufacturer must provide a
6725 supplemental rebate to the state in an amount necessary to
6726 achieve a 15.1-percent rebate level.

6727 7. The agency may establish a preferred drug list as
6728 described in this subsection, and, pursuant to the establishment
6729 of such preferred drug list, negotiate supplemental rebates from
6730 manufacturers that are in addition to those required by Title
6731 XIX of the Social Security Act and at no less than 14 percent of
6732 the average manufacturer price as defined in 42 U.S.C. s. 1936
6733 on the last day of a quarter unless the federal or supplemental
6734 rebate, or both, equals or exceeds 29 percent. There is no upper

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6735 | limit on the supplemental rebates the agency may negotiate. The
6736 | agency may determine that specific products, brand-name or
6737 | generic, are competitive at lower rebate percentages. Agreement
6738 | to pay the minimum supplemental rebate percentage guarantees a
6739 | manufacturer that the Medicaid Pharmaceutical and Therapeutics
6740 | Committee will consider a product for inclusion on the preferred
6741 | drug list. However, a pharmaceutical manufacturer is not
6742 | guaranteed placement on the preferred drug list by simply paying
6743 | the minimum supplemental rebate. Agency decisions will be made
6744 | on the clinical efficacy of a drug and recommendations of the
6745 | Medicaid Pharmaceutical and Therapeutics Committee, as well as
6746 | the price of competing products minus federal and state rebates.
6747 | The agency may contract with an outside agency or contractor to
6748 | conduct negotiations for supplemental rebates. For the purposes
6749 | of this section, the term "supplemental rebates" means cash
6750 | rebates. Value-added programs as a substitution for supplemental
6751 | rebates are prohibited. The agency may seek any federal waivers
6752 | to implement this initiative.

6753 | 8. The agency shall expand home delivery of pharmacy
6754 | products. The agency may amend the state plan and issue a
6755 | procurement, as necessary, in order to implement this program.
6756 | The procurements must include agreements with a pharmacy or
6757 | pharmacies located in the state to provide mail order delivery
6758 | services at no cost to the recipients who elect to receive home
6759 | delivery of pharmacy products. The procurement must focus on
6760 | serving recipients with chronic diseases for which pharmacy

6761 expenditures represent a significant portion of Medicaid
 6762 pharmacy expenditures or which impact a significant portion of
 6763 the Medicaid population. The agency may seek and implement any
 6764 federal waivers necessary to implement this subparagraph.

6765 9. The agency shall limit to one dose per month any drug
 6766 prescribed to treat erectile dysfunction.

6767 10.a. The agency may implement a Medicaid behavioral drug
 6768 management system. The agency may contract with a vendor that
 6769 has experience in operating behavioral drug management systems
 6770 to implement this program. The agency may seek federal waivers
 6771 to implement this program.

6772 b. The agency, in conjunction with the Department of
 6773 Children and Families ~~Family Services~~, may implement the
 6774 Medicaid behavioral drug management system that is designed to
 6775 improve the quality of care and behavioral health prescribing
 6776 practices based on best practice guidelines, improve patient
 6777 adherence to medication plans, reduce clinical risk, and lower
 6778 prescribed drug costs and the rate of inappropriate spending on
 6779 Medicaid behavioral drugs. The program may include the following
 6780 elements:

6781 (I) Provide for the development and adoption of best
 6782 practice guidelines for behavioral health-related drugs such as
 6783 antipsychotics, antidepressants, and medications for treating
 6784 bipolar disorders and other behavioral conditions; translate
 6785 them into practice; review behavioral health prescribers and
 6786 compare their prescribing patterns to a number of indicators

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6787 that are based on national standards; and determine deviations
6788 from best practice guidelines.

6789 (II) Implement processes for providing feedback to and
6790 educating prescribers using best practice educational materials
6791 and peer-to-peer consultation.

6792 (III) Assess Medicaid beneficiaries who are outliers in
6793 their use of behavioral health drugs with regard to the numbers
6794 and types of drugs taken, drug dosages, combination drug
6795 therapies, and other indicators of improper use of behavioral
6796 health drugs.

6797 (IV) Alert prescribers to patients who fail to refill
6798 prescriptions in a timely fashion, are prescribed multiple same-
6799 class behavioral health drugs, and may have other potential
6800 medication problems.

6801 (V) Track spending trends for behavioral health drugs and
6802 deviation from best practice guidelines.

6803 (VI) Use educational and technological approaches to
6804 promote best practices, educate consumers, and train prescribers
6805 in the use of practice guidelines.

6806 (VII) Disseminate electronic and published materials.

6807 (VIII) Hold statewide and regional conferences.

6808 (IX) Implement a disease management program with a model
6809 quality-based medication component for severely mentally ill
6810 individuals and emotionally disturbed children who are high
6811 users of care.

6812 11. The agency shall implement a Medicaid prescription

6813 drug management system.

6814 a. The agency may contract with a vendor that has
6815 experience in operating prescription drug management systems in
6816 order to implement this system. Any management system that is
6817 implemented in accordance with this subparagraph must rely on
6818 cooperation between physicians and pharmacists to determine
6819 appropriate practice patterns and clinical guidelines to improve
6820 the prescribing, dispensing, and use of drugs in the Medicaid
6821 program. The agency may seek federal waivers to implement this
6822 program.

6823 b. The drug management system must be designed to improve
6824 the quality of care and prescribing practices based on best
6825 practice guidelines, improve patient adherence to medication
6826 plans, reduce clinical risk, and lower prescribed drug costs and
6827 the rate of inappropriate spending on Medicaid prescription
6828 drugs. The program must:

6829 (I) Provide for the adoption of best practice guidelines
6830 for the prescribing and use of drugs in the Medicaid program,
6831 including translating best practice guidelines into practice;
6832 reviewing prescriber patterns and comparing them to indicators
6833 that are based on national standards and practice patterns of
6834 clinical peers in their community, statewide, and nationally;
6835 and determine deviations from best practice guidelines.

6836 (II) Implement processes for providing feedback to and
6837 educating prescribers using best practice educational materials
6838 and peer-to-peer consultation.

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6839 (III) Assess Medicaid recipients who are outliers in their
6840 use of a single or multiple prescription drugs with regard to
6841 the numbers and types of drugs taken, drug dosages, combination
6842 drug therapies, and other indicators of improper use of
6843 prescription drugs.

6844 (IV) Alert prescribers to recipients who fail to refill
6845 prescriptions in a timely fashion, are prescribed multiple drugs
6846 that may be redundant or contraindicated, or may have other
6847 potential medication problems.

6848 12. The agency may contract for drug rebate
6849 administration, including, but not limited to, calculating
6850 rebate amounts, invoicing manufacturers, negotiating disputes
6851 with manufacturers, and maintaining a database of rebate
6852 collections.

6853 13. The agency may specify the preferred daily dosing form
6854 or strength for the purpose of promoting best practices with
6855 regard to the prescribing of certain drugs as specified in the
6856 General Appropriations Act and ensuring cost-effective
6857 prescribing practices.

6858 14. The agency may require prior authorization for
6859 Medicaid-covered prescribed drugs. The agency may prior-
6860 authorize the use of a product:

- 6861 a. For an indication not approved in labeling;
6862 b. To comply with certain clinical guidelines; or
6863 c. If the product has the potential for overuse, misuse,
6864 or abuse.

6865
6866 The agency may require the prescribing professional to provide
6867 information about the rationale and supporting medical evidence
6868 for the use of a drug. The agency shall post prior
6869 authorization, step-edit criteria and protocol, and updates to
6870 the list of drugs that are subject to prior authorization on the
6871 agency's Internet website within 21 days after the prior
6872 authorization and step-edit criteria and protocol and updates
6873 are approved by the agency. For purposes of this subparagraph,
6874 the term "step-edit" means an automatic electronic review of
6875 certain medications subject to prior authorization.

6876 15. The agency, in conjunction with the Pharmaceutical and
6877 Therapeutics Committee, may require age-related prior
6878 authorizations for certain prescribed drugs. The agency may
6879 preauthorize the use of a drug for a recipient who may not meet
6880 the age requirement or may exceed the length of therapy for use
6881 of this product as recommended by the manufacturer and approved
6882 by the Food and Drug Administration. Prior authorization may
6883 require the prescribing professional to provide information
6884 about the rationale and supporting medical evidence for the use
6885 of a drug.

6886 16. The agency shall implement a step-therapy prior
6887 authorization approval process for medications excluded from the
6888 preferred drug list. Medications listed on the preferred drug
6889 list must be used within the previous 12 months before the
6890 alternative medications that are not listed. The step-therapy

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6891 prior authorization may require the prescriber to use the
6892 medications of a similar drug class or for a similar medical
6893 indication unless contraindicated in the Food and Drug
6894 Administration labeling. The trial period between the specified
6895 steps may vary according to the medical indication. The step-
6896 therapy approval process shall be developed in accordance with
6897 the committee as stated in s. 409.91195(7) and (8). A drug
6898 product may be approved without meeting the step-therapy prior
6899 authorization criteria if the prescribing physician provides the
6900 agency with additional written medical or clinical documentation
6901 that the product is medically necessary because:

6902 a. There is not a drug on the preferred drug list to treat
6903 the disease or medical condition which is an acceptable clinical
6904 alternative;

6905 b. The alternatives have been ineffective in the treatment
6906 of the beneficiary's disease; or

6907 c. Based on historic evidence and known characteristics of
6908 the patient and the drug, the drug is likely to be ineffective,
6909 or the number of doses have been ineffective.

6910
6911 The agency shall work with the physician to determine the best
6912 alternative for the patient. The agency may adopt rules waiving
6913 the requirements for written clinical documentation for specific
6914 drugs in limited clinical situations.

6915 17. The agency shall implement a return and reuse program
6916 for drugs dispensed by pharmacies to institutional recipients,

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6917 | which includes payment of a \$5 restocking fee for the
6918 | implementation and operation of the program. The return and
6919 | reuse program shall be implemented electronically and in a
6920 | manner that promotes efficiency. The program must permit a
6921 | pharmacy to exclude drugs from the program if it is not
6922 | practical or cost-effective for the drug to be included and must
6923 | provide for the return to inventory of drugs that cannot be
6924 | credited or returned in a cost-effective manner. The agency
6925 | shall determine if the program has reduced the amount of
6926 | Medicaid prescription drugs which are destroyed on an annual
6927 | basis and if there are additional ways to ensure more
6928 | prescription drugs are not destroyed which could safely be
6929 | reused.

6930 | (51) The agency may not pay for psychotropic medication
6931 | prescribed for a child in the Medicaid program without the
6932 | express and informed consent of the child's parent or legal
6933 | guardian. The physician shall document the consent in the
6934 | child's medical record and provide the pharmacy with a signed
6935 | attestation of this documentation with the prescription. The
6936 | express and informed consent or court authorization for a
6937 | prescription of psychotropic medication for a child in the
6938 | custody of the Department of Children and Families ~~Family~~
6939 | ~~Services~~ shall be obtained pursuant to s. 39.407.

6940 | Section 209. Paragraph (c) of subsection (2) and
6941 | subsection (21) of section 409.9122, Florida Statutes, are
6942 | amended to read:

6943 409.9122 Mandatory Medicaid managed care enrollment;
 6944 programs and procedures.—
 6945 (2)
 6946 (c) Medicaid recipients shall have a choice of managed
 6947 care plans or MediPass. The Agency for Health Care
 6948 Administration, the Department of Health, the Department of
 6949 Children and Families ~~Family Services~~, and the Department of
 6950 Elderly Affairs shall cooperate to ensure that each Medicaid
 6951 recipient receives clear and easily understandable information
 6952 that meets the following requirements:
 6953 1. Explains the concept of managed care, including
 6954 MediPass.
 6955 2. Provides information on the comparative performance of
 6956 managed care plans and MediPass in the areas of quality,
 6957 credentialing, preventive health programs, network size and
 6958 availability, and patient satisfaction.
 6959 3. Explains where additional information on each managed
 6960 care plan and MediPass in the recipient's area can be obtained.
 6961 4. Explains that recipients have the right to choose their
 6962 managed care coverage at the time they first enroll in Medicaid
 6963 and again at regular intervals set by the agency. However, if a
 6964 recipient does not choose a managed care plan or MediPass, the
 6965 agency will assign the recipient to a managed care plan or
 6966 MediPass according to the criteria specified in this section.
 6967 5. Explains the recipient's right to complain, file a
 6968 grievance, or change managed care plans or MediPass providers if

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6969 the recipient is not satisfied with the managed care plan or
6970 MediPass.

6971
6972 This subsection expires October 1, 2014.

6973 (21) Subject to federal approval, the agency shall
6974 contract with a single provider service network to function as a
6975 third-party administrator and managing entity for the Medically
6976 Needy program in all counties. The contractor shall provide care
6977 coordination and utilization management in order to achieve more
6978 cost-effective services for Medically Needy enrollees. To
6979 facilitate the care management functions of the provider service
6980 network, enrollment in the network shall be for a continuous 6-
6981 month period or until the end of the contract between the
6982 provider service network and the agency, whichever is sooner.
6983 Beginning the second month after the determination of
6984 eligibility, the contractor may collect a monthly premium from
6985 each Medically Needy recipient provided the premium does not
6986 exceed the enrollee's share of cost as determined by the
6987 Department of Children and Families ~~Family Services~~. The
6988 contractor must provide a 90-day grace period before
6989 disenrolling a Medically Needy recipient for failure to pay
6990 premiums. The contractor may earn an administrative fee, if the
6991 fee is less than any savings determined by the reconciliation
6992 process pursuant to s. 409.912(4)(d)1. Premium revenue collected
6993 from the recipients shall be deducted from the contractor's
6994 earned savings. This subsection expires October 1, 2014, or upon

6995 full implementation of the managed medical assistance program,
 6996 whichever is sooner.

6997 Section 210. Subsection (36) of section 409.913, Florida
 6998 Statutes, is amended to read:

6999 409.913 Oversight of the integrity of the Medicaid
 7000 program.—The agency shall operate a program to oversee the
 7001 activities of Florida Medicaid recipients, and providers and
 7002 their representatives, to ensure that fraudulent and abusive
 7003 behavior and neglect of recipients occur to the minimum extent
 7004 possible, and to recover overpayments and impose sanctions as
 7005 appropriate. Beginning January 1, 2003, and each year
 7006 thereafter, the agency and the Medicaid Fraud Control Unit of
 7007 the Department of Legal Affairs shall submit a joint report to
 7008 the Legislature documenting the effectiveness of the state's
 7009 efforts to control Medicaid fraud and abuse and to recover
 7010 Medicaid overpayments during the previous fiscal year. The
 7011 report must describe the number of cases opened and investigated
 7012 each year; the sources of the cases opened; the disposition of
 7013 the cases closed each year; the amount of overpayments alleged
 7014 in preliminary and final audit letters; the number and amount of
 7015 fines or penalties imposed; any reductions in overpayment
 7016 amounts negotiated in settlement agreements or by other means;
 7017 the amount of final agency determinations of overpayments; the
 7018 amount deducted from federal claiming as a result of
 7019 overpayments; the amount of overpayments recovered each year;
 7020 the amount of cost of investigation recovered each year; the

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7021 average length of time to collect from the time the case was
7022 opened until the overpayment is paid in full; the amount
7023 determined as uncollectible and the portion of the uncollectible
7024 amount subsequently reclaimed from the Federal Government; the
7025 number of providers, by type, that are terminated from
7026 participation in the Medicaid program as a result of fraud and
7027 abuse; and all costs associated with discovering and prosecuting
7028 cases of Medicaid overpayments and making recoveries in such
7029 cases. The report must also document actions taken to prevent
7030 overpayments and the number of providers prevented from
7031 enrolling in or reenrolling in the Medicaid program as a result
7032 of documented Medicaid fraud and abuse and must include policy
7033 recommendations necessary to prevent or recover overpayments and
7034 changes necessary to prevent and detect Medicaid fraud. All
7035 policy recommendations in the report must include a detailed
7036 fiscal analysis, including, but not limited to, implementation
7037 costs, estimated savings to the Medicaid program, and the return
7038 on investment. The agency must submit the policy recommendations
7039 and fiscal analyses in the report to the appropriate estimating
7040 conference, pursuant to s. 216.137, by February 15 of each year.
7041 The agency and the Medicaid Fraud Control Unit of the Department
7042 of Legal Affairs each must include detailed unit-specific
7043 performance standards, benchmarks, and metrics in the report,
7044 including projected cost savings to the state Medicaid program
7045 during the following fiscal year.

7046 (36) At least three times a year, the agency shall provide

7047 | to each Medicaid recipient or his or her representative an
 7048 | explanation of benefits in the form of a letter that is mailed
 7049 | to the most recent address of the recipient on the record with
 7050 | the Department of Children and Families ~~Family Services~~. The
 7051 | explanation of benefits must include the patient's name, the
 7052 | name of the health care provider and the address of the location
 7053 | where the service was provided, a description of all services
 7054 | billed to Medicaid in terminology that should be understood by a
 7055 | reasonable person, and information on how to report
 7056 | inappropriate or incorrect billing to the agency or other law
 7057 | enforcement entities for review or investigation. At least once
 7058 | a year, the letter also must include information on how to
 7059 | report criminal Medicaid fraud, the Medicaid Fraud Control
 7060 | Unit's toll-free hotline number, and information about the
 7061 | rewards available under s. 409.9203. The explanation of benefits
 7062 | may not be mailed for Medicaid independent laboratory services
 7063 | as described in s. 409.905(7) or for Medicaid certified match
 7064 | services as described in ss. 409.9071 and 1011.70.

7065 | Section 211. Section 409.919, Florida Statutes, is amended
 7066 | to read:

7067 | 409.919 Rules.—The agency shall adopt any rules necessary
 7068 | to comply with or administer ss. 409.901-409.920 and all rules
 7069 | necessary to comply with federal requirements. In addition, the
 7070 | Department of Children and Families ~~Family Services~~ shall adopt
 7071 | and accept transfer of any rules necessary to carry out its
 7072 | responsibilities for receiving and processing Medicaid

7073 applications and determining Medicaid eligibility, and for
 7074 assuring compliance with and administering ss. 409.901-409.906,
 7075 as they relate to these responsibilities, and any other
 7076 provisions related to responsibility for the determination of
 7077 Medicaid eligibility.

7078 Section 212. Subsection (5) of section 409.962, Florida
 7079 Statutes, is amended to read:

7080 409.962 Definitions.—As used in this part, except as
 7081 otherwise specifically provided, the term:

7082 (5) "Department" means the Department of Children and
 7083 Families ~~Family Services~~.

7084 Section 213. Subsection (1) of section 410.032, Florida
 7085 Statutes, is amended to read:

7086 410.032 Definitions; ss. 410.031-410.036.—As used in ss.
 7087 410.031-410.036:

7088 (1) "Department" means the Department of Children and
 7089 Families ~~Family Services~~.

7090 Section 214. Section 410.602, Florida Statutes, is amended
 7091 to read:

7092 410.602 Legislative intent.—The purpose of ss. 410.601-
 7093 410.606 is to assist disabled adults to live dignified and
 7094 reasonably independent lives in their own homes or in the homes
 7095 of relatives or friends. The Legislature intends through ss.
 7096 410.601-410.606 to provide for the development, expansion, and
 7097 coordination of community-based services for disabled adults,
 7098 but not to supplant existing programs. The Legislature further

7099 intends to establish a continuum of services so that disabled
 7100 adults may be assured the least restrictive environment suitable
 7101 to their needs. In addition, the Legislature intends that the
 7102 Department of Children and Families ~~Family Services~~ encourage
 7103 innovative and efficient approaches to program management, staff
 7104 training, and service delivery.

7105 Section 215. Subsection (1) of section 410.603, Florida
 7106 Statutes, is amended to read:

7107 410.603 Definitions relating to Community Care for
 7108 Disabled Adults Act.—As used in ss. 410.601-410.606:

7109 (1) "Department" means the Department of Children and
 7110 Families ~~Family Services~~.

7111 Section 216. Section 411.223, Florida Statutes, is amended
 7112 to read:

7113 411.223 Uniform standards.—

7114 (1) The Department of Children and Families ~~Family~~
 7115 ~~Services~~, in consultation with the Department of Education,
 7116 shall establish a minimum set of procedures for each preschool
 7117 child who receives preventive health care with state funds.
 7118 Preventive health care services shall meet the minimum standards
 7119 established by federal law for the Early Periodic Screening,
 7120 Diagnosis, and Treatment Program and shall provide guidance on
 7121 screening instruments which are appropriate for identifying
 7122 health risks and handicapping conditions in preschool children.

7123 (2) Duplicative diagnostic and planning practices shall be
 7124 eliminated to the extent possible. Diagnostic and other

7125 information necessary to provide quality services to high-risk
 7126 or handicapped children shall be shared among the program
 7127 offices of the Department of Children and Families ~~Family~~
 7128 ~~Services~~, pursuant to the provisions of s. 1002.22.

7129 Section 217. Section 411.224, Florida Statutes, is amended
 7130 to read:

7131 411.224 Family support planning process.—The Legislature
 7132 establishes a family support planning process to be used by the
 7133 Department of Children and Families ~~Family Services~~ as the
 7134 service planning process for targeted individuals, children, and
 7135 families under its purview.

7136 (1) The Department of Education shall take all appropriate
 7137 and necessary steps to encourage and facilitate the
 7138 implementation of the family support planning process for
 7139 individuals, children, and families within its purview.

7140 (2) To the extent possible within existing resources, the
 7141 following populations must be included in the family support
 7142 planning process:

7143 (a) Children from birth to age 5 who are served by the
 7144 clinic and programs of the Division of Children's Medical
 7145 Services of the Department of Health.

7146 (b) Children participating in the developmental evaluation
 7147 and intervention program of the Division of Children's Medical
 7148 Services of the Department of Health.

7149 (c) Children from age 3 through age 5 who are served by
 7150 the Agency for Persons with Disabilities.

7151 (d) Children from birth through age 5 who are served by
 7152 the Mental Health Program Office of the Department of Children
 7153 and Families ~~Family Services~~.

7154 (e) Healthy Start participants in need of ongoing service
 7155 coordination.

7156 (f) Children from birth through age 5 who are served by
 7157 the voluntary family services, protective supervision, foster
 7158 care, or adoption and related services programs of the Child
 7159 Care Services Program Office of the Department of Children and
 7160 Families ~~Family Services~~, and who are eligible for ongoing
 7161 services from one or more other programs or agencies that
 7162 participate in family support planning; however, children served
 7163 by the voluntary family services program, where the planned
 7164 length of intervention is 30 days or less, are excluded from
 7165 this population.

7166 (3) When individuals included in the target population are
 7167 served by Head Start, local education agencies, or other
 7168 prevention and early intervention programs, providers must be
 7169 notified and efforts made to facilitate the concerned agency's
 7170 participation in family support planning.

7171 (4) Local education agencies are encouraged to use a
 7172 family support planning process for children from birth through
 7173 5 years of age who are served by the prekindergarten program for
 7174 children with disabilities, in lieu of the Individual Education
 7175 Plan.

7176 (5) There must be only a single-family support plan to

7177 | address the problems of the various family members unless the
7178 | family requests that an individual family support plan be
7179 | developed for different members of that family. The family
7180 | support plan must replace individual habilitation plans for
7181 | children from 3 through 5 years old who are served by the Agency
7182 | for Persons with Disabilities.

7183 | (6) The family support plan at a minimum must include the
7184 | following information:

7185 | (a) The family's statement of family concerns, priorities,
7186 | and resources.

7187 | (b) Information related to the health, educational,
7188 | economic and social needs, and overall development of the
7189 | individual and the family.

7190 | (c) The outcomes that the plan is intended to achieve.

7191 | (d) Identification of the resources and services to
7192 | achieve each outcome projected in the plan. These resources and
7193 | services are to be provided based on availability and funding.

7194 | (7) A family support plan meeting must be held with the
7195 | family to initially develop the family support plan and annually
7196 | thereafter to update the plan as necessary. The family includes
7197 | anyone who has an integral role in the life of the individual or
7198 | child as identified by the individual or family. The family
7199 | support plan must be reviewed periodically during the year, at
7200 | least at 6-month intervals, to modify and update the plan as
7201 | needed. Such periodic reviews do not require a family support
7202 | plan team meeting but may be accomplished through other means

7203 such as a case file review and telephone conference with the
7204 family.

7205 (8) The initial family support plan must be developed
7206 within a 90-day period. If exceptional circumstances make it
7207 impossible to complete the evaluation activities and to hold the
7208 initial family support plan team meeting within a reasonable
7209 time period, these circumstances must be documented, and the
7210 individual or family must be notified of the reason for the
7211 delay. With the agreement of the family and the provider,
7212 services for which either the individual or the family is
7213 eligible may be initiated before the completion of the
7214 evaluation activities and the family support plan.

7215 (9) The Department of Children and Families ~~Family~~
7216 ~~Services~~, the Department of Health, and the Department of
7217 Education, to the extent that funds are available, must offer
7218 technical assistance to communities to facilitate the
7219 implementation of the family support plan.

7220 Section 218. Paragraph (e) of subsection (2) and paragraph
7221 (e) of subsection (3) of section 411.226, Florida Statutes, are
7222 amended to read:

7223 411.226 Learning Gateway.—

7224 (2) LEARNING GATEWAY STEERING COMMITTEE.—

7225 (e) To support and facilitate system improvements, the
7226 steering committee must consult with representatives from the
7227 Department of Education, the Department of Health, the Office of
7228 Early Learning, the Department of Children and Families ~~Family~~

7229 ~~Services~~, the Agency for Health Care Administration, the
 7230 Department of Juvenile Justice, and the Department of
 7231 Corrections and with the director of the Learning Development
 7232 and Evaluation Center of Florida Agricultural and Mechanical
 7233 University.

7234 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

7235 (e) The demonstration projects shall recommend to the
 7236 steering committee the linking or combining of some or all of
 7237 the local planning bodies, including school readiness
 7238 coalitions, Healthy Start coalitions, Part C advisory councils,
 7239 Department of Children and Families ~~Family Services~~ community
 7240 alliances, and other boards or councils that have a primary
 7241 focus on services for children from birth to age 9, to the
 7242 extent allowed by federal regulations, if such changes would
 7243 improve coordination and reduce unnecessary duplication of
 7244 effort.

7245 Section 219. Paragraph (g) of subsection (2) and paragraph
 7246 (c) of subsection (3) of section 411.227, Florida Statutes, are
 7247 amended to read:

7248 411.227 Components of the Learning Gateway.—The Learning
 7249 Gateway system consists of the following components:

7250 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

7251 (g) In conjunction with the technical assistance of the
 7252 steering committee, demonstration projects shall develop a
 7253 system for targeted screening. The projects should conduct a
 7254 needs assessment of existing services and programs where

7255 targeted screening programs should be offered. Based on the
 7256 results of the needs assessment, the project shall develop
 7257 procedures within the demonstration community whereby periodic
 7258 developmental screening could be offered to parents of children
 7259 from birth through age 9 who are served by state intervention
 7260 programs or whose parents or caregivers are in state
 7261 intervention programs. Intervention programs for children,
 7262 parents, and caregivers include those administered or funded by
 7263 the:

- 7264 1. Agency for Health Care Administration;
- 7265 2. Department of Children and Families ~~Family Services~~;
- 7266 3. Department of Corrections and other criminal justice
 7267 programs;
- 7268 4. Department of Education;
- 7269 5. Department of Health; and
- 7270 6. Department of Juvenile Justice.

7271 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

7272 (c) The steering committee, in cooperation with the
 7273 Department of Children and Families ~~Family Services~~, the
 7274 Department of Education, and the Office of Early Learning, shall
 7275 identify the elements of an effective research-based curriculum
 7276 for early care and education programs.

7277 Section 220. Paragraph (a) of subsection (1) and
 7278 subsection (3) of section 413.031, Florida Statutes, are amended
 7279 to read:

7280 413.031 Products, purchase by state agencies and

7281 institutions.—

7282 (1) DEFINITIONS.—When used in this section:

7283 (a) "Accredited nonprofit workshop" means a Florida
 7284 workshop which has been certified by either the Division of
 7285 Blind Services, for workshops concerned with blind persons, or
 7286 the Department of Children and Families ~~Family Services~~, when
 7287 other handicapped persons are concerned, and such "workshop"
 7288 means a place where any article is manufactured or handwork is
 7289 carried on and which is operated for the primary purpose of
 7290 providing employment to severely handicapped individuals,
 7291 including the blind, who cannot be readily absorbed in the
 7292 competitive labor market.

7293 (3) When convenience or emergency requires it, the
 7294 Department of Children and Families ~~Family Services~~ may upon
 7295 request of the purchasing officer of any institution or agency
 7296 relieve her or him from the obligation of this section.

7297 Section 221. Paragraph (d) of subsection (2) of section
 7298 413.208, Florida Statutes, is amended to read:

7299 413.208 Service providers; quality assurance; fitness for
 7300 responsibilities; background screening.—

7301 (2)

7302 (d)1. Every 5 years following the initial screening, each
 7303 person subject to background screening under this section must
 7304 submit to level 2 background rescreening as a condition of the
 7305 service provider retaining such registration.

7306 2. Until the person's background screening results are

7307 retained in the clearinghouse created under s. 435.12, the
 7308 division may accept as satisfying the requirements of this
 7309 section proof of compliance with level 2 screening standards
 7310 submitted within the previous 5 years to meet any provider or
 7311 professional licensure requirements of the Agency for Health
 7312 Care Administration, the Department of Health, the Department of
 7313 Elderly Affairs, the Agency for Persons with Disabilities, or
 7314 the Department of Children and Families ~~Family Services~~,
 7315 provided:

7316 a. The screening standards and disqualifying offenses for
 7317 the prior screening are equivalent to those specified in s.
 7318 435.04 and this section;

7319 b. The person subject to screening has not had a break in
 7320 service from a position that requires level 2 screening for more
 7321 than 90 days; and

7322 c. Such proof is accompanied, under penalty of perjury, by
 7323 an affidavit of compliance with the provisions of chapter 435
 7324 and this section.

7325 Section 222. Paragraph (b) of subsection (2) of section
 7326 413.271, Florida Statutes, is amended to read:

7327 413.271 Florida Coordinating Council for the Deaf and Hard
 7328 of Hearing.—

7329 (2)

7330 (b) The coordinating council shall be composed of 17
 7331 members. The appointment of members not representing agencies
 7332 shall be made by the Governor. The appointment of members

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7333 representing organizations shall be made by the Governor in
 7334 consultation with those organizations. The membership shall be
 7335 as follows:

- 7336 1. Two members representing the Florida Association of the
 7337 Deaf.
- 7338 2. Two members representing the Florida Association of
 7339 Self Help for Hard of Hearing People.
- 7340 3. A member representing the Association of Late-Deafened
 7341 Adults.
- 7342 4. An individual who is deaf and blind.
- 7343 5. A parent of an individual who is deaf.
- 7344 6. A member representing the Deaf Service Center
 7345 Association.
- 7346 7. A member representing the Florida Registry of
 7347 Interpreters for the Deaf.
- 7348 8. A member representing the Florida Alexander Graham Bell
 7349 Association for the Deaf and Hard of Hearing.
- 7350 9. A communication access realtime translator.
- 7351 10. An audiologist licensed under part I of chapter 468.
- 7352 11. A hearing aid specialist licensed under part II of
 7353 chapter 484.
- 7354 12. The Secretary of Children and Families ~~Family Services~~
 7355 or his or her designee.
- 7356 13. The State Surgeon General or his or her designee.
- 7357 14. The Commissioner of Education or his or her designee.
- 7358 15. The Secretary of Elderly Affairs or his or her

7359 | designee.
7360 |
7361 | If any organization from which a representative is to be drawn
7362 | ceases to exist, a representative of a similar organization
7363 | shall be named to the coordinating council. The Governor shall
7364 | make appointments to the coordinating council no later than
7365 | August 1, 2004, and may remove any member for cause. Each member
7366 | shall be appointed to a term of 4 years. However, for the
7367 | purpose of providing staggered terms, of the initial
7368 | appointments not representing state agencies, seven members,
7369 | including the audiologist and the hearing aid specialist, shall
7370 | be appointed to 2-year terms and six members shall be appointed
7371 | to 4-year terms. Any vacancy on the coordinating council shall
7372 | be filled in the same manner as the original appointment, and
7373 | any member appointed to fill a vacancy occurring because of
7374 | death, resignation, or ineligibility for membership shall serve
7375 | only for the unexpired term of the member's predecessor. Prior
7376 | to serving on the coordinating council, all appointees must
7377 | attend orientation training that shall address, at a minimum,
7378 | the provisions of this section; the programs operated by the
7379 | coordinating council; the role and functions of the coordinating
7380 | council; the current budget for the coordinating council; the
7381 | results of the most recent formal audit of the coordinating
7382 | council; and the requirements of the state's public records law,
7383 | the code of ethics, the Administrative Procedure Act, and other
7384 | laws relating to public officials, including conflict-of-

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7385 interest laws.

7386 Section 223. Paragraph (b) of subsection (2) of section
7387 413.402, Florida Statutes, is amended to read:

7388 413.402 Personal care attendant program.—The Florida
7389 Endowment Foundation for Vocational Rehabilitation shall enter
7390 into an agreement, no later than October 1, 2008, with the
7391 Florida Association of Centers for Independent Living to
7392 administer the James Patrick Memorial Work Incentive Personal
7393 Attendant Services Program to provide personal care attendants
7394 to persons who have severe and chronic disabilities of all kinds
7395 and who are eligible under subsection (1). Effective July 1,
7396 2008, the Florida Association of Centers for Independent Living
7397 shall receive 12 percent of the funds paid to or on behalf of
7398 participants from funds to be deposited with the Florida
7399 Endowment Foundation for Vocational Rehabilitation pursuant to
7400 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.
7401 For the purpose of ensuring continuity of services, a memorandum
7402 of understanding shall be executed between the parties to cover
7403 the period between July 1, 2008, and the execution of the final
7404 agreement.

7405 (2)

7406 (b) The oversight group shall include, but need not be
7407 limited to, a member of the Florida Association of Centers for
7408 Independent Living, a person who is participating in the
7409 program, and one representative each from the Department of
7410 Revenue, the Department of Children and Families ~~Family~~

7411 ~~Services~~, the Division of Vocational Rehabilitation in the
 7412 Department of Education, the Medicaid program in the Agency for
 7413 Health Care Administration, the Florida Endowment Foundation for
 7414 Vocational Rehabilitation, and the Brain and Spinal Cord Injury
 7415 Program in the Department of Health.

7416 Section 224. Subsection (3) of section 414.0252, Florida
 7417 Statutes, is amended to read:

7418 414.0252 Definitions.—As used in ss. 414.025-414.55, the
 7419 term:

7420 (3) "Department" means the Department of Children and
 7421 Families ~~Family Services~~.

7422 Section 225. Subsection (1) of section 414.175, Florida
 7423 Statutes, is amended to read:

7424 414.175 Review of existing waivers.—

7425 (1) The Department of Children and Families ~~Family~~
 7426 ~~Services~~ shall review existing waivers granted to the department
 7427 by the Federal Government and determine if such waivers continue
 7428 to be necessary based on the flexibility granted to states by
 7429 federal law. If it is determined that termination of the waivers
 7430 would reduce or eliminate potential federal cost neutrality
 7431 liability, the department may take action in accordance with
 7432 federal requirements. In taking such action, the department may
 7433 continue research initiated in conjunction with such waivers if
 7434 the department determines that continuation will provide program
 7435 findings that will be useful in assessing future welfare reform
 7436 alternatives.

7437 Section 226. Subsection (1) of section 414.27, Florida
 7438 Statutes, is amended to read:
 7439 414.27 Temporary cash assistance; payment on death.—
 7440 (1) Upon the death of any person receiving temporary cash
 7441 assistance through the Department of Children and Families
 7442 ~~Family Services~~, all temporary cash accrued to such person from
 7443 the date of last payment to the date of death shall be paid to
 7444 the person who shall have been designated by her or him on a
 7445 form prescribed by the department and filed with the department
 7446 during the lifetime of the person making such designation. If no
 7447 designation is made, or the person so designated is no longer
 7448 living or cannot be found, then payment shall be made to such
 7449 person as may be designated by the circuit judge of the county
 7450 where the recipient of temporary cash assistance resided.
 7451 Designation by the circuit judge may be made on a form provided
 7452 by the department or by letter or memorandum to the Chief
 7453 Financial Officer. No filing or recording of the designation
 7454 shall be required, and the circuit judge shall receive no
 7455 compensation for such service. If a warrant has not been issued
 7456 and forwarded prior to notice by the department of the
 7457 recipient's death, upon notice thereof, the department shall
 7458 promptly requisition the Chief Financial Officer to issue a
 7459 warrant in the amount of the accrued temporary cash assistance
 7460 payable to the person designated to receive it and shall attach
 7461 to the requisition the original designation of the deceased
 7462 recipient, or if none, the designation made by the circuit

7463 judge, as well as a notice of death. The Chief Financial Officer
7464 shall issue a warrant in the amount payable.

7465 Section 227. Paragraph (a) of subsection (1) of section
7466 414.32, Florida Statutes, is amended to read:

7467 414.32 Prohibitions and restrictions with respect to food
7468 assistance program.—

7469 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

7470 (a) A parent or caretaker relative who receives temporary
7471 cash assistance or food assistance on behalf of a child under 18
7472 years of age who has an absent parent is ineligible for food
7473 assistance unless the parent or caretaker relative cooperates
7474 with the state agency that administers the child support
7475 enforcement program in establishing the paternity of the child,
7476 if the child is born out of wedlock, and in obtaining support
7477 for the child or for the parent or caretaker relative and the
7478 child. This paragraph does not apply if the state agency that
7479 administers the food assistance program determines that the
7480 parent or caretaker relative has good cause for failing to
7481 cooperate. The Department of Revenue shall determine good cause
7482 for failure to cooperate if the Department of Children and
7483 Families ~~Family Services~~ obtains written authorization from the
7484 United States Department of Agriculture approving such
7485 arrangements.

7486 Section 228. Section 414.37, Florida Statutes, is amended
7487 to read:

7488 414.37 Public assistance overpayment recovery

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7489 privatization; reemployment of laid-off career service
7490 employees.—Should career service employees of the Department of
7491 Children and Families ~~Family Services~~ be subject to layoff after
7492 July 1, 1995, due to the privatization of public assistance
7493 overpayment recovery functions, the privatization contract shall
7494 require the contracting firm to give priority consideration to
7495 employment of such employees. In addition, a task force composed
7496 of representatives from the Department of Children and Families
7497 ~~Family Services~~ and the Department of Management Services shall
7498 be established to provide reemployment assistance to such
7499 employees.

7500 Section 229. Subsection (6) of section 414.39, Florida
7501 Statutes, is amended to read:

7502 414.39 Fraud.—

7503 (6) Any person providing service for which compensation is
7504 paid under any state or federally funded public assistance
7505 program who solicits, requests, or receives, either actually or
7506 constructively, any payment or contribution through a payment,
7507 assessment, gift, devise, bequest or other means, whether
7508 directly or indirectly, from a recipient of public assistance
7509 from such public assistance program, or from the family of such
7510 a recipient, shall notify the Department of Children and
7511 Families ~~Family Services~~, on a form provided by the department,
7512 of the amount of such payment or contribution and of such other
7513 information as specified by the department, within 10 days after
7514 the receipt of such payment or contribution or, if said payment

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7515 or contribution is to become effective at some time in the
7516 future, within 10 days of the consummation of the agreement to
7517 make such payment or contribution. Failure to notify the
7518 department within the time prescribed is a misdemeanor of the
7519 first degree, punishable as provided in s. 775.082 or s.
7520 775.083.

7521 Section 230. Subsection (1) of section 414.391, Florida
7522 Statutes, is amended to read:

7523 414.391 Automated fingerprint imaging.—

7524 (1) The Department of Children and Families ~~Family~~
7525 ~~Services~~ shall develop and implement, as part of the electronic
7526 benefits transfer program, a statewide program to prevent public
7527 assistance fraud by using a type of automated fingerprint
7528 imaging of adult and teen parent applicants for, and adult and
7529 teen parent recipients of, public assistance under this chapter.

7530 Section 231. Paragraph (d) of subsection (2) of section
7531 414.40, Florida Statutes, is amended to read:

7532 414.40 Stop Inmate Fraud Program established; guidelines.—

7533 (2) The Department of Financial Services is directed to
7534 implement the Stop Inmate Fraud Program in accordance with the
7535 following guidelines:

7536 (d) Data obtained from correctional institutions or other
7537 detention facilities shall be compared with the client files of
7538 the Department of Children and Families ~~Family Services~~, the
7539 Department of Economic Opportunity, and other state or local
7540 agencies as needed to identify persons wrongfully obtaining

7541 benefits. Data comparisons shall be accomplished during periods
 7542 of low information demand by agency personnel to minimize
 7543 inconvenience to the agency.

7544 Section 232. Subsections (1), (3), and (4) of section
 7545 414.411, Florida Statutes, are amended to read:

7546 414.411 Public assistance fraud.—

7547 (1) The Department of Financial Services shall investigate
 7548 all public assistance provided to residents of the state or
 7549 provided to others by the state. In the course of such
 7550 investigation the department shall examine all records,
 7551 including electronic benefits transfer records and make inquiry
 7552 of all persons who may have knowledge as to any irregularity
 7553 incidental to the disbursement of public moneys, food
 7554 assistance, or other items or benefits authorizations to
 7555 recipients. All public assistance recipients, as a condition
 7556 precedent to qualification for public assistance under chapter
 7557 409, chapter 411, or this chapter, must first give in writing,
 7558 to the Agency for Health Care Administration, the Department of
 7559 Health, the Department of Economic Opportunity, and the
 7560 Department of Children and Families ~~Family Services~~, as
 7561 appropriate, and to the Department of Financial Services,
 7562 consent to make inquiry of past or present employers and
 7563 records, financial or otherwise.

7564 (3) The results of such investigation shall be reported by
 7565 the Department of Financial Services to the appropriate
 7566 legislative committees, the Agency for Health Care

7567 Administration, the Department of Health, the Department of
 7568 Economic Opportunity, and the Department of Children and
 7569 Families ~~Family Services~~, and to such others as the department
 7570 may determine.

7571 (4) The Department of Health and the Department of
 7572 Children and Families ~~Family Services~~ shall report to the
 7573 Department of Financial Services the final disposition of all
 7574 cases wherein action has been taken pursuant to s. 414.39, based
 7575 upon information furnished by the Department of Financial
 7576 Services.

7577 Section 233. Section 414.42, Florida Statutes, is amended
 7578 to read:

7579 414.42 Cause for employee dismissal.—It is cause for
 7580 dismissal of an employee of the Department of Children and
 7581 Families ~~Family Services~~ if the employee knowingly and willfully
 7582 allows an ineligible person to obtain public assistance.

7583 Section 234. Subsection (7) of section 415.102, Florida
 7584 Statutes, is amended to read:

7585 415.102 Definitions of terms used in ss. 415.101-415.113.—
 7586 As used in ss. 415.101-415.113, the term:

7587 (7) "Department" means the Department of Children and
 7588 Families ~~Family Services~~.

7589 Section 235. Subsection (2) of section 415.107, Florida
 7590 Statutes, is amended to read:

7591 415.107 Confidentiality of reports and records.—

7592 (2) Upon the request of the committee chairperson, access

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7593 to all records shall be granted to staff of the legislative
7594 committees with jurisdiction over issues and services related to
7595 vulnerable adults, or over the department. All confidentiality
7596 provisions that apply to the Department of Children and Families
7597 ~~Family Services~~ continue to apply to the records made available
7598 to legislative staff under this subsection.

7599 Section 236. Subsections (1) and (2) of section 415.1071,
7600 Florida Statutes, are amended to read:

7601 415.1071 Release of confidential information.—

7602 (1) Any person or organization, including the Department
7603 of Children and Families ~~Family Services~~, may petition the court
7604 for an order making public the records of the Department of
7605 Children and Families ~~Family Services~~ which pertain to
7606 investigations of alleged abuse, neglect, or exploitation of a
7607 vulnerable adult. The court shall determine whether good cause
7608 exists for public access to the records sought or a portion
7609 thereof. In making this determination, the court shall balance
7610 the best interests of the vulnerable adult who is the focus of
7611 the investigation together with the privacy right of other
7612 persons identified in the reports against the public interest.
7613 The public interest in access to such records is reflected in s.
7614 119.01(1), and includes the need for citizens to know of and
7615 adequately evaluate the actions of the Department of Children
7616 and Families ~~Family Services~~ and the court system in providing
7617 vulnerable adults of this state with the protections enumerated
7618 in s. 415.101. However, this subsection does not contravene s.

7619 415.107, which protects the name of any person reporting the
 7620 abuse, neglect, or exploitation of a vulnerable adult.

7621 (2) In cases involving serious bodily injury to a
 7622 vulnerable adult, the Department of Children and Families ~~Family~~
 7623 ~~Services~~ may petition the court for an order for the immediate
 7624 public release of records of the department which pertain to the
 7625 protective investigation. The petition must be personally served
 7626 upon the vulnerable adult, the vulnerable adult's legal
 7627 guardian, if any, and any person named as an alleged perpetrator
 7628 in the report of abuse, neglect, or exploitation. The court must
 7629 determine whether good cause exists for the public release of
 7630 the records sought no later than 24 hours, excluding Saturdays,
 7631 Sundays, and legal holidays, after the date the department filed
 7632 the petition with the court. If the court does not grant or deny
 7633 the petition within the 24-hour time period, the department may
 7634 release to the public summary information including:

7635 (a) A confirmation that an investigation has been
 7636 conducted concerning the alleged victim.

7637 (b) The dates and brief description of procedural
 7638 activities undertaken during the department's investigation.

7639 (c) The date of each judicial proceeding, a summary of
 7640 each participant's recommendations made at the judicial
 7641 proceeding, and the ruling of the court.

7642
 7643 The summary information shall not include the name of, or other
 7644 identifying information with respect to, any person identified

7645 in any investigation. In making a determination to release
 7646 confidential information, the court shall balance the best
 7647 interests of the vulnerable adult who is the focus of the
 7648 investigation together with the privacy rights of other persons
 7649 identified in the reports against the public interest for access
 7650 to public records. However, this subsection does not contravene
 7651 s. 415.107, which protects the name of any person reporting
 7652 abuse, neglect, or exploitation of a vulnerable adult.

7653 Section 237. Paragraphs (a) and (b) of subsection (1) of
 7654 section 419.001, Florida Statutes, are amended to read:

7655 419.001 Site selection of community residential homes.—

7656 (1) For the purposes of this section, the term:

7657 (a) "Community residential home" means a dwelling unit
 7658 licensed to serve residents who are clients of the Department of
 7659 Elderly Affairs, the Agency for Persons with Disabilities, the
 7660 Department of Juvenile Justice, or the Department of Children
 7661 and Families ~~Family Services~~ or licensed by the Agency for
 7662 Health Care Administration which provides a living environment
 7663 for 7 to 14 unrelated residents who operate as the functional
 7664 equivalent of a family, including such supervision and care by
 7665 supportive staff as may be necessary to meet the physical,
 7666 emotional, and social needs of the residents.

7667 (b) "Licensing entity" or "licensing entities" means the
 7668 Department of Elderly Affairs, the Agency for Persons with
 7669 Disabilities, the Department of Juvenile Justice, the Department
 7670 of Children and Families ~~Family Services~~, or the Agency for

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7671 Health Care Administration, all of which are authorized to
 7672 license a community residential home to serve residents.

7673 Section 238. Subsection (3) of section 420.621, Florida
 7674 Statutes, is amended to read:

7675 420.621 Definitions.—As used in ss. 420.621-420.628, the
 7676 term:

7677 (3) "Department" means the Department of Children and
 7678 Families ~~Family Services~~.

7679 Section 239. Subsections (2), (8), and (9) of section
 7680 420.622, Florida Statutes, are amended to read:

7681 420.622 State Office on Homelessness; Council on
 7682 Homelessness.—

7683 (2) The Council on Homelessness is created to consist of a
 7684 17-member council of public and private agency representatives
 7685 who shall develop policy and advise the State Office on
 7686 Homelessness. The council members shall be: the Secretary of
 7687 Children and Families ~~Family Services~~, or his or her designee;
 7688 the executive director of the Department of Economic
 7689 Opportunity, or his or her designee, to advise the council on
 7690 issues related to rural development; the State Surgeon General,
 7691 or his or her designee; the Executive Director of Veterans'
 7692 Affairs, or his or her designee; the Secretary of Corrections,
 7693 or his or her designee; the Secretary of Health Care
 7694 Administration, or his or her designee; the Commissioner of
 7695 Education, or his or her designee; the Director of Workforce
 7696 Florida, Inc., or his or her designee; one representative of the

7697 Florida Association of Counties; one representative from the
 7698 Florida League of Cities; one representative of the Florida
 7699 Supportive Housing Coalition; the Executive Director of the
 7700 Florida Housing Finance Corporation, or his or her designee; one
 7701 representative of the Florida Coalition for the Homeless; and
 7702 four members appointed by the Governor. The council members
 7703 shall be volunteer, nonpaid persons and shall be reimbursed for
 7704 travel expenses only. The appointed members of the council shall
 7705 be appointed to staggered 2-year terms, and the council shall
 7706 meet at least four times per year. The importance of minority,
 7707 gender, and geographic representation must be considered when
 7708 appointing members to the council.

7709 (8) The Department of Children and Families ~~Family~~
 7710 ~~Services~~, with input from the Council on Homelessness, must
 7711 adopt rules relating to the challenge grants and the homeless
 7712 housing assistance grants and related issues consistent with the
 7713 purposes of this section.

7714 (9) The council shall, by June 30 of each year, beginning
 7715 in 2010, provide to the Governor, the Legislature, and the
 7716 Secretary of Children and Families ~~Family Services~~ a report
 7717 summarizing the extent of homelessness in the state and the
 7718 council's recommendations for reducing homelessness in this
 7719 state.

7720 Section 240. Paragraph (d) of subsection (1) of section
 7721 420.628, Florida Statutes, is amended to read:

7722 420.628 Affordable housing for children and young adults

7723 leaving foster care; legislative findings and intent.—

7724 (1)

7725 (d) The Legislature intends that the Florida Housing
 7726 Finance Corporation, agencies within the State Housing
 7727 Initiative Partnership Program, local housing finance agencies,
 7728 public housing authorities, and their agents, and other
 7729 providers of affordable housing coordinate with the Department
 7730 of Children and Families ~~Family Services~~, their agents, and
 7731 community-based care providers who provide services under s.
 7732 409.1671 to develop and implement strategies and procedures
 7733 designed to make affordable housing available whenever and
 7734 wherever possible to young adults who leave the child welfare
 7735 system.

7736 Section 241. Paragraph (d) of subsection (1) of section
 7737 421.10, Florida Statutes, is amended to read:

7738 421.10 Rentals and tenant selection.—

7739 (1) In the operation or management of housing projects an
 7740 authority shall at all times observe the following duties with
 7741 respect to rentals and tenant selection:

7742 (d) The Department of Children and Families ~~Family~~
 7743 ~~Services~~, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), may not
 7744 consider as income for recipients of temporary cash assistance
 7745 any assistance received by recipients from other agencies or
 7746 organizations such as public housing authorities.

7747 Section 242. Paragraph (g) of subsection (1) of section
 7748 427.012, Florida Statutes, is amended to read:

7749 427.012 The Commission for the Transportation
 7750 Disadvantaged.—There is created the Commission for the
 7751 Transportation Disadvantaged in the Department of
 7752 Transportation.

7753 (1) The commission shall consist of seven members, all of
 7754 whom shall be appointed by the Governor, in accordance with the
 7755 requirements of s. 20.052.

7756 (g) The Secretary of Transportation, the Secretary of
 7757 Children and Families ~~Family Services~~, the executive director of
 7758 the Department of Economic Opportunity, the executive director
 7759 of the Department of Veterans' Affairs, the Secretary of Elderly
 7760 Affairs, the Secretary of Health Care Administration, the
 7761 director of the Agency for Persons with Disabilities, and a
 7762 county manager or administrator who is appointed by the
 7763 Governor, or a senior management level representative of each,
 7764 shall serve as ex officio, nonvoting advisors to the commission.

7765 Section 243. Subsection (2) of section 429.01, Florida
 7766 Statutes, is amended to read:

7767 429.01 Short title; purpose.—

7768 (2) The purpose of this act is to promote the availability
 7769 of appropriate services for elderly persons and adults with
 7770 disabilities in the least restrictive and most homelike
 7771 environment, to encourage the development of facilities that
 7772 promote the dignity, individuality, privacy, and decisionmaking
 7773 ability of such persons, to provide for the health, safety, and
 7774 welfare of residents of assisted living facilities in the state,

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7775 | to promote continued improvement of such facilities, to
7776 | encourage the development of innovative and affordable
7777 | facilities particularly for persons with low to moderate
7778 | incomes, to ensure that all agencies of the state cooperate in
7779 | the protection of such residents, and to ensure that needed
7780 | economic, social, mental health, health, and leisure services
7781 | are made available to residents of such facilities through the
7782 | efforts of the Agency for Health Care Administration, the
7783 | Department of Elderly Affairs, the Department of Children and
7784 | Families ~~Family Services~~, the Department of Health, assisted
7785 | living facilities, and other community agencies. To the maximum
7786 | extent possible, appropriate community-based programs must be
7787 | available to state-supported residents to augment the services
7788 | provided in assisted living facilities. The Legislature
7789 | recognizes that assisted living facilities are an important part
7790 | of the continuum of long-term care in the state. In support of
7791 | the goal of aging in place, the Legislature further recognizes
7792 | that assisted living facilities should be operated and regulated
7793 | as residential environments with supportive services and not as
7794 | medical or nursing facilities. The services available in these
7795 | facilities, either directly or through contract or agreement,
7796 | are intended to help residents remain as independent as
7797 | possible. Regulations governing these facilities must be
7798 | sufficiently flexible to allow facilities to adopt policies that
7799 | enable residents to age in place when resources are available to
7800 | meet their needs and accommodate their preferences.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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7801 Section 244. Subsection (1) and paragraph (b) of
 7802 subsection (3) of section 429.075, Florida Statutes, are amended
 7803 to read:

7804 429.075 Limited mental health license.—An assisted living
 7805 facility that serves three or more mental health residents must
 7806 obtain a limited mental health license.

7807 (1) To obtain a limited mental health license, a facility
 7808 must hold a standard license as an assisted living facility,
 7809 must not have any current uncorrected deficiencies or
 7810 violations, and must ensure that, within 6 months after
 7811 receiving a limited mental health license, the facility
 7812 administrator and the staff of the facility who are in direct
 7813 contact with mental health residents must complete training of
 7814 no less than 6 hours related to their duties. Such designation
 7815 may be made at the time of initial licensure or relicensure or
 7816 upon request in writing by a licensee under this part and part
 7817 II of chapter 408. Notification of approval or denial of such
 7818 request shall be made in accordance with this part, part II of
 7819 chapter 408, and applicable rules. This training will be
 7820 provided by or approved by the Department of Children and
 7821 Families ~~Family Services~~.

7822 (3) A facility that has a limited mental health license
 7823 must:

7824 (b) Have documentation that is provided by the Department
 7825 of Children and Families ~~Family Services~~ that each mental health
 7826 resident has been assessed and determined to be able to live in

7827 | the community in an assisted living facility with a limited
 7828 | mental health license.

7829 | Section 245. Paragraphs (c) and (d) of subsection (2) of
 7830 | section 429.08, Florida Statutes, are amended to read:

7831 | 429.08 Unlicensed facilities; referral of person for
 7832 | residency to unlicensed facility; penalties.—

7833 | (2) It is unlawful to knowingly refer a person for
 7834 | residency to an unlicensed assisted living facility; to an
 7835 | assisted living facility the license of which is under denial or
 7836 | has been suspended or revoked; or to an assisted living facility
 7837 | that has a moratorium pursuant to part II of chapter 408.

7838 | (c) Any employee of the agency or department, or the
 7839 | Department of Children and Families ~~Family Services~~, who
 7840 | knowingly refers a person for residency to an unlicensed
 7841 | facility; to a facility the license of which is under denial or
 7842 | has been suspended or revoked; or to a facility that has a
 7843 | moratorium pursuant to part II of chapter 408 is subject to
 7844 | disciplinary action by the agency or department, or the
 7845 | Department of Children and Families ~~Family Services~~.

7846 | (d) The employer of any person who is under contract with
 7847 | the agency or department, or the Department of Children and
 7848 | Families ~~Family Services~~, and who knowingly refers a person for
 7849 | residency to an unlicensed facility; to a facility the license
 7850 | of which is under denial or has been suspended or revoked; or to
 7851 | a facility that has a moratorium pursuant to part II of chapter
 7852 | 408 shall be fined and required to prepare a corrective action

7853 plan designed to prevent such referrals.

7854 Section 246. Subsection (9) of section 429.19, Florida
7855 Statutes, is amended to read:

7856 429.19 Violations; imposition of administrative fines;
7857 grounds.—

7858 (9) The agency shall develop and disseminate an annual
7859 list of all facilities sanctioned or fined for violations of
7860 state standards, the number and class of violations involved,
7861 the penalties imposed, and the current status of cases. The list
7862 shall be disseminated, at no charge, to the Department of
7863 Elderly Affairs, the Department of Health, the Department of
7864 Children and Families ~~Family Services~~, the Agency for Persons
7865 with Disabilities, the area agencies on aging, the Florida
7866 Statewide Advocacy Council, and the state and local ombudsman
7867 councils. The Department of Children and Families ~~Family~~
7868 ~~Services~~ shall disseminate the list to service providers under
7869 contract to the department who are responsible for referring
7870 persons to a facility for residency. The agency may charge a fee
7871 commensurate with the cost of printing and postage to other
7872 interested parties requesting a copy of this list. This
7873 information may be provided electronically or through the
7874 agency's Internet site.

7875 Section 247. Subsection (6) of section 429.23, Florida
7876 Statutes, is amended to read:

7877 429.23 Internal risk management and quality assurance
7878 program; adverse incidents and reporting requirements.—

7879 (6) Abuse, neglect, or exploitation must be reported to
 7880 the Department of Children and Families ~~Family Services~~ as
 7881 required under chapter 415.

7882 Section 248. Subsections (1), (6), and (8) of section
 7883 429.26, Florida Statutes, are amended to read:

7884 429.26 Appropriateness of placements; examinations of
 7885 residents.—

7886 (1) The owner or administrator of a facility is
 7887 responsible for determining the appropriateness of admission of
 7888 an individual to the facility and for determining the continued
 7889 appropriateness of residence of an individual in the facility. A
 7890 determination shall be based upon an assessment of the
 7891 strengths, needs, and preferences of the resident, the care and
 7892 services offered or arranged for by the facility in accordance
 7893 with facility policy, and any limitations in law or rule related
 7894 to admission criteria or continued residency for the type of
 7895 license held by the facility under this part. A resident may not
 7896 be moved from one facility to another without consultation with
 7897 and agreement from the resident or, if applicable, the
 7898 resident's representative or designee or the resident's family,
 7899 guardian, surrogate, or attorney in fact. In the case of a
 7900 resident who has been placed by the department or the Department
 7901 of Children and Families ~~Family Services~~, the administrator must
 7902 notify the appropriate contact person in the applicable
 7903 department.

7904 (6) Any resident accepted in a facility and placed by the

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7905 department or the Department of Children and Families ~~Family~~
7906 ~~Services~~ shall have been examined by medical personnel within 30
7907 days before placement in the facility. The examination shall
7908 include an assessment of the appropriateness of placement in a
7909 facility. The findings of this examination shall be recorded on
7910 the examination form provided by the agency. The completed form
7911 shall accompany the resident and shall be submitted to the
7912 facility owner or administrator. Additionally, in the case of a
7913 mental health resident, the Department of Children and Families
7914 ~~Family Services~~ must provide documentation that the individual
7915 has been assessed by a psychiatrist, clinical psychologist,
7916 clinical social worker, or psychiatric nurse, or an individual
7917 who is supervised by one of these professionals, and determined
7918 to be appropriate to reside in an assisted living facility. The
7919 documentation must be in the facility within 30 days after the
7920 mental health resident has been admitted to the facility. An
7921 evaluation completed upon discharge from a state mental hospital
7922 meets the requirements of this subsection related to
7923 appropriateness for placement as a mental health resident
7924 providing it was completed within 90 days prior to admission to
7925 the facility. The applicable department shall provide to the
7926 facility administrator any information about the resident that
7927 would help the administrator meet his or her responsibilities
7928 under subsection (1). Further, department personnel shall
7929 explain to the facility operator any special needs of the
7930 resident and advise the operator whom to call should problems

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7931 arise. The applicable department shall advise and assist the
7932 facility administrator where the special needs of residents who
7933 are recipients of optional state supplementation require such
7934 assistance.

7935 (8) The Department of Children and Families ~~Family~~
7936 ~~Services~~ may require an examination for supplemental security
7937 income and optional state supplementation recipients residing in
7938 facilities at any time and shall provide the examination
7939 whenever a resident's condition requires it. Any facility
7940 administrator; personnel of the agency, the department, or the
7941 Department of Children and Families ~~Family Services~~; or long-
7942 term care ombudsman council member who believes a resident needs
7943 to be evaluated shall notify the resident's case manager, who
7944 shall take appropriate action. A report of the examination
7945 findings shall be provided to the resident's case manager and
7946 the facility administrator to help the administrator meet his or
7947 her responsibilities under subsection (1).

7948 Section 249. Subsection (2) of section 429.31, Florida
7949 Statutes, is amended to read:

7950 429.31 Closing of facility; notice; penalty.—

7951 (2) Immediately upon the notice by the agency of the
7952 voluntary or involuntary termination of such operation, the
7953 agency shall monitor the transfer of residents to other
7954 facilities and ensure that residents' rights are being
7955 protected. The department, in consultation with the Department
7956 of Children and Families ~~Family Services~~, shall specify

7957 | procedures for ensuring that all residents who receive services
 7958 | are appropriately relocated.

7959 | Section 250. Section 429.34, Florida Statutes, is amended
 7960 | to read:

7961 | 429.34 Right of entry and inspection.—In addition to the
 7962 | requirements of s. 408.811, any duly designated officer or
 7963 | employee of the department, the Department of Children and
 7964 | Families ~~Family Services~~, the Medicaid Fraud Control Unit of the
 7965 | Office of the Attorney General, the state or local fire marshal,
 7966 | or a member of the state or local long-term care ombudsman
 7967 | council shall have the right to enter unannounced upon and into
 7968 | the premises of any facility licensed pursuant to this part in
 7969 | order to determine the state of compliance with the provisions
 7970 | of this part, part II of chapter 408, and applicable rules. Data
 7971 | collected by the state or local long-term care ombudsman
 7972 | councils or the state or local advocacy councils may be used by
 7973 | the agency in investigations involving violations of regulatory
 7974 | standards.

7975 | Section 251. Subsection (1) of section 429.41, Florida
 7976 | Statutes, is amended to read:

7977 | 429.41 Rules establishing standards.—

7978 | (1) It is the intent of the Legislature that rules
 7979 | published and enforced pursuant to this section shall include
 7980 | criteria by which a reasonable and consistent quality of
 7981 | resident care and quality of life may be ensured and the results
 7982 | of such resident care may be demonstrated. Such rules shall also

7983 ensure a safe and sanitary environment that is residential and
 7984 noninstitutional in design or nature. It is further intended
 7985 that reasonable efforts be made to accommodate the needs and
 7986 preferences of residents to enhance the quality of life in a
 7987 facility. The agency, in consultation with the department, may
 7988 adopt rules to administer the requirements of part II of chapter
 7989 408. In order to provide safe and sanitary facilities and the
 7990 highest quality of resident care accommodating the needs and
 7991 preferences of residents, the department, in consultation with
 7992 the agency, the Department of Children and Families ~~Family~~
 7993 ~~Services~~, and the Department of Health, shall adopt rules,
 7994 policies, and procedures to administer this part, which must
 7995 include reasonable and fair minimum standards in relation to:

7996 (a) The requirements for and maintenance of facilities,
 7997 not in conflict with chapter 553, relating to plumbing, heating,
 7998 cooling, lighting, ventilation, living space, and other housing
 7999 conditions, which will ensure the health, safety, and comfort of
 8000 residents and protection from fire hazard, including adequate
 8001 provisions for fire alarm and other fire protection suitable to
 8002 the size of the structure. Uniform firesafety standards shall be
 8003 established and enforced by the State Fire Marshal in
 8004 cooperation with the agency, the department, and the Department
 8005 of Health.

8006 1. Evacuation capability determination.—

8007 a. The National Fire Protection Association, NFPA 101A,
 8008 Chapter 5, 1995 edition, shall be used for determining the

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8009 ability of the residents, with or without staff assistance, to
8010 relocate from or within a licensed facility to a point of safety
8011 as provided in the fire codes adopted herein. An evacuation
8012 capability evaluation for initial licensure shall be conducted
8013 within 6 months after the date of licensure. For existing
8014 licensed facilities that are not equipped with an automatic fire
8015 sprinkler system, the administrator shall evaluate the
8016 evacuation capability of residents at least annually. The
8017 evacuation capability evaluation for each facility not equipped
8018 with an automatic fire sprinkler system shall be validated,
8019 without liability, by the State Fire Marshal, by the local fire
8020 marshal, or by the local authority having jurisdiction over
8021 firesafety, before the license renewal date. If the State Fire
8022 Marshal, local fire marshal, or local authority having
8023 jurisdiction over firesafety has reason to believe that the
8024 evacuation capability of a facility as reported by the
8025 administrator may have changed, it may, with assistance from the
8026 facility administrator, reevaluate the evacuation capability
8027 through timed exiting drills. Translation of timed fire exiting
8028 drills to evacuation capability may be determined:

8029 (I) Three minutes or less: prompt.

8030 (II) More than 3 minutes, but not more than 13 minutes:
8031 slow.

8032 (III) More than 13 minutes: impractical.

8033 b. The Office of the State Fire Marshal shall provide or
8034 cause the provision of training and education on the proper

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8035 application of Chapter 5, NFPA 101A, 1995 edition, to its
8036 employees, to staff of the Agency for Health Care Administration
8037 who are responsible for regulating facilities under this part,
8038 and to local governmental inspectors. The Office of the State
8039 Fire Marshal shall provide or cause the provision of this
8040 training within its existing budget, but may charge a fee for
8041 this training to offset its costs. The initial training must be
8042 delivered within 6 months after July 1, 1995, and as needed
8043 thereafter.

8044 c. The Office of the State Fire Marshal, in cooperation
8045 with provider associations, shall provide or cause the provision
8046 of a training program designed to inform facility operators on
8047 how to properly review bid documents relating to the
8048 installation of automatic fire sprinklers. The Office of the
8049 State Fire Marshal shall provide or cause the provision of this
8050 training within its existing budget, but may charge a fee for
8051 this training to offset its costs. The initial training must be
8052 delivered within 6 months after July 1, 1995, and as needed
8053 thereafter.

8054 d. The administrator of a licensed facility shall sign an
8055 affidavit verifying the number of residents occupying the
8056 facility at the time of the evacuation capability evaluation.

8057 2. Firesafety requirements.—

8058 a. Except for the special applications provided herein,
8059 effective January 1, 1996, the National Fire Protection
8060 Association, Life Safety Code, NFPA 101, 1994 edition, Chapter

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8061 22 for new facilities and Chapter 23 for existing facilities
8062 shall be the uniform fire code applied by the State Fire Marshal
8063 for assisted living facilities, pursuant to s. 633.206.

8064 b. Any new facility, regardless of size, that applies for
8065 a license on or after January 1, 1996, must be equipped with an
8066 automatic fire sprinkler system. The exceptions as provided in
8067 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
8068 to any new facility housing eight or fewer residents. On July 1,
8069 1995, local governmental entities responsible for the issuance
8070 of permits for construction shall inform, without liability, any
8071 facility whose permit for construction is obtained before
8072 January 1, 1996, of this automatic fire sprinkler requirement.
8073 As used in this part, the term "a new facility" does not mean an
8074 existing facility that has undergone change of ownership.

8075 c. Notwithstanding any provision of s. 633.206 or of the
8076 National Fire Protection Association, NFPA 101A, Chapter 5, 1995
8077 edition, to the contrary, any existing facility housing eight or
8078 fewer residents is not required to install an automatic fire
8079 sprinkler system, nor to comply with any other requirement in
8080 Chapter 23, NFPA 101, 1994 edition, that exceeds the firesafety
8081 requirements of NFPA 101, 1988 edition, that applies to this
8082 size facility, unless the facility has been classified as
8083 impractical to evacuate. Any existing facility housing eight or
8084 fewer residents that is classified as impractical to evacuate
8085 must install an automatic fire sprinkler system within the
8086 timeframes granted in this section.

8087 d. Any existing facility that is required to install an
8088 automatic fire sprinkler system under this paragraph need not
8089 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
8090 edition, which exceed the provisions of NFPA 101, 1988 edition.
8091 The mandate contained in this paragraph which requires certain
8092 facilities to install an automatic fire sprinkler system
8093 supersedes any other requirement.

8094 e. This paragraph does not supersede the exceptions
8095 granted in NFPA 101, 1988 edition or 1994 edition.

8096 f. This paragraph does not exempt facilities from other
8097 firesafety provisions adopted under s. 633.206 and local
8098 building code requirements in effect before July 1, 1995.

8099 g. A local government may charge fees only in an amount
8100 not to exceed the actual expenses incurred by local government
8101 relating to the installation and maintenance of an automatic
8102 fire sprinkler system in an existing and properly licensed
8103 assisted living facility structure as of January 1, 1996.

8104 h. If a licensed facility undergoes major reconstruction
8105 or addition to an existing building on or after January 1, 1996,
8106 the entire building must be equipped with an automatic fire
8107 sprinkler system. Major reconstruction of a building means
8108 repair or restoration that costs in excess of 50 percent of the
8109 value of the building as reported on the tax rolls, excluding
8110 land, before reconstruction. Multiple reconstruction projects
8111 within a 5-year period the total costs of which exceed 50
8112 percent of the initial value of the building when the first

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8113 reconstruction project was permitted are to be considered as
8114 major reconstruction. Application for a permit for an automatic
8115 fire sprinkler system is required upon application for a permit
8116 for a reconstruction project that creates costs that go over the
8117 50-percent threshold.

8118 i. Any facility licensed before January 1, 1996, that is
8119 required to install an automatic fire sprinkler system shall
8120 ensure that the installation is completed within the following
8121 timeframes based upon evacuation capability of the facility as
8122 determined under subparagraph 1.:

8123 (I) Impractical evacuation capability, 24 months.

8124 (II) Slow evacuation capability, 48 months.

8125 (III) Prompt evacuation capability, 60 months.

8126

8127 The beginning date from which the deadline for the automatic
8128 fire sprinkler installation requirement must be calculated is
8129 upon receipt of written notice from the local fire official that
8130 an automatic fire sprinkler system must be installed. The local
8131 fire official shall send a copy of the document indicating the
8132 requirement of a fire sprinkler system to the Agency for Health
8133 Care Administration.

8134 j. It is recognized that the installation of an automatic
8135 fire sprinkler system may create financial hardship for some
8136 facilities. The appropriate local fire official shall, without
8137 liability, grant two 1-year extensions to the timeframes for
8138 installation established herein, if an automatic fire sprinkler

8139 installation cost estimate and proof of denial from two
8140 financial institutions for a construction loan to install the
8141 automatic fire sprinkler system are submitted. However, for any
8142 facility with a class I or class II, or a history of uncorrected
8143 class III, firesafety deficiencies, an extension must not be
8144 granted. The local fire official shall send a copy of the
8145 document granting the time extension to the Agency for Health
8146 Care Administration.

8147 k. A facility owner whose facility is required to be
8148 equipped with an automatic fire sprinkler system under Chapter
8149 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
8150 any potential buyer of the facility that an installation of an
8151 automatic fire sprinkler requirement exists. The sale of the
8152 facility does not alter the timeframe for the installation of
8153 the automatic fire sprinkler system.

8154 l. Existing facilities required to install an automatic
8155 fire sprinkler system as a result of construction-type
8156 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted
8157 herein, or evacuation capability requirements shall be notified
8158 by the local fire official in writing of the automatic fire
8159 sprinkler requirement, as well as the appropriate date for final
8160 compliance as provided in this subparagraph. The local fire
8161 official shall send a copy of the document to the Agency for
8162 Health Care Administration.

8163 m. Except in cases of life-threatening fire hazards, if an
8164 existing facility experiences a change in the evacuation

8165 capability, or if the local authority having jurisdiction
8166 identifies a construction-type restriction, such that an
8167 automatic fire sprinkler system is required, it shall be given
8168 time for installation as provided in this subparagraph.

8169

8170 Facilities that are fully sprinkled and in compliance with other
8171 firesafety standards are not required to conduct more than one
8172 of the required fire drills between the hours of 11 p.m. and 7
8173 a.m., per year. In lieu of the remaining drills, staff
8174 responsible for residents during such hours may be required to
8175 participate in a mock drill that includes a review of evacuation
8176 procedures. Such standards must be included or referenced in the
8177 rules adopted by the State Fire Marshal. Pursuant to s.
8178 633.206(1)(b), the State Fire Marshal is the final
8179 administrative authority for firesafety standards established
8180 and enforced pursuant to this section. All licensed facilities
8181 must have an annual fire inspection conducted by the local fire
8182 marshal or authority having jurisdiction.

8183 3. Resident elopement requirements.—Facilities are
8184 required to conduct a minimum of two resident elopement
8185 prevention and response drills per year. All administrators and
8186 direct care staff must participate in the drills which shall
8187 include a review of procedures to address resident elopement.
8188 Facilities must document the implementation of the drills and
8189 ensure that the drills are conducted in a manner consistent with
8190 the facility's resident elopement policies and procedures.

8191 (b) The preparation and annual update of a comprehensive
8192 emergency management plan. Such standards must be included in
8193 the rules adopted by the department after consultation with the
8194 Division of Emergency Management. At a minimum, the rules must
8195 provide for plan components that address emergency evacuation
8196 transportation; adequate sheltering arrangements; postdisaster
8197 activities, including provision of emergency power, food, and
8198 water; postdisaster transportation; supplies; staffing;
8199 emergency equipment; individual identification of residents and
8200 transfer of records; communication with families; and responses
8201 to family inquiries. The comprehensive emergency management plan
8202 is subject to review and approval by the local emergency
8203 management agency. During its review, the local emergency
8204 management agency shall ensure that the following agencies, at a
8205 minimum, are given the opportunity to review the plan: the
8206 Department of Elderly Affairs, the Department of Health, the
8207 Agency for Health Care Administration, and the Division of
8208 Emergency Management. Also, appropriate volunteer organizations
8209 must be given the opportunity to review the plan. The local
8210 emergency management agency shall complete its review within 60
8211 days and either approve the plan or advise the facility of
8212 necessary revisions.

8213 (c) The number, training, and qualifications of all
8214 personnel having responsibility for the care of residents. The
8215 rules must require adequate staff to provide for the safety of
8216 all residents. Facilities licensed for 17 or more residents are

8217 required to maintain an alert staff for 24 hours per day.

8218 (d) All sanitary conditions within the facility and its
 8219 surroundings which will ensure the health and comfort of
 8220 residents. The rules must clearly delineate the responsibilities
 8221 of the agency's licensure and survey staff, the county health
 8222 departments, and the local authority having jurisdiction over
 8223 firesafety and ensure that inspections are not duplicative. The
 8224 agency may collect fees for food service inspections conducted
 8225 by the county health departments and transfer such fees to the
 8226 Department of Health.

8227 (e) License application and license renewal, transfer of
 8228 ownership, proper management of resident funds and personal
 8229 property, surety bonds, resident contracts, refund policies,
 8230 financial ability to operate, and facility and staff records.

8231 (f) Inspections, complaint investigations, moratoriums,
 8232 classification of deficiencies, levying and enforcement of
 8233 penalties, and use of income from fees and fines.

8234 (g) The enforcement of the resident bill of rights
 8235 specified in s. 429.28.

8236 (h) The care and maintenance of residents, which must
 8237 include, but is not limited to:

- 8238 1. The supervision of residents;
- 8239 2. The provision of personal services;
- 8240 3. The provision of, or arrangement for, social and
 8241 leisure activities;
- 8242 4. The arrangement for appointments and transportation to

8243 appropriate medical, dental, nursing, or mental health services,
 8244 as needed by residents;

8245 5. The management of medication;

8246 6. The nutritional needs of residents;

8247 7. Resident records; and

8248 8. Internal risk management and quality assurance.

8249 (i) Facilities holding a limited nursing, extended
 8250 congregate care, or limited mental health license.

8251 (j) The establishment of specific criteria to define
 8252 appropriateness of resident admission and continued residency in
 8253 a facility holding a standard, limited nursing, extended
 8254 congregate care, and limited mental health license.

8255 (k) The use of physical or chemical restraints. The use of
 8256 physical restraints is limited to half-bed rails as prescribed
 8257 and documented by the resident's physician with the consent of
 8258 the resident or, if applicable, the resident's representative or
 8259 designee or the resident's surrogate, guardian, or attorney in
 8260 fact. The use of chemical restraints is limited to prescribed
 8261 dosages of medications authorized by the resident's physician
 8262 and must be consistent with the resident's diagnosis. Residents
 8263 who are receiving medications that can serve as chemical
 8264 restraints must be evaluated by their physician at least
 8265 annually to assess:

8266 1. The continued need for the medication.

8267 2. The level of the medication in the resident's blood.

8268 3. The need for adjustments in the prescription.

8269 (1) The establishment of specific policies and procedures
 8270 on resident elopement. Facilities shall conduct a minimum of two
 8271 resident elopement drills each year. All administrators and
 8272 direct care staff shall participate in the drills. Facilities
 8273 shall document the drills.

8274 Section 252. Subsections (6) and (8) of section 429.67,
 8275 Florida Statutes, are amended to read:

8276 429.67 Licensure.—

8277 (6) In addition to the requirements of s. 408.811, access
 8278 to a licensed adult family-care home must be provided at
 8279 reasonable times for the appropriate officials of the
 8280 department, the Department of Health, the Department of Children
 8281 and Families ~~Family Services~~, the agency, and the State Fire
 8282 Marshal, who are responsible for the development and maintenance
 8283 of fire, health, sanitary, and safety standards, to inspect the
 8284 facility to assure compliance with these standards. In addition,
 8285 access to a licensed adult family-care home must be provided at
 8286 reasonable times for the local long-term care ombudsman council.

8287 (8) Each adult family-care home must designate at least
 8288 one licensed space for a resident receiving optional state
 8289 supplementation. The Department of Children and Families ~~Family~~
 8290 ~~Services~~ shall specify by rule the procedures to be followed for
 8291 referring residents who receive optional state supplementation
 8292 to adult family-care homes. Those homes licensed as adult foster
 8293 homes or assisted living facilities prior to January 1, 1994,
 8294 that convert to adult family-care homes, are exempt from this

8295 requirement.

8296 Section 253. Subsection (1) of section 429.73, Florida
8297 Statutes, is amended to read:

8298 429.73 Rules and standards relating to adult family-care
8299 homes.—

8300 (1) The agency, in consultation with the department, may
8301 adopt rules to administer the requirements of part II of chapter
8302 408. The department, in consultation with the Department of
8303 Health, the Department of Children and Families ~~Family Services~~,
8304 and the agency shall, by rule, establish minimum standards to
8305 ensure the health, safety, and well-being of each resident in
8306 the adult family-care home pursuant to this part. The rules must
8307 address:

8308 (a) Requirements for the physical site of the facility and
8309 facility maintenance.

8310 (b) Services that must be provided to all residents of an
8311 adult family-care home and standards for such services, which
8312 must include, but need not be limited to:

- 8313 1. Room and board.
- 8314 2. Assistance necessary to perform the activities of daily
8315 living.
- 8316 3. Assistance necessary to administer medication.
- 8317 4. Supervision of residents.
- 8318 5. Health monitoring.
- 8319 6. Social and leisure activities.

8320 (c) Standards and procedures for license application and

8321 annual license renewal, advertising, proper management of each
8322 resident's funds and personal property and personal affairs,
8323 financial ability to operate, medication management,
8324 inspections, complaint investigations, and facility, staff, and
8325 resident records.

8326 (d) Qualifications, training, standards, and
8327 responsibilities for providers and staff.

8328 (e) Compliance with chapter 419, relating to community
8329 residential homes.

8330 (f) Criteria and procedures for determining the
8331 appropriateness of a resident's placement and continued
8332 residency in an adult family-care home. A resident who requires
8333 24-hour nursing supervision may not be retained in an adult
8334 family-care home unless such resident is an enrolled hospice
8335 patient and the resident's continued residency is mutually
8336 agreeable to the resident and the provider.

8337 (g) Procedures for providing notice and assuring the least
8338 possible disruption of residents' lives when residents are
8339 relocated, an adult family-care home is closed, or the ownership
8340 of an adult family-care home is transferred.

8341 (h) Procedures to protect the residents' rights as
8342 provided in s. 429.85.

8343 (i) Procedures to promote the growth of adult family-care
8344 homes as a component of a long-term care system.

8345 (j) Procedures to promote the goal of aging in place for
8346 residents of adult family-care homes.

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8347 Section 254. Subsection (4) of section 429.75, Florida
 8348 Statutes, is amended to read:

8349 429.75 Training and education programs.—

8350 (4) If the Department of Children and Families ~~Family~~
 8351 ~~Services~~, the agency, or the department determines that there
 8352 are problems in an adult family-care home which could be reduced
 8353 through specific training or education beyond that required
 8354 under this section, the agency may require the provider or staff
 8355 to complete such training or education.

8356 Section 255. Subsection (1), paragraph (g) of subsection
 8357 (3), and subsection (13) of section 430.2053, Florida Statutes,
 8358 are amended to read:

8359 430.2053 Aging resource centers.—

8360 (1) The department, in consultation with the Agency for
 8361 Health Care Administration and the Department of Children and
 8362 Families ~~Family Services~~, shall develop pilot projects for aging
 8363 resource centers.

8364 (3) The duties of an aging resource center are to:

8365 (g) Enhance the existing area agency on aging in each
 8366 planning and service area by integrating, either physically or
 8367 virtually, the staff and services of the area agency on aging
 8368 with the staff of the department's local CARES Medicaid
 8369 preadmission screening unit and a sufficient number of staff
 8370 from the Department of Children and Families' ~~Family Services~~'
 8371 Economic Self-Sufficiency Unit necessary to determine the
 8372 financial eligibility for all persons age 60 and older residing

8373 within the area served by the aging resource center that are
 8374 seeking Medicaid services, Supplemental Security Income, and
 8375 food assistance.

8376 (13) Each aging resource center shall enter into a
 8377 memorandum of understanding with the Department of Children and
 8378 Families ~~Family Services~~ for collaboration with the Economic
 8379 Self-Sufficiency Unit staff. The memorandum of understanding
 8380 shall outline which staff persons are responsible for which
 8381 functions and shall provide the staffing levels necessary to
 8382 carry out the functions of the aging resource center.

8383 Section 256. Subsection (5) of section 430.705, Florida
 8384 Statutes, is amended to read:

8385 430.705 Implementation of the long-term care community
 8386 diversion pilot projects.—

8387 (5) A prospective participant who applies for the long-
 8388 term care community diversion pilot project and is determined by
 8389 the Comprehensive Assessment Review and Evaluation for Long-Term
 8390 Care Services (CARES) Program within the Department of Elderly
 8391 Affairs to be medically eligible, but has not been determined
 8392 financially eligible by the Department of Children and Families
 8393 ~~Family Services~~, shall be designated "Medicaid Pending." CARES
 8394 shall determine each applicant's eligibility within 22 days
 8395 after receiving the application. Contractors may elect to
 8396 provide services to Medicaid Pending individuals until their
 8397 financial eligibility is determined. If the individual is
 8398 determined financially eligible, the agency shall pay the

8399 contractor that provided the services a capitated rate
 8400 retroactive to the first of the month following the CARES
 8401 eligibility determination. If the individual is not financially
 8402 eligible for Medicaid, the contractor may terminate services and
 8403 seek reimbursement from the individual.

8404 Section 257. Subsections (1) and (5) of section 435.02,
 8405 Florida Statutes, are amended to read:

8406 435.02 Definitions.—For the purposes of this chapter, the
 8407 term:

8408 (1) "Agency" means any state, county, or municipal agency
 8409 that grants licenses or registration permitting the operation of
 8410 an employer or is itself an employer or that otherwise
 8411 facilitates the screening of employees pursuant to this chapter.
 8412 If there is no state agency or the municipal or county agency
 8413 chooses not to conduct employment screening, "agency" means the
 8414 Department of Children and Families ~~Family Services~~.

8415 (5) "Specified agency" means the Department of Health, the
 8416 Department of Children and Families ~~Family Services~~, the
 8417 Division of Vocational Rehabilitation within the Department of
 8418 Education, the Agency for Health Care Administration, the
 8419 Department of Elderly Affairs, the Department of Juvenile
 8420 Justice, and the Agency for Persons with Disabilities when these
 8421 agencies are conducting state and national criminal history
 8422 background screening on persons who work with children or
 8423 persons who are elderly or disabled.

8424 Section 258. Subsection (5) of section 445.016, Florida

8425 Statutes, is amended to read:

8426 445.016 Untried Worker Placement and Employment Incentive
8427 Act.—

8428 (5) Incentives must be paid according to the incentive
8429 schedule developed by Workforce Florida, Inc., the Department of
8430 Economic Opportunity, and the Department of Children and
8431 Families ~~Family Services~~ which costs the state less per
8432 placement than the state's 12-month expenditure on a welfare
8433 recipient.

8434 Section 259. Subsection (2) of section 445.021, Florida
8435 Statutes, is amended to read:

8436 445.021 Relocation assistance program.—

8437 (2) The relocation assistance program shall involve five
8438 steps by the regional workforce board, in cooperation with the
8439 Department of Children and Families ~~Family Services~~:

8440 (a) A determination that the family is receiving temporary
8441 cash assistance or that all requirements of eligibility for
8442 diversion services would likely be met.

8443 (b) A determination that there is a basis for believing
8444 that relocation will contribute to the ability of the applicant
8445 to achieve self-sufficiency. For example, the applicant:

8446 1. Is unlikely to achieve economic self-sufficiency at the
8447 current community of residence;

8448 2. Has secured a job that provides an increased salary or
8449 improved benefits and that requires relocation to another
8450 community;

8451 3. Has a family support network that will contribute to
8452 job retention in another community;

8453 4. Is determined, pursuant to criteria or procedures
8454 established by the board of directors of Workforce Florida,
8455 Inc., to be a victim of domestic violence who would experience
8456 reduced probability of further incidents through relocation; or

8457 5. Must relocate in order to receive education or training
8458 that is directly related to the applicant's employment or career
8459 advancement.

8460 (c) Establishment of a relocation plan that includes such
8461 requirements as are necessary to prevent abuse of the benefit
8462 and provisions to protect the safety of victims of domestic
8463 violence and avoid provisions that place them in anticipated
8464 danger. The payment to defray relocation expenses shall be
8465 determined based on criteria approved by the board of directors
8466 of Workforce Florida, Inc. Participants in the relocation
8467 program shall be eligible for diversion or transitional
8468 benefits.

8469 (d) A determination, pursuant to criteria adopted by the
8470 board of directors of Workforce Florida, Inc., that a community
8471 receiving a relocated family has the capacity to provide needed
8472 services and employment opportunities.

8473 (e) Monitoring the relocation.

8474 Section 260. Section 445.028, Florida Statutes, is amended
8475 to read:

8476 445.028 Transitional benefits and services.—In cooperation

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8477 with Workforce Florida, Inc., the Department of Children and
8478 Families ~~Family Services~~ shall develop procedures to ensure that
8479 families leaving the temporary cash assistance program receive
8480 transitional benefits and services that will assist the family
8481 in moving toward self-sufficiency. At a minimum, such procedures
8482 must include, but are not limited to, the following:

8483 (1) Each recipient of cash assistance who is determined
8484 ineligible for cash assistance for a reason other than a work
8485 activity sanction shall be contacted by the workforce system
8486 case manager and provided information about the availability of
8487 transitional benefits and services. Such contact shall be
8488 attempted prior to closure of the case management file.

8489 (2) Each recipient of temporary cash assistance who is
8490 determined ineligible for cash assistance due to noncompliance
8491 with the work activity requirements shall be contacted and
8492 provided information in accordance with s. 414.065(1).

8493 (3) The department, in consultation with the board of
8494 directors of Workforce Florida, Inc., shall develop
8495 informational material, including posters and brochures, to
8496 better inform families about the availability of transitional
8497 benefits and services.

8498 (4) Workforce Florida, Inc., in cooperation with the
8499 Department of Children and Families ~~Family Services~~ shall, to
8500 the extent permitted by federal law, develop procedures to
8501 maximize the utilization of transitional Medicaid by families
8502 who leave the temporary cash assistance program.

8503 Section 261. Subsection (2) of section 445.029, Florida
 8504 Statutes, is amended to read:

8505 445.029 Transitional medical benefits.—

8506 (2) The family shall be informed of transitional Medicaid
 8507 when the family is notified by the Department of Children and
 8508 Families ~~Family Services~~ of the termination of temporary cash
 8509 assistance. The notice must include a description of the
 8510 circumstances in which the transitional Medicaid may be
 8511 terminated.

8512 Section 262. Section 445.033, Florida Statutes, is amended
 8513 to read:

8514 445.033 Evaluation.—The board of directors of Workforce
 8515 Florida, Inc., and the Department of Children and Families
 8516 ~~Family Services~~ shall arrange for evaluation of TANF-funded
 8517 programs operated under this chapter, as follows:

8518 (1) If required by federal waivers or other federal
 8519 requirements, the board of directors of Workforce Florida, Inc.,
 8520 and the department may provide for evaluation according to these
 8521 requirements.

8522 (2) The board of directors of Workforce Florida, Inc., and
 8523 the department shall participate in the evaluation of this
 8524 program in conjunction with evaluation of the state's workforce
 8525 development programs or similar activities aimed at evaluating
 8526 program outcomes, cost-effectiveness, or return on investment,
 8527 and the impact of time limits, sanctions, and other welfare
 8528 reform measures set out in this chapter. Evaluation shall also

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8529 contain information on the number of participants in work
8530 experience assignments who obtain unsubsidized employment,
8531 including, but not limited to, the length of time the
8532 unsubsidized job is retained, wages, and the public benefits, if
8533 any, received by such families while in unsubsidized employment.
8534 The evaluation shall solicit the input of consumers, community-
8535 based organizations, service providers, employers, and the
8536 general public, and shall publicize, especially in low-income
8537 communities, the process for submitting comments.

8538 (3) The board of directors of Workforce Florida, Inc., and
8539 the department may share information with and develop protocols
8540 for information exchange with the Florida Education and Training
8541 Placement Information Program.

8542 (4) The board of directors of Workforce Florida, Inc., and
8543 the department may initiate or participate in additional
8544 evaluation or assessment activities that will further the
8545 systematic study of issues related to program goals and
8546 outcomes.

8547 (5) In providing for evaluation activities, the board of
8548 directors of Workforce Florida, Inc., and the department shall
8549 safeguard the use or disclosure of information obtained from
8550 program participants consistent with federal or state
8551 requirements. Evaluation methodologies may be used which are
8552 appropriate for evaluation of program activities, including
8553 random assignment of recipients or participants into program
8554 groups or control groups. To the extent necessary or

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8555 appropriate, evaluation data shall provide information with
8556 respect to the state, district, or county, or other substate
8557 area.

8558 (6) The board of directors of Workforce Florida, Inc., and
8559 the department may contract with a qualified organization for
8560 evaluations conducted under this section.

8561 Section 263. Section 445.034, Florida Statutes, is amended
8562 to read:

8563 445.034 Authorized expenditures.—Any expenditures from the
8564 Temporary Assistance for Needy Families block grant shall be
8565 made in accordance with the requirements and limitations of part
8566 A of Title IV of the Social Security Act, as amended, or any
8567 other applicable federal requirement or limitation. Prior to any
8568 expenditure of such funds, the Secretary of Children and
8569 Families ~~Family Services~~, or his or her designee, shall certify
8570 that controls are in place to ensure such funds are expended in
8571 accordance with the requirements and limitations of federal law
8572 and that any reporting requirements of federal law are met. It
8573 shall be the responsibility of any entity to which such funds
8574 are appropriated to obtain the required certification prior to
8575 any expenditure of funds.

8576 Section 264. Section 445.035, Florida Statutes, is amended
8577 to read:

8578 445.035 Data collection and reporting.—The Department of
8579 Children and Families ~~Family Services~~ and the board of directors
8580 of Workforce Florida, Inc., shall collect data necessary to

8581 administer this chapter and make the reports required under
 8582 federal law to the United States Department of Health and Human
 8583 Services and the United States Department of Agriculture.

8584 Section 265. Subsections (1) and (2), paragraph (b) of
 8585 subsection (4), and subsection (5) of section 445.048, Florida
 8586 Statutes, are amended to read:

8587 445.048 Passport to Economic Progress program.—

8588 (1) AUTHORIZATION.—Notwithstanding any law to the
 8589 contrary, Workforce Florida, Inc., in conjunction with the
 8590 Department of Children and Families ~~Family Services~~ and the
 8591 Department of Economic Opportunity, shall implement a Passport
 8592 to Economic Progress program consistent with the provisions of
 8593 this section. Workforce Florida, Inc., may designate regional
 8594 workforce boards to participate in the program. Expenses for the
 8595 program may come from appropriated revenues or from funds
 8596 otherwise available to a regional workforce board which may be
 8597 legally used for such purposes. Workforce Florida, Inc., must
 8598 consult with the applicable regional workforce boards and the
 8599 applicable local offices of the Department of Children and
 8600 Families ~~Family Services~~ which serve the program areas and must
 8601 encourage community input into the implementation process.

8602 (2) WAIVERS.—If Workforce Florida, Inc., in consultation
 8603 with the Department of Children and Families ~~Family Services~~,
 8604 finds that federal waivers would facilitate implementation of
 8605 the program, the department shall immediately request such
 8606 waivers, and Workforce Florida, Inc., shall report to the

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8607 Governor, the President of the Senate, and the Speaker of the
8608 House of Representatives if any refusal of the federal
8609 government to grant such waivers prevents the implementation of
8610 the program. If Workforce Florida, Inc., finds that federal
8611 waivers to provisions of the Food Assistance Program would
8612 facilitate implementation of the program, the Department of
8613 Children and Families ~~Family Services~~ shall immediately request
8614 such waivers in accordance with s. 414.175.

8615 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

8616 (b) Workforce Florida, Inc., in cooperation with the
8617 Department of Children and Families ~~Family Services~~ and the
8618 Department of Economic Opportunity, shall offer performance-
8619 based incentive bonuses as a component of the Passport to
8620 Economic Progress program. The bonuses do not represent a
8621 program entitlement and shall be contingent on achieving
8622 specific benchmarks prescribed in the self-sufficiency plan. If
8623 the funds appropriated for this purpose are insufficient to
8624 provide this financial incentive, the board of directors of
8625 Workforce Florida, Inc., may reduce or suspend the bonuses in
8626 order not to exceed the appropriation or may direct the regional
8627 boards to use resources otherwise given to the regional
8628 workforce to pay such bonuses if such payments comply with
8629 applicable state and federal laws.

8630 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
8631 Inc., in conjunction with the Department of Children and
8632 Families ~~Family Services~~, the Department of Economic

8633 Opportunity, and the regional workforce boards, shall conduct a
 8634 comprehensive evaluation of the effectiveness of the program
 8635 operated under this section. Evaluations and recommendations for
 8636 the program shall be submitted by Workforce Florida, Inc., as
 8637 part of its annual report to the Legislature.

8638 Section 266. Subsection (3) of section 445.051, Florida
 8639 Statutes, is amended to read:

8640 445.051 Individual development accounts.—

8641 (3) The Department of Children and Families ~~Family~~
 8642 ~~Services~~ shall amend the Temporary Assistance for Needy Families
 8643 State Plan which was submitted in accordance with s. 402 of the
 8644 Social Security Act, as amended, 42 U.S.C. s. 602, to provide
 8645 for the use of funds for individual development accounts in
 8646 accordance with this section.

8647 Section 267. Paragraph (h) of subsection (1) of section
 8648 450.191, Florida Statutes, is amended to read:

8649 450.191 Executive Office of the Governor; powers and
 8650 duties.—

8651 (1) The Executive Office of the Governor is authorized and
 8652 directed to:

8653 (h) Cooperate with the Department of Children and Families
 8654 ~~Family Services~~ in coordinating all public assistance programs
 8655 as they may apply to migrant laborers.

8656 Section 268. Paragraph (d) of subsection (4) of section
 8657 456.0391, Florida Statutes, is amended to read:

8658 456.0391 Advanced registered nurse practitioners;

8659 information required for certification.—

8660 (4)

8661 (d) Any applicant for initial certification or renewal of
 8662 certification as an advanced registered nurse practitioner who
 8663 submits to the Department of Health a set of fingerprints and
 8664 information required for the criminal history check required
 8665 under this section shall not be required to provide a subsequent
 8666 set of fingerprints or other duplicate information required for
 8667 a criminal history check to the Agency for Health Care
 8668 Administration, the Department of Juvenile Justice, or the
 8669 Department of Children and Families ~~Family Services~~ for
 8670 employment or licensure with such agency or department, if the
 8671 applicant has undergone a criminal history check as a condition
 8672 of initial certification or renewal of certification as an
 8673 advanced registered nurse practitioner with the Department of
 8674 Health, notwithstanding any other provision of law to the
 8675 contrary. In lieu of such duplicate submission, the Agency for
 8676 Health Care Administration, the Department of Juvenile Justice,
 8677 and the Department of Children and Families ~~Family Services~~
 8678 shall obtain criminal history information for employment or
 8679 licensure of persons certified under s. 464.012 by such agency
 8680 or department from the Department of Health's health care
 8681 practitioner credentialing system.

8682 Section 269. Subsection (6) of section 464.0205, Florida
 8683 Statutes, is amended to read:

8684 464.0205 Retired volunteer nurse certificate.—

8685 (6) A retired volunteer nurse certified under this section
 8686 may practice only in board-approved settings in public agencies
 8687 or institutions or in nonprofit agencies or institutions meeting
 8688 the requirements of s. 501(c)(3) of the Internal Revenue Code,
 8689 which agencies or institutions are located in areas of critical
 8690 nursing need as determined by the board. Determination of
 8691 underserved areas shall be made by the board after consultation
 8692 with the Department of Health, the Department of Children and
 8693 Families ~~Family Services~~, the Agency for Health Care
 8694 Administration, and the Department of Elderly Affairs; however,
 8695 such determination shall include, but not be limited to, health
 8696 manpower shortage areas designated by the United States
 8697 Department of Health and Human Services. The sponsoring agencies
 8698 desiring to use certified retired volunteer nurses shall submit
 8699 to the board verification of their status under s. 501(c)(3) of
 8700 the Internal Revenue Code, the sites at which such volunteer
 8701 nurses would work, the duties and scope of practice intended for
 8702 such volunteer nurses, and the training or skills validation for
 8703 such volunteer nurses.

8704 Section 270. Subsection (14) of section 466.003, Florida
 8705 Statutes, is amended to read:

8706 466.003 Definitions.—As used in this chapter:

8707 (14) "Health access setting" means a program or an
 8708 institution of the Department of Children and Families ~~Family~~
 8709 ~~Services~~, the Department of Health, the Department of Juvenile
 8710 Justice, a nonprofit community health center, a Head Start

8711 center, a federally qualified health center or look-alike as
 8712 defined by federal law, a school-based prevention program, a
 8713 clinic operated by an accredited college of dentistry, or an
 8714 accredited dental hygiene program in this state if such
 8715 community service program or institution immediately reports to
 8716 the Board of Dentistry all violations of s. 466.027, s. 466.028,
 8717 or other practice act or standard of care violations related to
 8718 the actions or inactions of a dentist, dental hygienist, or
 8719 dental assistant engaged in the delivery of dental care in such
 8720 setting.

8721 Section 271. Paragraph (b) of subsection (2) and
 8722 subsection (4) of section 466.023, Florida Statutes, are amended
 8723 to read:

8724 466.023 Dental hygienists; scope and area of practice.—

8725 (2) Dental hygienists may perform their duties:

8726 (b) In public health programs and institutions of the
 8727 Department of Children and Families ~~Family Services~~, Department
 8728 of Health, and Department of Juvenile Justice under the general
 8729 supervision of a licensed dentist;

8730 (4) The board by rule may limit the number of dental
 8731 hygienists or dental assistants to be supervised by a dentist if
 8732 they perform expanded duties requiring direct or indirect
 8733 supervision pursuant to the provisions of this chapter. The
 8734 purpose of the limitation shall be to protect the health and
 8735 safety of patients and to ensure that procedures which require
 8736 more than general supervision be adequately supervised. However,

8737 the Department of Children and Families ~~Family Services~~,
 8738 Department of Health, Department of Juvenile Justice, and public
 8739 institutions approved by the board shall not be so limited as to
 8740 the number of dental hygienists or dental assistants working
 8741 under the supervision of a licensed dentist.

8742 Section 272. Paragraph (c) of subsection (15) and
 8743 subsection (16) of section 489.503, Florida Statutes, are
 8744 amended to read:

8745 489.503 Exemptions.—This part does not apply to:

8746 (15) The provision, installation, testing, routine
 8747 maintenance, factory-servicing, or monitoring of a personal
 8748 emergency response system, as defined in s. 489.505, by an
 8749 authorized person who:

8750 (c) Performs services for the Department of Children and
 8751 Families ~~Family Services~~ under chapter 410; or

8752 (16) The monitoring of a personal emergency response
 8753 system, as defined in s. 489.505, by a charitable, not-for-
 8754 profit corporation acting in accordance with a contractual
 8755 agreement with the Agency for Health Care Administration or one
 8756 of its licensed health care facilities, the Department of
 8757 Elderly Affairs, or the Department of Children and Families
 8758 ~~Family Services~~, providing that the organization does not
 8759 perform any other service requiring certification or
 8760 registration under this part. Nothing in this subsection shall
 8761 be construed to provide any of the agencies mentioned in this
 8762 subsection the authority to develop rules, criteria, or policy

8763 | pursuant to this subsection.

8764 | Section 273. Subsection (8) of section 490.012, Florida
8765 | Statutes, is amended to read:

8766 | 490.012 Violations; penalties; injunction.-

8767 | (8) Effective October 1, 2000, a person may not practice
8768 | juvenile sexual offender therapy in this state, as the practice
8769 | is defined in s. 490.0145, for compensation, unless the person
8770 | holds an active license issued under this chapter and meets the
8771 | requirements to practice juvenile sexual offender therapy. An
8772 | unlicensed person may be employed by a program operated by or
8773 | under contract with the Department of Juvenile Justice or the
8774 | Department of Children and Families ~~Family Services~~ if the
8775 | program employs a professional who is licensed under chapter
8776 | 458, chapter 459, s. 490.0145, or s. 491.0144 who manages or
8777 | supervises the treatment services.

8778 | Section 274. Paragraph (n) of subsection (1) of section
8779 | 491.012, Florida Statutes, is amended to read:

8780 | 491.012 Violations; penalty; injunction.-

8781 | (1) It is unlawful and a violation of this chapter for any
8782 | person to:

8783 | (n) Effective October 1, 2000, practice juvenile sexual
8784 | offender therapy in this state, as the practice is defined in s.
8785 | 491.0144, for compensation, unless the person holds an active
8786 | license issued under this chapter and meets the requirements to
8787 | practice juvenile sexual offender therapy. An unlicensed person
8788 | may be employed by a program operated by or under contract with

8789 the Department of Juvenile Justice or the Department of Children
 8790 and Families ~~Family Services~~ if the program employs a
 8791 professional who is licensed under chapter 458, chapter 459, s.
 8792 490.0145, or s. 491.0144 who manages or supervises the treatment
 8793 services.

8794 Section 275. Paragraph (b) of subsection (4) and paragraph
 8795 (b) of subsection (5) of section 509.013, Florida Statutes, are
 8796 amended to read:

8797 509.013 Definitions.—As used in this chapter, the term:

8798 (4)

8799 (b) The following are excluded from the definitions in
 8800 paragraph (a):

8801 1. Any dormitory or other living or sleeping facility
 8802 maintained by a public or private school, college, or university
 8803 for the use of students, faculty, or visitors.

8804 2. Any facility certified or licensed and regulated by the
 8805 Agency for Health Care Administration or the Department of
 8806 Children and Families ~~Family Services~~ or other similar place
 8807 regulated under s. 381.0072.

8808 3. Any place renting four rental units or less, unless the
 8809 rental units are advertised or held out to the public to be
 8810 places that are regularly rented to transients.

8811 4. Any unit or group of units in a condominium,
 8812 cooperative, or timeshare plan and any individually or
 8813 collectively owned one-family, two-family, three-family, or
 8814 four-family dwelling house or dwelling unit that is rented for

8815 periods of at least 30 days or 1 calendar month, whichever is
 8816 less, and that is not advertised or held out to the public as a
 8817 place regularly rented for periods of less than 1 calendar
 8818 month, provided that no more than four rental units within a
 8819 single complex of buildings are available for rent.

8820 5. Any migrant labor camp or residential migrant housing
 8821 permitted by the Department of Health under ss. 381.008-
 8822 381.00895.

8823 6. Any establishment inspected by the Department of Health
 8824 and regulated by chapter 513.

8825 7. Any nonprofit organization that operates a facility
 8826 providing housing only to patients, patients' families, and
 8827 patients' caregivers and not to the general public.

8828 8. Any apartment building inspected by the United States
 8829 Department of Housing and Urban Development or other entity
 8830 acting on the department's behalf that is designated primarily
 8831 as housing for persons at least 62 years of age. The division
 8832 may require the operator of the apartment building to attest in
 8833 writing that such building meets the criteria provided in this
 8834 subparagraph. The division may adopt rules to implement this
 8835 requirement.

8836 9. Any roominghouse, boardinghouse, or other living or
 8837 sleeping facility that may not be classified as a hotel, motel,
 8838 vacation rental, nontransient apartment, bed and breakfast inn,
 8839 or transient apartment under s. 509.242.

8840 (5)

8841 (b) The following are excluded from the definition in
 8842 paragraph (a):

8843 1. Any place maintained and operated by a public or
 8844 private school, college, or university:

8845 a. For the use of students and faculty; or
 8846 b. Temporarily to serve such events as fairs, carnivals,
 8847 and athletic contests.

8848 2. Any eating place maintained and operated by a church or
 8849 a religious, nonprofit fraternal, or nonprofit civic
 8850 organization:

8851 a. For the use of members and associates; or
 8852 b. Temporarily to serve such events as fairs, carnivals,
 8853 or athletic contests.

8854 3. Any eating place located on an airplane, train, bus, or
 8855 watercraft which is a common carrier.

8856 4. Any eating place maintained by a facility certified or
 8857 licensed and regulated by the Agency for Health Care
 8858 Administration or the Department of Children and Families ~~Family~~
 8859 ~~Services~~ or other similar place that is regulated under s.
 8860 381.0072.

8861 5. Any place of business issued a permit or inspected by
 8862 the Department of Agriculture and Consumer Services under s.
 8863 500.12.

8864 6. Any place of business where the food available for
 8865 consumption is limited to ice, beverages with or without
 8866 garnishment, popcorn, or prepackaged items sold without

8867 additions or preparation.

8868 7. Any theater, if the primary use is as a theater and if
8869 patron service is limited to food items customarily served to
8870 the admittees of theaters.

8871 8. Any vending machine that dispenses any food or
8872 beverages other than potentially hazardous foods, as defined by
8873 division rule.

8874 9. Any vending machine that dispenses potentially
8875 hazardous food and which is located in a facility regulated
8876 under s. 381.0072.

8877 10. Any research and development test kitchen limited to
8878 the use of employees and which is not open to the general
8879 public.

8880 Section 276. Paragraph (g) of subsection (1) of section
8881 553.80, Florida Statutes, is amended to read:

8882 553.80 Enforcement.—

8883 (1) Except as provided in paragraphs (a)-(g), each local
8884 government and each legally constituted enforcement district
8885 with statutory authority shall regulate building construction
8886 and, where authorized in the state agency's enabling
8887 legislation, each state agency shall enforce the Florida
8888 Building Code required by this part on all public or private
8889 buildings, structures, and facilities, unless such
8890 responsibility has been delegated to another unit of government
8891 pursuant to s. 553.79(9).

8892 (g) Construction regulations relating to secure mental

8893 health treatment facilities under the jurisdiction of the
 8894 Department of Children and Families ~~Family Services~~ shall be
 8895 enforced exclusively by the department in conjunction with the
 8896 Agency for Health Care Administration's review authority under
 8897 paragraph (c).

8898
 8899 The governing bodies of local governments may provide a schedule
 8900 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 8901 section, for the enforcement of the provisions of this part.
 8902 Such fees shall be used solely for carrying out the local
 8903 government's responsibilities in enforcing the Florida Building
 8904 Code. The authority of state enforcing agencies to set fees for
 8905 enforcement shall be derived from authority existing on July 1,
 8906 1998. However, nothing contained in this subsection shall
 8907 operate to limit such agencies from adjusting their fee schedule
 8908 in conformance with existing authority.

8909 Section 277. Subsection (5) of section 561.19, Florida
 8910 Statutes, is amended to read:

8911 561.19 License issuance upon approval of division.—

8912 (5) A fee of \$10,750 shall be collected from each person,
 8913 firm, or corporation that is issued a new liquor license subject
 8914 to the limitation imposed in s. 561.20(1) as provided in this
 8915 section. This initial license fee shall not be imposed on any
 8916 license renewal and shall be in addition to the license fees
 8917 imposed by s. 565.02. The revenues collected from the initial
 8918 license fee imposed by this subsection shall be deposited in the

8919 Department of Children and Families' ~~Family Services'~~ Operations
 8920 and Maintenance Trust Fund to be used only for alcohol and drug
 8921 abuse education, treatment, and prevention programs.

8922 Section 278. Paragraph (a) of subsection (2) of section
 8923 561.20, Florida Statutes, is amended to read:

8924 561.20 Limitation upon number of licenses issued.—

8925 (2) (a) No such limitation of the number of licenses as
 8926 herein provided shall henceforth prohibit the issuance of a
 8927 special license to:

8928 1. Any bona fide hotel, motel, or motor court of not fewer
 8929 than 80 guest rooms in any county having a population of less
 8930 than 50,000 residents, and of not fewer than 100 guest rooms in
 8931 any county having a population of 50,000 residents or greater;
 8932 or any bona fide hotel or motel located in a historic structure,
 8933 as defined in s. 561.01(21), with fewer than 100 guest rooms
 8934 which derives at least 51 percent of its gross revenue from the
 8935 rental of hotel or motel rooms, which is licensed as a public
 8936 lodging establishment by the Division of Hotels and Restaurants;
 8937 provided, however, that a bona fide hotel or motel with no fewer
 8938 than 10 and no more than 25 guest rooms which is a historic
 8939 structure, as defined in s. 561.01(21), in a municipality that
 8940 on the effective date of this act has a population, according to
 8941 the University of Florida's Bureau of Economic and Business
 8942 Research Estimates of Population for 1998, of no fewer than
 8943 25,000 and no more than 35,000 residents and that is within a
 8944 constitutionally chartered county may be issued a special

8945 license. This special license shall allow the sale and
8946 consumption of alcoholic beverages only on the licensed premises
8947 of the hotel or motel. In addition, the hotel or motel must
8948 derive at least 60 percent of its gross revenue from the rental
8949 of hotel or motel rooms and the sale of food and nonalcoholic
8950 beverages; provided that the provisions of this subparagraph
8951 shall supersede local laws requiring a greater number of hotel
8952 rooms;

8953 2. Any condominium accommodation of which no fewer than
8954 100 condominium units are wholly rentable to transients and
8955 which is licensed under the provisions of chapter 509, except
8956 that the license shall be issued only to the person or
8957 corporation which operates the hotel or motel operation and not
8958 to the association of condominium owners;

8959 3. Any condominium accommodation of which no fewer than 50
8960 condominium units are wholly rentable to transients, which is
8961 licensed under the provisions of chapter 509, and which is
8962 located in any county having home rule under s. 10 or s. 11,
8963 Art. VIII of the State Constitution of 1885, as amended, and
8964 incorporated by reference in s. 6(e), Art. VIII of the State
8965 Constitution, except that the license shall be issued only to
8966 the person or corporation which operates the hotel or motel
8967 operation and not to the association of condominium owners;

8968 4. Any restaurant having 2,500 square feet of service area
8969 and equipped to serve 150 persons full course meals at tables at
8970 one time, and deriving at least 51 percent of its gross revenue

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8971 | from the sale of food and nonalcoholic beverages; however, no
8972 | restaurant granted a special license on or after January 1,
8973 | 1958, pursuant to general or special law shall operate as a
8974 | package store, nor shall intoxicating beverages be sold under
8975 | such license after the hours of serving food have elapsed; or
8976 | 5. Any caterer, deriving at least 51 percent of its gross
8977 | revenue from the sale of food and nonalcoholic beverages,
8978 | licensed by the Division of Hotels and Restaurants under chapter
8979 | 509. Notwithstanding any other provision of law to the contrary,
8980 | a licensee under this subparagraph shall sell or serve alcoholic
8981 | beverages only for consumption on the premises of a catered
8982 | event at which the licensee is also providing prepared food, and
8983 | shall prominently display its license at any catered event at
8984 | which the caterer is selling or serving alcoholic beverages. A
8985 | licensee under this subparagraph shall purchase all alcoholic
8986 | beverages it sells or serves at a catered event from a vendor
8987 | licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
8988 | 565.02(1) subject to the limitation imposed in subsection (1),
8989 | as appropriate. A licensee under this subparagraph may not store
8990 | any alcoholic beverages to be sold or served at a catered event.
8991 | Any alcoholic beverages purchased by a licensee under this
8992 | subparagraph for a catered event that are not used at that event
8993 | must remain with the customer; provided that if the vendor
8994 | accepts unopened alcoholic beverages, the licensee may return
8995 | such alcoholic beverages to the vendor for a credit or
8996 | reimbursement. Regardless of the county or counties in which the

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8997 licensee operates, a licensee under this subparagraph shall pay
8998 the annual state license tax set forth in s. 565.02(1)(b). A
8999 licensee under this subparagraph must maintain for a period of 3
9000 years all records required by the department by rule to
9001 demonstrate compliance with the requirements of this
9002 subparagraph, including licensed vendor receipts for the
9003 purchase of alcoholic beverages and records identifying each
9004 customer and the location and date of each catered event.
9005 Notwithstanding any provision of law to the contrary, any vendor
9006 licensed under s. 565.02(1) subject to the limitation imposed in
9007 subsection (1), may, without any additional licensure under this
9008 subparagraph, serve or sell alcoholic beverages for consumption
9009 on the premises of a catered event at which prepared food is
9010 provided by a caterer licensed under chapter 509. If a licensee
9011 under this subparagraph also possesses any other license under
9012 the Beverage Law, the license issued under this subparagraph
9013 shall not authorize the holder to conduct activities on the
9014 premises to which the other license or licenses apply that would
9015 otherwise be prohibited by the terms of that license or the
9016 Beverage Law. Nothing in this section shall permit the licensee
9017 to conduct activities that are otherwise prohibited by the
9018 Beverage Law or local law. The Division of Alcoholic Beverages
9019 and Tobacco is hereby authorized to adopt rules to administer
9020 the license created in this subparagraph, to include rules
9021 governing licensure, recordkeeping, and enforcement. The first
9022 \$300,000 in fees collected by the division each fiscal year

9023 pursuant to this subparagraph shall be deposited in the
 9024 Department of Children and Families' ~~Family Services'~~ Operations
 9025 and Maintenance Trust Fund to be used only for alcohol and drug
 9026 abuse education, treatment, and prevention programs. The
 9027 remainder of the fees collected shall be deposited into the
 9028 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

9029
 9030 However, any license heretofore issued to any such hotel, motel,
 9031 motor court, or restaurant or hereafter issued to any such
 9032 hotel, motel, or motor court, including a condominium
 9033 accommodation, under the general law shall not be moved to a new
 9034 location, such license being valid only on the premises of such
 9035 hotel, motel, motor court, or restaurant. Licenses issued to
 9036 hotels, motels, motor courts, or restaurants under the general
 9037 law and held by such hotels, motels, motor courts, or
 9038 restaurants on May 24, 1947, shall be counted in the quota
 9039 limitation contained in subsection (1). Any license issued for
 9040 any hotel, motel, or motor court under the provisions of this
 9041 law shall be issued only to the owner of the hotel, motel, or
 9042 motor court or, in the event the hotel, motel, or motor court is
 9043 leased, to the lessee of the hotel, motel, or motor court; and
 9044 the license shall remain in the name of the owner or lessee so
 9045 long as the license is in existence. Any special license now in
 9046 existence heretofore issued under the provisions of this law
 9047 cannot be renewed except in the name of the owner of the hotel,
 9048 motel, motor court, or restaurant or, in the event the hotel,

9049 motel, motor court, or restaurant is leased, in the name of the
 9050 lessee of the hotel, motel, motor court, or restaurant in which
 9051 the license is located and must remain in the name of the owner
 9052 or lessee so long as the license is in existence. Any license
 9053 issued under this section shall be marked "Special," and nothing
 9054 herein provided shall limit, restrict, or prevent the issuance
 9055 of a special license for any restaurant or motel which shall
 9056 hereafter meet the requirements of the law existing immediately
 9057 prior to the effective date of this act, if construction of such
 9058 restaurant has commenced prior to the effective date of this act
 9059 and is completed within 30 days thereafter, or if an application
 9060 is on file for such special license at the time this act takes
 9061 effect; and any such licenses issued under this proviso may be
 9062 annually renewed as now provided by law. Nothing herein prevents
 9063 an application for transfer of a license to a bona fide
 9064 purchaser of any hotel, motel, motor court, or restaurant by the
 9065 purchaser of such facility or the transfer of such license
 9066 pursuant to law.

9067 Section 279. Paragraph (e) of subsection (3) of section
 9068 624.351, Florida Statutes, is amended to read:

9069 624.351 Medicaid and Public Assistance Fraud Strike
 9070 Force.—

9071 (3) MEMBERSHIP.—The strike force shall consist of the
 9072 following 11 members or their designees. A designee shall serve
 9073 in the same capacity as the designating member:

9074 (e) The Secretary of Children and Families ~~Family~~

9075 ~~Services.~~

9076 Section 280. Paragraph (a) of subsection (6) of section
9077 624.91, Florida Statutes, is amended to read:

9078 624.91 The Florida Healthy Kids Corporation Act.—

9079 (6) BOARD OF DIRECTORS.—

9080 (a) The Florida Healthy Kids Corporation shall operate
9081 subject to the supervision and approval of a board of directors
9082 chaired by the Chief Financial Officer or her or his designee,
9083 and composed of 12 other members selected for 3-year terms of
9084 office as follows:

9085 1. The Secretary of Health Care Administration, or his or
9086 her designee.

9087 2. One member appointed by the Commissioner of Education
9088 from the Office of School Health Programs of the Florida
9089 Department of Education.

9090 3. One member appointed by the Chief Financial Officer
9091 from among three members nominated by the Florida Pediatric
9092 Society.

9093 4. One member, appointed by the Governor, who represents
9094 the Children's Medical Services Program.

9095 5. One member appointed by the Chief Financial Officer
9096 from among three members nominated by the Florida Hospital
9097 Association.

9098 6. One member, appointed by the Governor, who is an expert
9099 on child health policy.

9100 7. One member, appointed by the Chief Financial Officer,

9101 from among three members nominated by the Florida Academy of
 9102 Family Physicians.

9103 8. One member, appointed by the Governor, who represents
 9104 the state Medicaid program.

9105 9. One member, appointed by the Chief Financial Officer,
 9106 from among three members nominated by the Florida Association of
 9107 Counties.

9108 10. The State Health Officer or her or his designee.

9109 11. The Secretary of Children and Families ~~Family~~
 9110 ~~Services~~, or his or her designee.

9111 12. One member, appointed by the Governor, from among
 9112 three members nominated by the Florida Dental Association.

9113 Section 281. Section 651.117, Florida Statutes, is amended
 9114 to read:

9115 651.117 Order of liquidation; duties of the Department of
 9116 Children and Families ~~Family Services~~ and the Agency for Health
 9117 Care Administration.—Whenever an order of liquidation has been
 9118 entered against a provider, the receiver shall notify the
 9119 Department of Children and Families ~~Family Services~~ and the
 9120 Agency for Health Care Administration by sending to the
 9121 Department of Children and Families ~~Family Services~~ and the
 9122 Agency for Health Care Administration by certified mail a copy
 9123 of the order of liquidation. Upon receipt of any such order or
 9124 when requested by the receiver as being in the best interest of
 9125 the residents of a facility, in addition to any other duty of
 9126 the Department of Children and Families ~~Family Services~~ and the

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9127 Agency for Health Care Administration with respect to residents
9128 of a facility, the Department of Children and Families ~~Family~~
9129 ~~Services~~ and the Agency for Health Care Administration shall
9130 evaluate the status of the residents of the facility to
9131 determine whether they are eligible for assistance or for
9132 programs administered by the Department of Children and Families
9133 ~~Family Services~~ and the Agency for Health Care Administration,
9134 shall develop a plan of relocation with respect to residents
9135 requesting assistance regarding relocation, and shall counsel
9136 the residents regarding such eligibility and such relocation.

9137 Section 282. Section 683.331, Florida Statutes, is amended
9138 to read:

9139 683.331 Child Welfare Professionals Recognition Day.—
9140 Beginning in May 2008, the Legislature designates the second
9141 Monday in May as "Child Welfare Professionals Recognition Day"
9142 to recognize the efforts of all professionals who work with
9143 abused children and dysfunctional families. The Department of
9144 Children and Families ~~Family Services~~, local governments, and
9145 other agencies are encouraged to sponsor events to promote
9146 awareness of the child welfare system and the personnel who work
9147 in the system.

9148 Section 283. Paragraph (d) of subsection (1) of section
9149 718.115, Florida Statutes, is amended to read:

9150 718.115 Common expenses and common surplus.—

9151 (1)

9152 (d) If provided in the declaration, the cost of

9153 | communications services as defined in chapter 202, information
9154 | services, or Internet services obtained pursuant to a bulk
9155 | contract is a common expense. If the declaration does not
9156 | provide for the cost of such services as a common expense, the
9157 | board may enter into such a contract, and the cost of the
9158 | service will be a common expense. The cost for the services
9159 | under a bulk rate contract may be allocated on a per-unit basis
9160 | rather than a percentage basis if the declaration provides for
9161 | other than an equal sharing of common expenses, and any contract
9162 | entered into before July 1, 1998, in which the cost of the
9163 | service is not equally divided among all unit owners, may be
9164 | changed by vote of a majority of the voting interests present at
9165 | a regular or special meeting of the association, to allocate the
9166 | cost equally among all units. The contract must be for at least
9167 | 2 years.

9168 | 1. Any contract made by the board on or after July 1,
9169 | 1998, may be canceled by a majority of the voting interests
9170 | present at the next regular or special meeting of the
9171 | association. Any member may make a motion to cancel the
9172 | contract, but if no motion is made or if such motion fails to
9173 | obtain the required majority at the next regular or special
9174 | meeting, whichever occurs first, following the making of the
9175 | contract, such contract shall be deemed ratified for the term
9176 | therein expressed.

9177 | 2. Such contract must provide, and is deemed to provide if
9178 | not expressly set forth, that any hearing-impaired or legally

9179 blind unit owner who does not occupy the unit with a non-
 9180 hearing-impaired or sighted person, or any unit owner receiving
 9181 supplemental security income under Title XVI of the Social
 9182 Security Act or food assistance as administered by the
 9183 Department of Children and Families ~~Family Services~~ pursuant to
 9184 s. 414.31, may discontinue the cable or video service without
 9185 incurring disconnect fees, penalties, or subsequent service
 9186 charges, and, as to such units, the owners are not required to
 9187 pay any common expenses charge related to such service. If fewer
 9188 than all members of an association share the expenses of cable
 9189 or video service, the expense shall be shared equally by all
 9190 participating unit owners. The association may use the
 9191 provisions of s. 718.116 to enforce payment of the shares of
 9192 such costs by the unit owners receiving cable or video service.

9193 Section 284. Paragraph (b) of subsection (2) of section
 9194 720.309, Florida Statutes, is amended to read:

9195 720.309 Agreements entered into by the association.-

9196 (2) If the governing documents provide for the cost of
 9197 communications services as defined in s. 202.11, information
 9198 services or Internet services obtained pursuant to a bulk
 9199 contract shall be deemed an operating expense of the
 9200 association. If the governing documents do not provide for such
 9201 services, the board may contract for the services, and the cost
 9202 shall be deemed an operating expense of the association but must
 9203 be allocated on a per-parcel basis rather than a percentage
 9204 basis, notwithstanding that the governing documents provide for

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9205 other than an equal sharing of operating expenses. Any contract
9206 entered into before July 1, 2011, in which the cost of the
9207 service is not equally divided among all parcel owners may be
9208 changed by a majority of the voting interests present at a
9209 regular or special meeting of the association in order to
9210 allocate the cost equally among all parcels.

9211 (b) Any contract entered into by the board must provide,
9212 and shall be deemed to provide if not expressly set forth
9213 therein, that a hearing-impaired or legally blind parcel owner
9214 who does not occupy the parcel with a non-hearing-impaired or
9215 sighted person, or a parcel owner who receives supplemental
9216 security income under Title XVI of the Social Security Act or
9217 food assistance as administered by the Department of Children
9218 and Families ~~Family Services~~ pursuant to s. 414.31, may
9219 discontinue the service without incurring disconnect fees,
9220 penalties, or subsequent service charges, and may not be
9221 required to pay any operating expenses charge related to such
9222 service for those parcels. If fewer than all parcel owners share
9223 the expenses of the communications services, information
9224 services, or Internet services, the expense must be shared by
9225 all participating parcel owners. The association may use the
9226 provisions of s. 720.3085 to enforce payment by the parcel
9227 owners receiving such services.

9228 Section 285. Subsection (2) of section 741.01, Florida
9229 Statutes, is amended to read:

9230 741.01 County court judge or clerk of the circuit court to

9231 issue marriage license; fee.-

9232 (2) The fee charged for each marriage license issued in
 9233 the state shall be increased by the sum of \$25. This fee shall
 9234 be collected upon receipt of the application for the issuance of
 9235 a marriage license and remitted by the clerk to the Department
 9236 of Revenue for deposit in the Domestic Violence Trust Fund. The
 9237 Executive Office of the Governor shall establish a Domestic
 9238 Violence Trust Fund for the purpose of collecting and disbursing
 9239 funds generated from the increase in the marriage license fee.
 9240 Such funds which are generated shall be directed to the
 9241 Department of Children and Families ~~Family Services~~ for the
 9242 specific purpose of funding domestic violence centers, and the
 9243 funds shall be appropriated in a "grants-in-aid" category to the
 9244 Department of Children and Families ~~Family Services~~ for the
 9245 purpose of funding domestic violence centers. From the proceeds
 9246 of the surcharge deposited into the Domestic Violence Trust Fund
 9247 as required under s. 938.08, the Executive Office of the
 9248 Governor may spend up to \$500,000 each year for the purpose of
 9249 administering a statewide public-awareness campaign regarding
 9250 domestic violence.

9251 Section 286. Paragraph (a) of subsection (1) of section
 9252 741.29, Florida Statutes, is amended to read:

9253 741.29 Domestic violence; investigation of incidents;
 9254 notice to victims of legal rights and remedies; reporting.-

9255 (1) Any law enforcement officer who investigates an
 9256 alleged incident of domestic violence shall assist the victim to

9257 obtain medical treatment if such is required as a result of the
 9258 alleged incident to which the officer responds. Any law
 9259 enforcement officer who investigates an alleged incident of
 9260 domestic violence shall advise the victim of such violence that
 9261 there is a domestic violence center from which the victim may
 9262 receive services. The law enforcement officer shall give the
 9263 victim immediate notice of the legal rights and remedies
 9264 available on a standard form developed and distributed by the
 9265 department. As necessary, the department shall revise the Legal
 9266 Rights and Remedies Notice to Victims to include a general
 9267 summary of s. 741.30 using simple English as well as Spanish,
 9268 and shall distribute the notice as a model form to be used by
 9269 all law enforcement agencies throughout the state. The notice
 9270 shall include:

9271 (a) The resource listing, including telephone number, for
 9272 the area domestic violence center designated by the Department
 9273 of Children and Families ~~Family Services~~; and

9274 Section 287. Subsections (3) and (4) of section 742.107,
 9275 Florida Statutes, are amended to read:

9276 742.107 Determining paternity of child with mother under
 9277 16 years of age when impregnated.—

9278 (3) Whenever the information provided by a mother who was
 9279 impregnated while under 16 years of age indicates that the
 9280 alleged father of the child was 21 years of age or older at the
 9281 time of conception of the child, the Department of Revenue or
 9282 the Department of Children and Families ~~Family Services~~ shall

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9283 advise the applicant or recipient of public assistance that she
9284 is required to cooperate with law enforcement officials in the
9285 prosecution of the alleged father.

9286 (4) When the information provided by the applicant or
9287 recipient who was impregnated while under age 16 indicates that
9288 such person is the victim of child abuse as provided in s.
9289 827.04(3), the Department of Revenue or the Department of
9290 Children and Families ~~Family Services~~ shall notify the county
9291 sheriff's office or other appropriate agency or official and
9292 provide information needed to protect the child's health or
9293 welfare.

9294 Section 288. Section 743.045, Florida Statutes, is amended
9295 to read:

9296 743.045 Removal of disabilities of minors; executing
9297 contracts for a residential lease.—For the sole purpose of
9298 ensuring that a youth in foster care will be able to execute a
9299 contract for the lease of residential property upon the youth's
9300 18th birthday, the disability of nonage of minors is removed for
9301 all youth who have reached 17 years of age, have been
9302 adjudicated dependent, and are in the legal custody of the
9303 Department of Children and Families ~~Family Services~~ through
9304 foster care or subsidized independent living. These youth are
9305 authorized to make and execute contracts, releases, and all
9306 other instruments necessary for the purpose of entering into a
9307 contract for the lease of residential property upon the youth's
9308 18th birthday. The contracts or other instruments made by the

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9309 youth shall have the same effect as though they were the
9310 obligations of persons who were not minors. A youth seeking to
9311 enter into such lease contracts or execute other necessary
9312 instruments that are incidental to entering into a lease must
9313 present an order from a court of competent jurisdiction removing
9314 the disabilities of nonage of the minor under this section.

9315 Section 289. Section 743.046, Florida Statutes, is amended
9316 to read:

9317 743.046 Removal of disabilities of minors; executing
9318 agreements for utility services.—For the sole purpose of
9319 ensuring that a youth in foster care will be able to secure
9320 utility services at a residential property upon the youth's 18th
9321 birthday, the disability of nonage of minors is removed for all
9322 youth who have reached 17 years of age, have been adjudicated
9323 dependent, and are in the legal custody of the Department of
9324 Children and Families ~~Family Services~~ through foster care or
9325 subsidized independent living. These youth are authorized to
9326 make and execute contracts, agreements, releases, and all other
9327 instruments necessary for the purpose of securing utility
9328 services at a residential property upon the youth's 18th
9329 birthday. The contracts or other agreements made by the youth
9330 shall have the same effect as though they were the obligations
9331 of persons who were not minors. A youth seeking to enter into
9332 such contracts or agreements or execute other necessary
9333 instruments that are incidental to securing utility services
9334 must present an order from a court of competent jurisdiction

9335 removing the disabilities of nonage of the minor under this
 9336 section.

9337 Section 290. Subsections (2), (3), and (6) of section
 9338 743.0645, Florida Statutes, are amended to read:

9339 743.0645 Other persons who may consent to medical care or
 9340 treatment of a minor.—

9341 (2) Any of the following persons, in order of priority
 9342 listed, may consent to the medical care or treatment of a minor
 9343 who is not committed to the Department of Children and Families
 9344 ~~Family Services~~ or the Department of Juvenile Justice or in
 9345 their custody under chapter 39, chapter 984, or chapter 985
 9346 when, after a reasonable attempt, a person who has the power to
 9347 consent as otherwise provided by law cannot be contacted by the
 9348 treatment provider and actual notice to the contrary has not
 9349 been given to the provider by that person:

9350 (a) A person who possesses a power of attorney to provide
 9351 medical consent for the minor. A power of attorney executed
 9352 after July 1, 2001, to provide medical consent for a minor
 9353 includes the power to consent to medically necessary surgical
 9354 and general anesthesia services for the minor unless such
 9355 services are excluded by the individual executing the power of
 9356 attorney.

9357 (b) The stepparent.

9358 (c) The grandparent of the minor.

9359 (d) An adult brother or sister of the minor.

9360 (e) An adult aunt or uncle of the minor.

9361
 9362 There shall be maintained in the treatment provider's records of
 9363 the minor documentation that a reasonable attempt was made to
 9364 contact the person who has the power to consent.

9365 (3) The Department of Children and Families ~~Family~~
 9366 ~~Services~~ or the Department of Juvenile Justice caseworker,
 9367 juvenile probation officer, or person primarily responsible for
 9368 the case management of the child, the administrator of any
 9369 facility licensed by the department under s. 393.067, s.
 9370 394.875, or s. 409.175, or the administrator of any state-
 9371 operated or state-contracted delinquency residential treatment
 9372 facility may consent to the medical care or treatment of any
 9373 minor committed to it or in its custody under chapter 39,
 9374 chapter 984, or chapter 985, when the person who has the power
 9375 to consent as otherwise provided by law cannot be contacted and
 9376 such person has not expressly objected to such consent. There
 9377 shall be maintained in the records of the minor documentation
 9378 that a reasonable attempt was made to contact the person who has
 9379 the power to consent as otherwise provided by law.

9380 (6) The Department of Children and Families ~~Family~~
 9381 ~~Services~~ and the Department of Juvenile Justice may adopt rules
 9382 to implement this section.

9383 Section 291. Paragraph (c) of subsection (4) of section
 9384 744.1075, Florida Statutes, is amended to read:

9385 744.1075 Emergency court monitor.—

9386 (4)

9387 (c) Following a hearing on the order to show cause, the
 9388 court may impose sanctions on the guardian or his or her
 9389 attorney or other respondent or take any other action authorized
 9390 by law, including entering a judgment of contempt; ordering an
 9391 accounting; freezing assets; referring the case to local law
 9392 enforcement agencies or the state attorney; filing an abuse,
 9393 neglect, or exploitation complaint with the Department of
 9394 Children and Families ~~Family Services~~; or initiating proceedings
 9395 to remove the guardian.

9396
 9397 Nothing in this subsection shall be construed to preclude the
 9398 mandatory reporting requirements of chapter 39.

9399 Section 292. Subsection (2) of section 753.01, Florida
 9400 Statutes, is amended to read:

9401 753.01 Definitions.—As used in this chapter, the term:

9402 (2) "Department" means the Department of Children and
 9403 Families ~~Family Services~~.

9404 Section 293. Subsection (4) of section 765.110, Florida
 9405 Statutes, is amended to read:

9406 765.110 Health care facilities and providers; discipline.—

9407 (4) The Department of Elderly Affairs for hospices and, in
 9408 consultation with the Department of Elderly Affairs, the
 9409 Department of Health for health care providers; the Agency for
 9410 Health Care Administration for hospitals, nursing homes, home
 9411 health agencies, and health maintenance organizations; and the
 9412 Department of Children and Families ~~Family Services~~ for

9413 facilities subject to part I of chapter 394 shall adopt rules to
 9414 implement the provisions of the section.

9415 Section 294. Paragraph (a) of subsection (1) of section
 9416 766.101, Florida Statutes, is amended to read:

9417 766.101 Medical review committee, immunity from
 9418 liability.—

9419 (1) As used in this section:

9420 (a) The term "medical review committee" or "committee"
 9421 means:

9422 1.a. A committee of a hospital or ambulatory surgical
 9423 center licensed under chapter 395 or a health maintenance
 9424 organization certificated under part I of chapter 641,

9425 b. A committee of a physician-hospital organization, a
 9426 provider-sponsored organization, or an integrated delivery
 9427 system,

9428 c. A committee of a state or local professional society of
 9429 health care providers,

9430 d. A committee of a medical staff of a licensed hospital
 9431 or nursing home, provided the medical staff operates pursuant to
 9432 written bylaws that have been approved by the governing board of
 9433 the hospital or nursing home,

9434 e. A committee of the Department of Corrections or the
 9435 Correctional Medical Authority as created under s. 945.602, or
 9436 employees, agents, or consultants of either the department or
 9437 the authority or both,

9438 f. A committee of a professional service corporation

9439 formed under chapter 621 or a corporation organized under
 9440 chapter 607 or chapter 617, which is formed and operated for the
 9441 practice of medicine as defined in s. 458.305(3), and which has
 9442 at least 25 health care providers who routinely provide health
 9443 care services directly to patients,

9444 g. A committee of the Department of Children and Families
 9445 ~~Family Services~~ which includes employees, agents, or consultants
 9446 to the department as deemed necessary to provide peer review,
 9447 utilization review, and mortality review of treatment services
 9448 provided pursuant to chapters 394, 397, and 916,

9449 h. A committee of a mental health treatment facility
 9450 licensed under chapter 394 or a community mental health center
 9451 as defined in s. 394.907, provided the quality assurance program
 9452 operates pursuant to the guidelines which have been approved by
 9453 the governing board of the agency,

9454 i. A committee of a substance abuse treatment and
 9455 education prevention program licensed under chapter 397 provided
 9456 the quality assurance program operates pursuant to the
 9457 guidelines which have been approved by the governing board of
 9458 the agency,

9459 j. A peer review or utilization review committee organized
 9460 under chapter 440,

9461 k. A committee of the Department of Health, a county
 9462 health department, healthy start coalition, or certified rural
 9463 health network, when reviewing quality of care, or employees of
 9464 these entities when reviewing mortality records, or

9465 1. A continuous quality improvement committee of a
 9466 pharmacy licensed pursuant to chapter 465,
 9467
 9468 which committee is formed to evaluate and improve the quality of
 9469 health care rendered by providers of health service, to
 9470 determine that health services rendered were professionally
 9471 indicated or were performed in compliance with the applicable
 9472 standard of care, or that the cost of health care rendered was
 9473 considered reasonable by the providers of professional health
 9474 services in the area; or

9475 2. A committee of an insurer, self-insurer, or joint
 9476 underwriting association of medical malpractice insurance, or
 9477 other persons conducting review under s. 766.106.

9478 Section 295. Paragraph (b) of subsection (2) of section
 9479 775.0837, Florida Statutes, is amended to read:

9480 775.0837 Habitual misdemeanor offenders.—

9481 (2) If the court finds that a defendant before the court
 9482 for sentencing for a misdemeanor is a habitual misdemeanor
 9483 offender, the court shall, unless the court makes a finding that
 9484 an alternative disposition is in the best interests of the
 9485 community and defendant, sentence the defendant as a habitual
 9486 misdemeanor offender and impose one of the following sentences:

9487 (b) Commitment to a residential treatment program for not
 9488 less than 6 months, but not to exceed 364 days, provided that
 9489 the treatment program is operated by the county or a private
 9490 vendor with which the county has contracted to operate such

9491 program, or by a private vendor under contract with the state or
 9492 licensed by the state to operate such program, and provided that
 9493 any referral to a residential treatment facility is in
 9494 accordance with the assessment criteria for residential
 9495 treatment established by the Department of Children and Families
 9496 ~~Family Services~~, and that residential treatment beds are
 9497 available or other community-based treatment program or a
 9498 combination of residential and community-based program; or
 9499

9500 The court may not sentence a defendant under this subsection if
 9501 the misdemeanor offense before the court for sentencing has been
 9502 reclassified as a felony as a result of any prior qualifying
 9503 misdemeanor.

9504 Section 296. Paragraph (b) of subsection (1) and paragraph
 9505 (b) of subsection (2) of section 775.16, Florida Statutes, are
 9506 amended to read:

9507 775.16 Drug offenses; additional penalties.—In addition to
 9508 any other penalty provided by law, a person who has been
 9509 convicted of sale of or trafficking in, or conspiracy to sell or
 9510 traffic in, a controlled substance under chapter 893, if such
 9511 offense is a felony, or who has been convicted of an offense
 9512 under the laws of any state or country which, if committed in
 9513 this state, would constitute the felony of selling or
 9514 trafficking in, or conspiracy to sell or traffic in, a
 9515 controlled substance under chapter 893, is:

- 9516 (1) Disqualified from applying for employment by any

9517 agency of the state, unless:

9518 (b) The person has complied with the conditions of
 9519 subparagraphs 1. and 2. which shall be monitored by the
 9520 Department of Corrections while the person is under any
 9521 supervisory sanctions. The person under supervision may:

9522 1. Seek evaluation and enrollment in, and once enrolled
 9523 maintain enrollment in until completion, a drug treatment and
 9524 rehabilitation program which is approved by the Department of
 9525 Children and Families ~~Family Services~~, unless it is deemed by
 9526 the program that the person does not have a substance abuse
 9527 problem. The treatment and rehabilitation program may be
 9528 specified by:

9529 a. The court, in the case of court-ordered supervisory
 9530 sanctions;

9531 b. The Parole Commission, in the case of parole, control
 9532 release, or conditional release; or

9533 c. The Department of Corrections, in the case of
 9534 imprisonment or any other supervision required by law.

9535 2. Submit to periodic urine drug testing pursuant to
 9536 procedures prescribed by the Department of Corrections. If the
 9537 person is indigent, the costs shall be paid by the Department of
 9538 Corrections.

9539 (2) Disqualified from applying for a license, permit, or
 9540 certificate required by any agency of the state to practice,
 9541 pursue, or engage in any occupation, trade, vocation,
 9542 profession, or business, unless:

9543 (b) The person has complied with the conditions of
 9544 subparagraphs 1. and 2. which shall be monitored by the
 9545 Department of Corrections while the person is under any
 9546 supervisory sanction. If the person fails to comply with
 9547 provisions of these subparagraphs by either failing to maintain
 9548 treatment or by testing positive for drug use, the department
 9549 shall notify the licensing, permitting, or certifying agency,
 9550 which may refuse to reissue or reinstate such license, permit,
 9551 or certification. The licensee, permittee, or certificateholder
 9552 under supervision may:

9553 1. Seek evaluation and enrollment in, and once enrolled
 9554 maintain enrollment in until completion, a drug treatment and
 9555 rehabilitation program which is approved or regulated by the
 9556 Department of Children and Families ~~Family Services~~, unless it
 9557 is deemed by the program that the person does not have a
 9558 substance abuse problem. The treatment and rehabilitation
 9559 program may be specified by:

9560 a. The court, in the case of court-ordered supervisory
 9561 sanctions;

9562 b. The Parole Commission, in the case of parole, control
 9563 release, or conditional release; or

9564 c. The Department of Corrections, in the case of
 9565 imprisonment or any other supervision required by law.

9566 2. Submit to periodic urine drug testing pursuant to
 9567 procedures prescribed by the Department of Corrections. If the
 9568 person is indigent, the costs shall be paid by the Department of

9569 Corrections; or

9570

9571 The provisions of this section do not apply to any of the taxes,
 9572 fees, or permits regulated, controlled, or administered by the
 9573 Department of Revenue in accordance with the provisions of s.
 9574 213.05.

9575 Section 297. Paragraph (a) of subsection (11) of section
 9576 784.046, Florida Statutes, is amended to read:

9577 784.046 Action by victim of repeat violence, sexual
 9578 violence, or dating violence for protective injunction; dating
 9579 violence investigations, notice to victims, and reporting;
 9580 pretrial release violations; public records exemption.—

9581 (11) Any law enforcement officer who investigates an
 9582 alleged incident of dating violence shall assist the victim to
 9583 obtain medical treatment if such is required as a result of the
 9584 alleged incident to which the officer responds. Any law
 9585 enforcement officer who investigates an alleged incident of
 9586 dating violence shall advise the victim of such violence that
 9587 there is a domestic violence center from which the victim may
 9588 receive services. The law enforcement officer shall give the
 9589 victim immediate notice of the legal rights and remedies
 9590 available on a standard form developed and distributed by the
 9591 Department of Law Enforcement. As necessary, the Department of
 9592 Law Enforcement shall revise the Legal Rights and Remedies
 9593 Notice to Victims to include a general summary of this section,
 9594 using simple English as well as Spanish, and shall distribute

9595 the notice as a model form to be used by all law enforcement
 9596 agencies throughout the state. The notice shall include:

9597 (a) The resource listing, including telephone number, for
 9598 the area domestic violence center designated by the Department
 9599 of Children and Families ~~Family Services~~; and

9600 Section 298. Subsection (2) of section 784.074, Florida
 9601 Statutes, is amended to read:

9602 784.074 Assault or battery on sexually violent predators
 9603 detention or commitment facility staff; reclassification of
 9604 offenses.—

9605 (2) For purposes of this section, a staff member of the
 9606 facilities listed includes persons employed by the Department of
 9607 Children and Families ~~Family Services~~, persons employed at
 9608 facilities licensed by the Department of Children and Families
 9609 ~~Family Services~~, and persons employed at facilities operated
 9610 under a contract with the Department of Children and Families
 9611 ~~Family Services~~.

9612 Section 299. Subsection (2) of section 784.081, Florida
 9613 Statutes, is amended to read:

9614 784.081 Assault or battery on specified officials or
 9615 employees; reclassification of offenses.—

9616 (2) Whenever a person is charged with committing an
 9617 assault or aggravated assault or a battery or aggravated battery
 9618 upon any elected official or employee of: a school district; a
 9619 private school; the Florida School for the Deaf and the Blind; a
 9620 university lab school; a state university or any other entity of

9621 the state system of public education, as defined in s. 1000.04;
 9622 a sports official; an employee or protective investigator of the
 9623 Department of Children and Families ~~Family Services~~; an employee
 9624 of a lead community-based provider and its direct service
 9625 contract providers; or an employee of the Department of Health
 9626 or its direct service contract providers, when the person
 9627 committing the offense knows or has reason to know the identity
 9628 or position or employment of the victim, the offense for which
 9629 the person is charged shall be reclassified as follows:

9630 (a) In the case of aggravated battery, from a felony of
 9631 the second degree to a felony of the first degree.

9632 (b) In the case of aggravated assault, from a felony of
 9633 the third degree to a felony of the second degree.

9634 (c) In the case of battery, from a misdemeanor of the
 9635 first degree to a felony of the third degree.

9636 (d) In the case of assault, from a misdemeanor of the
 9637 second degree to a misdemeanor of the first degree.

9638 Section 300. Paragraph (d) of subsection (1) of section
 9639 787.06, Florida Statutes, is amended to read:

9640 787.06 Human trafficking.—

9641 (1)

9642 (d) It is the intent of the Legislature that the
 9643 perpetrators of human trafficking be penalized for their illegal
 9644 conduct and that the victims of trafficking be protected and
 9645 assisted by this state and its agencies. In furtherance of this
 9646 policy, it is the intent of the Legislature that the state

9647 Supreme Court, The Florida Bar, and relevant state agencies
 9648 prepare and implement training programs in order that judges,
 9649 attorneys, law enforcement personnel, investigators, and others
 9650 are able to identify traffickers and victims of human
 9651 trafficking and direct victims to appropriate agencies for
 9652 assistance. It is the intent of the Legislature that the
 9653 Department of Children and Families ~~Family Services~~ and other
 9654 state agencies cooperate with other state and federal agencies
 9655 to ensure that victims of human trafficking can access social
 9656 services and benefits to alleviate their plight.

9657 Section 301. Subsection (6) of section 796.07, Florida
 9658 Statutes, is amended to read:

9659 796.07 Prohibiting prostitution and related acts.—

9660 (6) A person who violates paragraph (2)(f) shall be
 9661 assessed a civil penalty of \$5,000 if the violation results in
 9662 any judicial disposition other than acquittal or dismissal. Of
 9663 the proceeds from each penalty assessed under this subsection,
 9664 the first \$500 shall be paid to the circuit court administrator
 9665 for the sole purpose of paying the administrative costs of
 9666 treatment-based drug court programs provided under s. 397.334.
 9667 The remainder of the penalty assessed shall be deposited in the
 9668 Operations and Maintenance Trust Fund of the Department of
 9669 Children and Families ~~Family Services~~ for the sole purpose of
 9670 funding safe houses and short-term safe houses as provided in s.
 9671 409.1678.

9672 Section 302. Paragraph (a) of subsection (2) of section

9673 817.505, Florida Statutes, is amended to read:

9674 817.505 Patient brokering prohibited; exceptions;
 9675 penalties.—

9676 (2) For the purposes of this section, the term:

9677 (a) "Health care provider or health care facility" means
 9678 any person or entity licensed, certified, or registered;
 9679 required to be licensed, certified, or registered; or lawfully
 9680 exempt from being required to be licensed, certified, or
 9681 registered with the Agency for Health Care Administration or the
 9682 Department of Health; any person or entity that has contracted
 9683 with the Agency for Health Care Administration to provide goods
 9684 or services to Medicaid recipients as provided under s. 409.907;
 9685 a county health department established under part I of chapter
 9686 154; any community service provider contracting with the
 9687 Department of Children and Families ~~Family Services~~ to furnish
 9688 alcohol, drug abuse, or mental health services under part IV of
 9689 chapter 394; any substance abuse service provider licensed under
 9690 chapter 397; or any federally supported primary care program
 9691 such as a migrant or community health center authorized under
 9692 ss. 329 and 330 of the United States Public Health Services Act.

9693 Section 303. Paragraph (c) of subsection (2) of section
 9694 839.13, Florida Statutes, is amended to read:

9695 839.13 Falsifying records.—

9696 (2)

9697 (c) Any person who knowingly falsifies, alters, destroys,
 9698 defaces, overwrites, removes, or discards records of the

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9699 Department of Children and Families ~~Family Services~~ or its
9700 contract provider with the intent to conceal a fact material to
9701 a child abuse protective investigation, protective supervision,
9702 foster care and related services, or a protective investigation
9703 or protective supervision of a vulnerable adult, as defined in
9704 chapter 39, chapter 409, or chapter 415, commits a felony of the
9705 third degree, punishable as provided in s. 775.082, s. 775.083,
9706 or s. 775.084. Nothing in this paragraph prohibits prosecution
9707 for a violation of paragraph (a) or paragraph (b) involving
9708 records described in this paragraph.

9709 Section 304. Subsection (5) of section 877.111, Florida
9710 Statutes, is amended to read:

9711 877.111 Inhalation, ingestion, possession, sale, purchase,
9712 or transfer of harmful chemical substances; penalties.—

9713 (5) Any person who violates any of the provisions of this
9714 section may, in the discretion of the trial judge, be required
9715 to participate in a substance abuse services program approved or
9716 regulated by the Department of Children and Families ~~Family~~
9717 ~~Services~~ pursuant to the provisions of chapter 397, provided the
9718 director of the program approves the placement of the defendant
9719 in the program. Such required participation may be imposed in
9720 addition to, or in lieu of, any penalty or probation otherwise
9721 prescribed by law. However, the total time of such penalty,
9722 probation, and program participation shall not exceed the
9723 maximum length of sentence possible for the offense.

9724 Section 305. Paragraph (a) of subsection (1) of section

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9725 893.11, Florida Statutes, is amended to read:
9726 893.11 Suspension, revocation, and reinstatement of
9727 business and professional licenses.—For the purposes of s.
9728 120.60(6), any conviction in any court reported to the
9729 Comprehensive Case Information System of the Florida Association
9730 of Court Clerks and Comptrollers, Inc., for the sale of, or
9731 trafficking in, a controlled substance or for conspiracy to
9732 sell, or traffic in, a controlled substance constitutes an
9733 immediate serious danger to the public health, safety, or
9734 welfare, and is grounds for disciplinary action by the licensing
9735 state agency. A state agency shall initiate an immediate
9736 emergency suspension of an individual professional license
9737 issued by the agency, in compliance with the procedures for
9738 summary suspensions in s. 120.60(6), upon the agency's findings
9739 of the licensee's conviction in any court reported to the
9740 Comprehensive Case Information System of the Florida Association
9741 of Court Clerks and Comptrollers, Inc., for the sale of, or
9742 trafficking in, a controlled substance, or for conspiracy to
9743 sell, or traffic in, a controlled substance. Before renewing any
9744 professional license, a state agency that issues a professional
9745 license must use the Comprehensive Case Information System of
9746 the Florida Association of Court Clerks and Comptrollers, Inc.,
9747 to obtain information relating to any conviction for the sale
9748 of, or trafficking in, a controlled substance or for conspiracy
9749 to sell, or traffic in, a controlled substance. The clerk of
9750 court shall provide electronic access to each state agency at no

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9751 cost and also provide certified copies of the judgment upon
9752 request to the agency. Upon a showing by any such convicted
9753 defendant whose professional license has been suspended or
9754 revoked pursuant to this section that his or her civil rights
9755 have been restored or upon a showing that the convicted
9756 defendant meets the following criteria, the agency head may
9757 reinstate or reactivate such license when:

9758 (1) The person has complied with the conditions of
9759 paragraphs (a) and (b) which shall be monitored by the
9760 Department of Corrections while the person is under any
9761 supervisory sanction. If the person fails to comply with
9762 provisions of these paragraphs by either failing to maintain
9763 treatment or by testing positive for drug use, the department
9764 shall notify the licensing agency, which shall revoke the
9765 license. The person under supervision may:

9766 (a) Seek evaluation and enrollment in, and once enrolled
9767 maintain enrollment in until completion, a drug treatment and
9768 rehabilitation program which is approved or regulated by the
9769 Department of Children and Families ~~Family Services~~. The
9770 treatment and rehabilitation program shall be specified by:

9771 1. The court, in the case of court-ordered supervisory
9772 sanctions;

9773 2. The Parole Commission, in the case of parole, control
9774 release, or conditional release; or

9775 3. The Department of Corrections, in the case of
9776 imprisonment or any other supervision required by law.

9777 Section 306. Section 893.15, Florida Statutes, is amended
 9778 to read:

9779 893.15 Rehabilitation.—Any person who violates s.
 9780 893.13(6) (a) or (b) relating to possession may, in the
 9781 discretion of the trial judge, be required to participate in a
 9782 substance abuse services program approved or regulated by the
 9783 Department of Children and Families ~~Family Services~~ pursuant to
 9784 the provisions of chapter 397, provided the director of such
 9785 program approves the placement of the defendant in such program.
 9786 Such required participation shall be imposed in addition to any
 9787 penalty or probation otherwise prescribed by law. However, the
 9788 total time of such penalty, probation, and program participation
 9789 shall not exceed the maximum length of sentence possible for the
 9790 offense.

9791 Section 307. Subsection (1) and paragraph (b) of
 9792 subsection (3) of section 893.165, Florida Statutes, are amended
 9793 to read:

9794 893.165 County alcohol and other drug abuse treatment or
 9795 education trust funds.—

9796 (1) Counties in which there is established or in existence
 9797 a comprehensive alcohol and other drug abuse treatment or
 9798 education program which meets the standards for qualification of
 9799 such programs by the Department of Children and Families ~~Family~~
 9800 ~~Services~~ are authorized to establish a County Alcohol and Other
 9801 Drug Abuse Trust Fund for the purpose of receiving the
 9802 assessments collected pursuant to s. 938.23 and disbursing

9803 assistance grants on an annual basis to such alcohol and other
 9804 drug abuse treatment or education program.

9805 (3)

9806 (b) Assessments collected by clerks of circuit courts
 9807 having more than one county in the circuit, for any county in
 9808 the circuit which does not have a County Alcohol and Other Drug
 9809 Abuse Trust Fund, shall be remitted to the Department of
 9810 Children and Families ~~Family Services~~, in accordance with
 9811 administrative rules adopted, for deposit into the department's
 9812 Grants and Donations Trust Fund for distribution pursuant to the
 9813 guidelines and priorities developed by the department.

9814 Section 308. Subsection (1) of section 916.105, Florida
 9815 Statutes, is amended to read:

9816 916.105 Legislative intent.—

9817 (1) It is the intent of the Legislature that the
 9818 Department of Children and Families ~~Family Services~~ and the
 9819 Agency for Persons with Disabilities, as appropriate, establish,
 9820 locate, and maintain separate and secure forensic facilities and
 9821 programs for the treatment or training of defendants who have
 9822 been charged with a felony and who have been found to be
 9823 incompetent to proceed due to their mental illness, intellectual
 9824 disability, or autism, or who have been acquitted of a felony by
 9825 reason of insanity, and who, while still under the jurisdiction
 9826 of the committing court, are committed to the department or
 9827 agency under this chapter. Such facilities must be sufficient to
 9828 accommodate the number of defendants committed under the

9829 conditions noted above. Except for those defendants found by the
 9830 department or agency to be appropriate for treatment or training
 9831 in a civil facility or program pursuant to subsection (3),
 9832 forensic facilities must be designed and administered so that
 9833 ingress and egress, together with other requirements of this
 9834 chapter, may be strictly controlled by staff responsible for
 9835 security in order to protect the defendant, facility personnel,
 9836 other clients, and citizens in adjacent communities.

9837 Section 309. Subsection (7) of section 916.106, Florida
 9838 Statutes, is amended to read:

9839 916.106 Definitions.—For the purposes of this chapter, the
 9840 term:

9841 (7) "Department" means the Department of Children and
 9842 Families ~~Family Services~~. The department is responsible for the
 9843 treatment of forensic clients who have been determined
 9844 incompetent to proceed due to mental illness or who have been
 9845 acquitted of a felony by reason of insanity.

9846 Section 310. Paragraph (d) of subsection (3) of section
 9847 921.0022, Florida Statutes, is amended to read:

9848 921.0022 Criminal Punishment Code; offense severity
 9849 ranking chart.—

9850 (3) OFFENSE SEVERITY RANKING CHART

9851 (d) LEVEL 4

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| | Florida Statute | Felony Degree | Description |
|------|--------------------|------------------|--|
| 9853 | 316.1935 (3) (a) | 2nd | Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 9854 | 499.0051 (1) | 3rd | Failure to maintain or deliver pedigree papers. |
| 9855 | 499.0051 (2) | 3rd | Failure to authenticate pedigree papers. |
| 9856 | 499.0051 (6) | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs. |
| 9857 | 517.07 (1) | 3rd | Failure to register |

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|------|-----------------|-----|--|
| 9858 | | | securities. |
| | 517.12 (1) | 3rd | Failure of dealer, associated person, or issuer of securities to register. |
| 9859 | | | |
| | 784.07 (2) (b) | 3rd | Battery of law enforcement officer, firefighter, etc. |
| 9860 | | | |
| | 784.074 (1) (c) | 3rd | Battery of sexually violent predators facility staff. |
| 9861 | | | |
| | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 9862 | | | |
| | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 9863 | | | |
| | 784.08 (2) (c) | 3rd | Battery on a person 65 years of age or older. |
| 9864 | | | |

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|------|-------------|-----|---|
| 9865 | 784.081 (3) | 3rd | Battery on specified official or employee. |
| 9866 | 784.082 (3) | 3rd | Battery by detained person on visitor or other detainee. |
| 9867 | 784.083 (3) | 3rd | Battery on code inspector. |
| 9868 | 784.085 | 3rd | Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials. |
| 9869 | 787.03 (1) | 3rd | Interference with custody; wrongly takes minor from appointed guardian. |
| 9870 | 787.04 (2) | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings. |
| | 787.04 (3) | 3rd | Carrying child beyond state lines with criminal intent |

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| 9871 | 787.07 | 3rd | Human smuggling. |
| 9872 | 790.115 (1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |
| 9873 | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |
| 9874 | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 9875 | 800.04 (7) (c) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 9876 | 810.02 (4) (a) | 3rd | Burglary, or attempted |

to avoid producing child at
custody hearing or
delivering to designated
person.

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| 9877 | 810.02 (4) (b) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |
| 9878 | 810.06 | 3rd | Burglary; possession of tools. |
| 9879 | 810.08 (2) (c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 9880 | 812.014 (2) (c) 3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 9881 | 812.014 (2) (c) 4.-10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc. |
| 9882 | | | |

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| 9883 | 812.0195(2) | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more. |
| 9884 | 817.563(1) | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs. |
| 9885 | 817.568(2)(a) | 3rd | Fraudulent use of personal identification information. |
| 9886 | 817.625(2)(a) | 3rd | Fraudulent use of scanning device or reencoder. |
| 9887 | 828.125(1) | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle. |
| | 837.02(1) | 3rd | Perjury in official |

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| 9888 | | | proceedings. |
| 9889 | 837.021 (1) | 3rd | Make contradictory statements in official proceedings. |
| 9890 | 838.022 | 3rd | Official misconduct. |
| 9891 | 839.13 (2) (a) | 3rd | Falsifying records of an individual in the care and custody of a state agency. |
| 9892 | 839.13 (2) (c) | 3rd | Falsifying records of the Department of Children and <u>Families</u> Family Services . |
| 9893 | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 9894 | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |

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| | | | |
|------|-------------------|-----|---|
| 9895 | 843.15 (1) (a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 9896 | 847.0135 (5) (c) | 3rd | Lewd or lascivious exhibition using computer; offender less than 18 years. |
| 9897 | 874.05 (1) (a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 9898 | 893.13 (2) (a) 1. | 2nd | Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs). |
| 9899 | 914.14 (2) | 3rd | Witnesses accepting bribes. |
| | 914.22 (1) | 3rd | Force, threaten, etc., witness, victim, or |

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9900 informant.

914.23 (2) 3rd Retaliation against a
witness, victim, or
informant, no bodily injury.

9901

918.12 3rd Tampering with jurors.

9902

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

9903

9904

9905 Section 311. Paragraph (a) of subsection (4) of section

9906 937.021, Florida Statutes, is amended to read:

9907 937.021 Missing child and missing adult reports.—

9908 (4) (a) Upon the filing of a police report that a child is

9909 missing by the parent or guardian, the Department of Children

9910 and Families ~~Family Services~~, a community-based care provider,

9911 or a sheriff's office providing investigative services for the

9912 department, the law enforcement agency receiving the report

9913 shall immediately inform all on-duty law enforcement officers of

9914 the missing child report, communicate the report to every other

9915 law enforcement agency having jurisdiction in the county, and

9916 within 2 hours after receipt of the report, transmit the report

9917 for inclusion within the Florida Crime Information Center and

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9918 the National Crime Information Center databases. A law
9919 enforcement agency may not require a reporter to present an
9920 order that a child be taken into custody or any other such order
9921 before accepting a report that a child is missing.

9922 Section 312. Paragraph (a) of subsection (1) of section
9923 938.01, Florida Statutes, is amended to read:

9924 938.01 Additional Court Cost Clearing Trust Fund.—

9925 (1) All courts created by Art. V of the State Constitution
9926 shall, in addition to any fine or other penalty, require every
9927 person convicted for violation of a state penal or criminal
9928 statute or convicted for violation of a municipal or county
9929 ordinance to pay \$3 as a court cost. Any person whose
9930 adjudication is withheld pursuant to the provisions of s.
9931 318.14(9) or (10) shall also be liable for payment of such cost.
9932 In addition, \$3 from every bond estreature or forfeited bail
9933 bond related to such penal statutes or penal ordinances shall be
9934 remitted to the Department of Revenue as described in this
9935 subsection. However, no such assessment may be made against any
9936 person convicted for violation of any state statute, municipal
9937 ordinance, or county ordinance relating to the parking of
9938 vehicles.

9939 (a) All costs collected by the courts pursuant to this
9940 subsection shall be remitted to the Department of Revenue in
9941 accordance with administrative rules adopted by the executive
9942 director of the Department of Revenue for deposit in the
9943 Additional Court Cost Clearing Trust Fund. These funds and the

9944 funds deposited in the Additional Court Cost Clearing Trust Fund
 9945 pursuant to s. 318.21(2)(c) shall be distributed as follows:

9946 1. Ninety-two percent to the Department of Law Enforcement
 9947 Criminal Justice Standards and Training Trust Fund.

9948 2. Six and three-tenths percent to the Department of Law
 9949 Enforcement Operating Trust Fund for the Criminal Justice Grant
 9950 Program.

9951 3. One and seven-tenths percent to the Department of
 9952 Children and Families ~~Family Services~~ Domestic Violence Trust
 9953 Fund for the domestic violence program pursuant to s. 39.903(1).

9954 Section 313. Subsection (2) of section 938.10, Florida
 9955 Statutes, is amended to read:

9956 938.10 Additional court cost imposed in cases of certain
 9957 crimes.—

9958 (2) Each month the clerk of the court shall transfer \$50
 9959 from the proceeds of the court cost to the Department of Revenue
 9960 for deposit into the Department of Children and Families' ~~Family~~
 9961 ~~Services'~~ Grants and Donations Trust Fund for disbursement to
 9962 the Office of the Statewide Guardian Ad Litem and \$100 to the
 9963 Department of Revenue for deposit into the Department of
 9964 Children and Families' ~~Family Services'~~ Grants and Donations
 9965 Trust Fund for disbursement to the Florida Network of Children's
 9966 Advocacy Centers, Inc., for the purpose of funding children's
 9967 advocacy centers that are members of the network. The clerk
 9968 shall retain \$1 from each sum collected as a service charge.

9969 Section 314. Subsection (2) of section 938.23, Florida

9970 Statutes, is amended to read:

9971 938.23 Assistance grants for alcohol and other drug abuse
9972 programs.—

9973 (2) All assessments authorized by this section shall be
9974 collected by the clerk of court and remitted to the
9975 jurisdictional county as described in s. 893.165(2) for deposit
9976 into the County Alcohol and Other Drug Abuse Trust Fund or
9977 remitted to the Department of Revenue for deposit into the
9978 Grants and Donations Trust Fund of the Department of Children
9979 and Families ~~Family Services~~ pursuant to guidelines and
9980 priorities developed by the department. If a County Alcohol and
9981 Other Drug Abuse Trust Fund has not been established for any
9982 jurisdictional county, assessments collected by the clerk of
9983 court shall be remitted to the Department of Revenue for deposit
9984 into the Grants and Donations Trust Fund of the Department of
9985 Children and Families ~~Family Services~~.

9986 Section 315. Subsection (7) of section 943.0311, Florida
9987 Statutes, is amended to read:

9988 943.0311 Chief of Domestic Security; duties of the
9989 department with respect to domestic security.—

9990 (7) As used in this section, the term "state agency"
9991 includes the Agency for Health Care Administration, the
9992 Department of Agriculture and Consumer Services, the Department
9993 of Business and Professional Regulation, the Department of
9994 Children and Families ~~Family Services~~, the Department of Citrus,
9995 the Department of Economic Opportunity, the Department of

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9996 Corrections, the Department of Education, the Department of
 9997 Elderly Affairs, the Division of Emergency Management, the
 9998 Department of Environmental Protection, the Department of
 9999 Financial Services, the Department of Health, the Department of
 10000 Highway Safety and Motor Vehicles, the Department of Juvenile
 10001 Justice, the Department of Law Enforcement, the Department of
 10002 Legal Affairs, the Department of Management Services, the
 10003 Department of Military Affairs, the Department of Revenue, the
 10004 Department of State, the Department of the Lottery, the
 10005 Department of Transportation, the Department of Veterans'
 10006 Affairs, the Fish and Wildlife Conservation Commission, the
 10007 Parole Commission, the State Board of Administration, and the
 10008 Executive Office of the Governor.

10009 Section 316. Section 943.04353, Florida Statutes, is
 10010 amended to read:

10011 943.04353 Triennial study of sexual predator and sexual
 10012 offender registration and notification procedures.—The Office of
 10013 Program Policy Analysis and Government Accountability shall,
 10014 every 3 years, perform a study of the effectiveness of Florida's
 10015 sexual predator and sexual offender registration process and
 10016 community and public notification provisions. As part of
 10017 determining the effectiveness of the registration process,
 10018 OPPAGA shall examine the current practices of: the Department of
 10019 Corrections, county probation offices, clerk of courts, court
 10020 administrators, county jails and booking facilities, Department
 10021 of Children and Families ~~Family Services~~, judges, state

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10022 attorneys' offices, Department of Highway Safety and Motor
10023 Vehicles, Department of Law Enforcement, and local law
10024 enforcement agencies as they relate to: sharing of offender
10025 information regarding registered sexual predators and sexual
10026 offenders for purposes of fulfilling the requirements set forth
10027 in the registration laws; ensuring the most accurate, current,
10028 and comprehensive information is provided in a timely manner to
10029 the registry; ensuring the effective supervision and subsequent
10030 monitoring of sexual predators and offenders; and ensuring
10031 informed decisions are made at each point of the criminal
10032 justice and registration process. In addition to determining the
10033 effectiveness of the registration process, the report shall
10034 focus on the question of whether the notification provisions in
10035 statute are sufficient to apprise communities of the presence of
10036 sexual predators and sexual offenders. The report shall examine
10037 how local law enforcement agencies collect and disseminate
10038 information in an effort to notify the public and communities of
10039 the presence of sexual predators and offenders. If the report
10040 finds deficiencies in the registration process, the notification
10041 provisions, or both, the report shall provide options for
10042 correcting those deficiencies and shall include the projected
10043 cost of implementing those options. In conducting the study, the
10044 Office of Program Policy Analysis and Government Accountability
10045 shall consult with the Florida Council Against Sexual Violence
10046 and the Florida Association for the Treatment of Sexual Abusers
10047 in addition to other interested entities that may offer

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10048 | experiences and perspectives unique to this area of research.
 10049 | The report shall be submitted to the President of the Senate and
 10050 | the Speaker of the House of Representatives by January 1, 2006.

10051 | Section 317. Paragraph (b) of subsection (3) of section
 10052 | 943.053, Florida Statutes, is amended to read:

10053 | 943.053 Dissemination of criminal justice information;
 10054 | fees.—

10055 | (3)

10056 | (b) The fee per record for criminal history information
 10057 | provided pursuant to this subsection and s. 943.0542 is \$24 per
 10058 | name submitted, except that the fee for the guardian ad litem
 10059 | program and vendors of the Department of Children and Families
 10060 | ~~Family Services~~, the Department of Juvenile Justice, and the
 10061 | Department of Elderly Affairs shall be \$8 for each name
 10062 | submitted; the fee for a state criminal history provided for
 10063 | application processing as required by law to be performed by the
 10064 | Department of Agriculture and Consumer Services shall be \$15 for
 10065 | each name submitted; and the fee for requests under s. 943.0542,
 10066 | which implements the National Child Protection Act, shall be \$18
 10067 | for each volunteer name submitted. The state offices of the
 10068 | Public Defender shall not be assessed a fee for Florida criminal
 10069 | history information or wanted person information.

10070 | Section 318. Subsection (1) of section 943.06, Florida
 10071 | Statutes, is amended to read:

10072 | 943.06 Criminal and Juvenile Justice Information Systems
 10073 | Council.—There is created a Criminal and Juvenile Justice

10074 Information Systems Council within the department.

10075 (1) The council shall be composed of 15 members,
 10076 consisting of the Attorney General or a designated assistant;
 10077 the executive director of the Department of Law Enforcement or a
 10078 designated assistant; the secretary of the Department of
 10079 Corrections or a designated assistant; the chair of the Parole
 10080 Commission or a designated assistant; the Secretary of Juvenile
 10081 Justice or a designated assistant; the executive director of the
 10082 Department of Highway Safety and Motor Vehicles or a designated
 10083 assistant; the Secretary of Children and Families ~~Family~~
 10084 ~~Services~~ or a designated assistant; the State Courts
 10085 Administrator or a designated assistant; 1 public defender
 10086 appointed by the Florida Public Defender Association, Inc.; 1
 10087 state attorney appointed by the Florida Prosecuting Attorneys
 10088 Association, Inc.; and 5 members, to be appointed by the
 10089 Governor, consisting of 2 sheriffs, 2 police chiefs, and 1 clerk
 10090 of the circuit court.

10091 Section 319. Section 943.17296, Florida Statutes, is
 10092 amended to read:

10093 943.17296 Training in identifying and investigating elder
 10094 abuse and neglect.—Each certified law enforcement officer must
 10095 successfully complete training on identifying and investigating
 10096 elder abuse and neglect as a part of the basic recruit training
 10097 of the officer required in s. 943.13(9) or continuing education
 10098 under s. 943.135(1) before June 30, 2011. The training shall be
 10099 developed in consultation with the Department of Elderly Affairs

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10100 and the Department of Children and Families ~~Family Services~~ and
10101 must incorporate instruction on the identification of and
10102 appropriate responses for persons suffering from dementia and on
10103 identifying and investigating elder abuse and neglect. If an
10104 officer fails to complete the required training, his or her
10105 certification is inactive until the employing agency notifies
10106 the commission that the officer has completed the training.

10107 Section 320. Subsection (5) of section 944.024, Florida
10108 Statutes, is amended to read:

10109 944.024 Adult intake and evaluation.—The state system of
10110 adult intake and evaluation shall include:

10111 (5) The performance of postsentence intake by the
10112 department. Any physical facility established by the department
10113 for the intake and evaluation process prior to the offender's
10114 entry into the correctional system shall provide for specific
10115 office and work areas for the staff of the commission. The
10116 purpose of such a physical center shall be to combine in one
10117 place as many of the rehabilitation-related functions as
10118 possible, including pretrial and posttrial evaluation, parole
10119 and probation services, vocational rehabilitation services,
10120 family assistance services of the Department of Children and
10121 Families ~~Family Services~~, and all other rehabilitative and
10122 correctional services dealing with the offender.

10123 Section 321. Subsection (5) of section 944.17, Florida
10124 Statutes, is amended to read:

10125 944.17 Commitments and classification; transfers.—

10126 (5) The department shall also refuse to accept a person
 10127 into the state correctional system unless the following
 10128 documents are presented in a completed form by the sheriff or
 10129 chief correctional officer, or a designated representative, to
 10130 the officer in charge of the reception process:

10131 (a) The uniform commitment and judgment and sentence forms
 10132 as described in subsection (4).

10133 (b) The sheriff's certificate as described in s. 921.161.

10134 (c) A certified copy of the indictment or information
 10135 relating to the offense for which the person was convicted.

10136 (d) A copy of the probable cause affidavit for each
 10137 offense identified in the current indictment or information.

10138 (e) A copy of the Criminal Punishment Code scoresheet and
 10139 any attachments thereto prepared pursuant to Rule 3.701, Rule
 10140 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
 10141 any other rule pertaining to the preparation of felony
 10142 sentencing scoresheets.

10143 (f) A copy of the restitution order or the reasons by the
 10144 court for not requiring restitution pursuant to s. 775.089(1).

10145 (g) The name and address of any victim, if available.

10146 (h) A printout of a current criminal history record as
 10147 provided through an FCIC/NCIC printer.

10148 (i) Any available health assessments including medical,
 10149 mental health, and dental, including laboratory or test
 10150 findings; custody classification; disciplinary and adjustment;
 10151 and substance abuse assessment and treatment information which

10152 may have been developed during the period of incarceration prior
 10153 to the transfer of the person to the department's custody.
 10154 Available information shall be transmitted on standard forms
 10155 developed by the department.

10156
 10157 In addition, the sheriff or other officer having such person in
 10158 charge shall also deliver with the foregoing documents any
 10159 available presentence investigation reports as described in s.
 10160 921.231 and any attached documents. After a prisoner is admitted
 10161 into the state correctional system, the department may request
 10162 such additional records relating to the prisoner as it considers
 10163 necessary from the clerk of the court, the Department of
 10164 Children and Families ~~Family Services~~, or any other state or
 10165 county agency for the purpose of determining the prisoner's
 10166 proper custody classification, gain-time eligibility, or
 10167 eligibility for early release programs. An agency that receives
 10168 such a request from the department must provide the information
 10169 requested.

10170 Section 322. Subsection (2) of section 944.706, Florida
 10171 Statutes, is amended to read:

10172 944.706 Basic release assistance.—

10173 (2) The department may contract with the Department of
 10174 Children and Families ~~Family Services~~, the Salvation Army, and
 10175 other public or private organizations, including faith-based
 10176 service groups, for the provision of basic support services for
 10177 releasees.

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10178 Section 323. Subsection (2) of section 945.025, Florida
 10179 Statutes, is amended to read:

10180 945.025 Jurisdiction of department.—

10181 (2) In establishing, operating, and using these
 10182 facilities, the department shall attempt, whenever possible, to
 10183 avoid the placement of nondangerous offenders who have potential
 10184 for rehabilitation with repeat offenders or dangerous offenders.

10185 Medical, mental, and psychological problems must be diagnosed
 10186 and treated whenever possible. The Department of Children and
 10187 Families ~~Family Services~~ and the Agency for Persons with
 10188 Disabilities shall cooperate to ensure the delivery of services
 10189 to persons under the custody or supervision of the department.

10190 If the department intends to transfer a prisoner who has a
 10191 mental illness or intellectual disability to the Department of
 10192 Children and Families ~~Family Services~~ or the Agency for Persons
 10193 with Disabilities, an involuntary commitment hearing shall be
 10194 held in accordance with chapter 393 or chapter 394.

10195 Section 324. Paragraphs (a) and (b) of subsection (2) of
 10196 section 945.10, Florida Statutes, are amended to read:

10197 945.10 Confidential information.—

10198 (2) The records and information specified in paragraphs
 10199 (1) (a)-(h) may be released as follows unless expressly
 10200 prohibited by federal law:

10201 (a) Information specified in paragraphs (1) (b), (d), and
 10202 (f) to the Office of the Governor, the Legislature, the Parole
 10203 Commission, the Department of Children and Families ~~Family~~

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10204 ~~Services~~, a private correctional facility or program that
 10205 operates under a contract, the Department of Legal Affairs, a
 10206 state attorney, the court, or a law enforcement agency. A
 10207 request for records or information pursuant to this paragraph
 10208 need not be in writing.

10209 (b) Information specified in paragraphs (1)(c), (e), and
 10210 (h) to the Office of the Governor, the Legislature, the Parole
 10211 Commission, the Department of Children and Families ~~Family~~
 10212 ~~Services~~, a private correctional facility or program that
 10213 operates under contract, the Department of Legal Affairs, a
 10214 state attorney, the court, or a law enforcement agency. A
 10215 request for records or information pursuant to this paragraph
 10216 must be in writing and a statement provided demonstrating a need
 10217 for the records or information.

10218
 10219 Records and information released under this subsection remain
 10220 confidential and exempt from the provisions of s. 119.07(1) and
 10221 s. 24(a), Art. I of the State Constitution when held by the
 10222 receiving person or entity.

10223 Section 325. Subsection (6) of section 945.12, Florida
 10224 Statutes, is amended to read:

10225 945.12 Transfers for rehabilitative treatment.—

10226 (6) A prisoner who has been determined by the Department
 10227 of Children and Families ~~Family Services~~ and the Department of
 10228 Corrections to be amenable to rehabilitative treatment for
 10229 sexual deviation, and who has voluntarily agreed to participate

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10230 in such rehabilitative treatment, may be transferred to the
 10231 Department of Children and Families ~~Family Services~~ provided
 10232 appropriate bed space is available.

10233 Section 326. Subsection (3) of section 945.46, Florida
 10234 Statutes, is amended to read:

10235 945.46 Initiation of involuntary placement proceedings
 10236 with respect to a mentally ill inmate scheduled for release.—

10237 (3) The department may transport an individual who is
 10238 being released from its custody to a receiving or treatment
 10239 facility for involuntary examination or placement. Such
 10240 transport shall be made to a facility that is specified by the
 10241 Department of Children and Families ~~Family Services~~ as able to
 10242 meet the specific needs of the individual. If the Department of
 10243 Children and Families ~~Family Services~~ does not specify a
 10244 facility, transport may be made to the nearest receiving
 10245 facility.

10246 Section 327. Subsection (2) of section 945.47, Florida
 10247 Statutes, is amended to read:

10248 945.47 Discharge of inmate from mental health treatment.—

10249 (2) At any time that an inmate who has received mental
 10250 health treatment while in the custody of the department becomes
 10251 eligible for release under supervision or upon end of sentence,
 10252 a record of the inmate's mental health treatment may be provided
 10253 to the Parole Commission and to the Department of Children and
 10254 Families ~~Family Services~~ upon request. The record shall include,
 10255 at a minimum, a summary of the inmate's diagnosis, length of

10256 stay in treatment, clinical history, prognosis, prescribed
 10257 medication, treatment plan, and recommendations for aftercare
 10258 services.

10259 Section 328. Subsection (2) of section 945.49, Florida
 10260 Statutes, is amended to read:

10261 945.49 Operation and administration.—

10262 (2) RULES.—The department, in cooperation with the Mental
 10263 Health Program Office of the Department of Children and Families
 10264 ~~Family Services~~, shall adopt rules necessary for administration
 10265 of ss. 945.40–945.49 in accordance with chapter 120.

10266 Section 329. Paragraph (b) of subsection (2) of section
 10267 947.13, Florida Statutes, is amended to read:

10268 947.13 Powers and duties of commission.—

10269 (2)

10270 (b) The Department of Children and Families ~~Family~~
 10271 ~~Services~~ and all other state, county, and city agencies,
 10272 sheriffs and their deputies, and all peace officers shall
 10273 cooperate with the commission and the department and shall aid
 10274 and assist them in the performance of their duties.

10275 Section 330. Subsection (9) of section 947.146, Florida
 10276 Statutes, is amended to read:

10277 947.146 Control Release Authority.—

10278 (9) The authority shall examine such records as it deems
 10279 necessary of the department, the Department of Children and
 10280 Families ~~Family Services~~, the Department of Law Enforcement, and
 10281 any other such agency for the purpose of either establishing,

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10282 modifying, or revoking a control release date. The victim impact
10283 statement shall be included in such records for examination.
10284 Such agencies shall provide the information requested by the
10285 authority for the purposes of fulfilling the requirements of
10286 this section.

10287 Section 331. Subsection (6) of section 948.01, Florida
10288 Statutes, is amended to read:

10289 948.01 When court may place defendant on probation or into
10290 community control.—

10291 (6) When the court, under any of the foregoing
10292 subsections, places a defendant on probation or into community
10293 control, it may specify that the defendant serve all or part of
10294 the probationary or community control period in a community
10295 residential or nonresidential facility under the jurisdiction of
10296 the Department of Corrections or the Department of Children and
10297 Families ~~Family Services~~ or any public or private entity
10298 providing such services, and it shall require the payment
10299 prescribed in s. 948.09.

10300 Section 332. Subsection (2) of section 984.01, Florida
10301 Statutes, is amended to read:

10302 984.01 Purposes and intent; personnel standards and
10303 screening.—

10304 (2) The Department of Juvenile Justice or the Department
10305 of Children and Families ~~Family Services~~, as appropriate, may
10306 contract with the Federal Government, other state departments
10307 and agencies, county and municipal governments and agencies,

10308 public and private agencies, and private individuals and
 10309 corporations in carrying out the purposes of, and the
 10310 responsibilities established in, this chapter.

10311 (a) If the department contracts with a provider for any
 10312 program for children, all personnel, including owners,
 10313 operators, employees, and volunteers, in the facility must be of
 10314 good moral character. Each contract entered into by either
 10315 department for services delivered on an appointment or
 10316 intermittent basis by a provider that does not have regular
 10317 custodial responsibility for children and each contract with a
 10318 school for before or aftercare services must ensure that the
 10319 owners, operators, and all personnel who have direct contact
 10320 with children are of good moral character. A volunteer who
 10321 assists on an intermittent basis for less than 10 hours per
 10322 month need not be screened if a person who meets the screening
 10323 requirement of this section is always present and has the
 10324 volunteer in his or her line of sight.

10325 (b) The Department of Juvenile Justice and the Department
 10326 of Children and Families ~~Family Services~~ shall require
 10327 employment screening pursuant to chapter 435, using the level 2
 10328 standards set forth in that chapter for personnel in programs
 10329 for children or youths.

10330 (c) The Department of Juvenile Justice or the Department
 10331 of Children and Families ~~Family Services~~ may grant exemptions
 10332 from disqualification from working with children as provided in
 10333 s. 435.07.

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10334 Section 333. Subsections (6), (7), and (9), paragraphs (b)
10335 and (c) of subsection (12), and subsections (25), (33), (44),
10336 and (50) of section 984.03, Florida Statutes, are amended to
10337 read:

10338 984.03 Definitions.—When used in this chapter, the term:

10339 (6) "Authorized agent" or "designee" of the department
10340 means a person or agency assigned or designated by the
10341 Department of Juvenile Justice or the Department of Children and
10342 Families ~~Family Services~~, as appropriate, to perform duties or
10343 exercise powers pursuant to this chapter and includes contract
10344 providers and their employees for purposes of providing services
10345 to and managing cases of children in need of services and
10346 families in need of services.

10347 (7) "Caretaker/homemaker" means an authorized agent of the
10348 Department of Children and Families ~~Family Services~~ who shall
10349 remain in the child's home with the child until a parent, legal
10350 guardian, or relative of the child enters the home and is
10351 capable of assuming and agrees to assume charge of the child.

10352 (9) "Child in need of services" means a child for whom
10353 there is no pending investigation into an allegation or
10354 suspicion of abuse, neglect, or abandonment; no pending referral
10355 alleging the child is delinquent; or no current supervision by
10356 the Department of Juvenile Justice or the Department of Children
10357 and Families ~~Family Services~~ for an adjudication of dependency
10358 or delinquency. The child must also, pursuant to this chapter,
10359 be found by the court:

10360 (a) To have persistently run away from the child's parents
 10361 or legal custodians despite reasonable efforts of the child, the
 10362 parents or legal custodians, and appropriate agencies to remedy
 10363 the conditions contributing to the behavior. Reasonable efforts
 10364 shall include voluntary participation by the child's parents or
 10365 legal custodians and the child in family mediation, services,
 10366 and treatment offered by the Department of Juvenile Justice or
 10367 the Department of Children and Families ~~Family Services~~;

10368 (b) To be habitually truant from school, while subject to
 10369 compulsory school attendance, despite reasonable efforts to
 10370 remedy the situation pursuant to ss. 1003.26 and 1003.27 and
 10371 through voluntary participation by the child's parents or legal
 10372 custodians and by the child in family mediation, services, and
 10373 treatment offered by the Department of Juvenile Justice or the
 10374 Department of Children and Families ~~Family Services~~; or

10375 (c) To have persistently disobeyed the reasonable and
 10376 lawful demands of the child's parents or legal custodians, and
 10377 to be beyond their control despite efforts by the child's
 10378 parents or legal custodians and appropriate agencies to remedy
 10379 the conditions contributing to the behavior. Reasonable efforts
 10380 may include such things as good faith participation in family or
 10381 individual counseling.

10382 (12) "Child who is found to be dependent" or "dependent
 10383 child" means a child who, pursuant to this chapter, is found by
 10384 the court:

10385 (b) To have been surrendered to the former Department of

10386 Health and Rehabilitative Services, the Department of Children
 10387 and Families ~~Family Services~~, or a licensed child-placing agency
 10388 for purpose of adoption.

10389 (c) To have been voluntarily placed with a licensed child-
 10390 caring agency, a licensed child-placing agency, an adult
 10391 relative, the former Department of Health and Rehabilitative
 10392 Services, or the Department of Children and Families ~~Family~~
 10393 ~~Services~~, after which placement, under the requirements of this
 10394 chapter, a case plan has expired and the parent or parents have
 10395 failed to substantially comply with the requirements of the
 10396 plan.

10397 (25) "Family in need of services" means a family that has
 10398 a child who is running away; who is persistently disobeying
 10399 reasonable and lawful demands of the parent or legal custodian
 10400 and is beyond the control of the parent or legal custodian; or
 10401 who is habitually truant from school or engaging in other
 10402 serious behaviors that place the child at risk of future abuse,
 10403 neglect, or abandonment or at risk of entering the juvenile
 10404 justice system. The child must be referred to a law enforcement
 10405 agency, the Department of Juvenile Justice, or an agency
 10406 contracted to provide services to children in need of services.
 10407 A family is not eligible to receive services if, at the time of
 10408 the referral, there is an open investigation into an allegation
 10409 of abuse, neglect, or abandonment or if the child is currently
 10410 under supervision by the Department of Juvenile Justice or the
 10411 Department of Children and Families ~~Family Services~~ due to an

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10412 adjudication of dependency or delinquency.

10413 (33) "Licensed child-caring agency" means a person,
10414 society, association, or agency licensed by the Department of
10415 Children and Families ~~Family Services~~ to care for, receive, and
10416 board children.

10417 (44) "Protective supervision" means a legal status in
10418 child-in-need-of-services cases or family-in-need-of-services
10419 cases which permits the child to remain in his or her own home
10420 or other placement under the supervision of an agent of the
10421 Department of Juvenile Justice or the Department of Children and
10422 Families ~~Family Services~~, subject to being returned to the court
10423 during the period of supervision.

10424 (50) "Staff-secure shelter" means a facility in which a
10425 child is supervised 24 hours a day by staff members who are
10426 awake while on duty. The facility is for the temporary care and
10427 assessment of a child who has been found to be dependent, who
10428 has violated a court order and been found in contempt of court,
10429 or whom the Department of Children and Families ~~Family Services~~
10430 is unable to properly assess or place for assistance within the
10431 continuum of services provided for dependent children.

10432 Section 334. Section 984.071, Florida Statutes, is amended
10433 to read:

10434 984.071 Information packet.—The Department of Juvenile
10435 Justice, in collaboration with the Department of Children and
10436 Families ~~Family Services~~ and the Department of Education, shall
10437 develop and publish an information packet that explains the

10438 current process under this chapter for obtaining assistance for
 10439 a child in need of services or a family in need of services and
 10440 the community services and resources available to parents of
 10441 troubled or runaway children. In preparing the information
 10442 packet, the Department of Juvenile Justice shall work with
 10443 school district superintendents, juvenile court judges, county
 10444 sheriffs, and other local law enforcement officials in order to
 10445 ensure that the information packet lists services and resources
 10446 that are currently available within the county in which the
 10447 packet is distributed. Each information packet shall be annually
 10448 updated and shall be available for distribution by January 1,
 10449 1998. The school district shall distribute this information
 10450 packet to parents of truant children and to other parents upon
 10451 request or as deemed appropriate by the school district. In
 10452 addition, the Department of Juvenile Justice shall distribute
 10453 the information packet to state and local law enforcement
 10454 agencies. Any law enforcement officer who has contact with the
 10455 parent of a child who is locked out of the home or who runs away
 10456 from home shall make the information available to the parent.

10457 Section 335. Paragraph (a) of subsection (1) of section
 10458 984.085, Florida Statutes, is amended to read:

10459 984.085 Sheltering unmarried minors; aiding unmarried
 10460 minor runaways; violations.—

10461 (1) (a) A person who is not an authorized agent of the
 10462 Department of Juvenile Justice or the Department of Children and
 10463 Families ~~Family Services~~ may not knowingly shelter an unmarried

10464 minor for more than 24 hours without the consent of the minor's
 10465 parent or guardian or without notifying a law enforcement
 10466 officer of the minor's name and the fact that the minor is being
 10467 provided shelter.

10468 Section 336. Section 984.086, Florida Statutes, is amended
 10469 to read:

10470 984.086 Children locked out of the home; interagency
 10471 cooperation.—The Department of Juvenile Justice and the
 10472 Department of Children and Families ~~Family Services~~ shall
 10473 encourage interagency cooperation within each circuit and shall
 10474 develop comprehensive agreements between the staff and providers
 10475 for each department in order to coordinate the services provided
 10476 to children who are locked out of the home and the families of
 10477 those children.

10478 Section 337. Subsection (1) of section 984.10, Florida
 10479 Statutes, is amended to read:

10480 984.10 Intake.—

10481 (1) Intake shall be performed by the department. A report
 10482 or complaint alleging that a child is from a family in need of
 10483 services shall be made to the intake office operating in the
 10484 county in which the child is found or in which the case arose.
 10485 Any person or agency, including, but not limited to, the parent
 10486 or legal custodian, the local school district, a law enforcement
 10487 agency, or the Department of Children and Families ~~Family~~
 10488 ~~Services~~, having knowledge of the facts may make a report or
 10489 complaint.

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10490 Section 338. Paragraph (e) of subsection (3) of section
 10491 984.15, Florida Statutes, is amended to read:

10492 984.15 Petition for a child in need of services.—

10493 (3)

10494 (e) The court, on its own motion or the motion of any
 10495 party or the department, shall determine the legal sufficiency
 10496 of a petition filed under this subsection and may dismiss any
 10497 petition that lacks sufficient grounds. In addition, the court
 10498 shall verify that the child is not:

10499 1. The subject of a pending investigation into an
 10500 allegation or suspicion of abuse, neglect, or abandonment;

10501 2. The subject of a pending referral alleging that the
 10502 child is delinquent; or

10503 3. Under the current supervision of the department or the
 10504 Department of Children and Families ~~Family Services~~ for an
 10505 adjudication of delinquency or dependency.

10506 Section 339. Subsection (3) of section 984.19, Florida
 10507 Statutes, is amended to read:

10508 984.19 Medical screening and treatment of child;
 10509 examination of parent, guardian, or person requesting custody.—

10510 (3) A judge may order that a child alleged to be or
 10511 adjudicated a child in need of services be examined by a
 10512 licensed health care professional. The judge may also order such
 10513 child to be evaluated by a psychiatrist or a psychologist, by a
 10514 district school board educational needs assessment team, or, if
 10515 a developmental disability is suspected or alleged, by the

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10516 developmental disability diagnostic and evaluation team of the
 10517 Department of Children and Families ~~Family Services~~. The judge
 10518 may order a family assessment if that assessment was not
 10519 completed at an earlier time. If it is necessary to place a
 10520 child in a residential facility for such evaluation, then the
 10521 criteria and procedure established in s. 394.463(2) or chapter
 10522 393 shall be used, whichever is applicable. The educational
 10523 needs assessment provided by the district school board
 10524 educational needs assessment team shall include, but not be
 10525 limited to, reports of intelligence and achievement tests,
 10526 screening for learning disabilities and other handicaps, and
 10527 screening for the need for alternative education pursuant to s.
 10528 1003.53.

10529 Section 340. Subsection (3) of section 984.22, Florida
 10530 Statutes, is amended to read:

10531 984.22 Powers of disposition.—

10532 (3) When any child is adjudicated by the court to be a
 10533 child in need of services and temporary legal custody of the
 10534 child has been placed with an adult willing to care for the
 10535 child, a licensed child-caring agency, the Department of
 10536 Juvenile Justice, or the Department of Children and Families
 10537 ~~Family Services~~, the court shall order the natural or adoptive
 10538 parents of such child, including the natural father of such
 10539 child born out of wedlock who has acknowledged his paternity in
 10540 writing before the court, or the guardian of such child's estate
 10541 if possessed of assets which under law may be disbursed for the

10542 care, support, and maintenance of such child, to pay child
 10543 support to the adult relative caring for the child, the licensed
 10544 child-caring agency, the Department of Juvenile Justice, or the
 10545 Department of Children and Families ~~Family Services~~. When such
 10546 order affects the guardianship estate, a certified copy of such
 10547 order shall be delivered to the judge having jurisdiction of
 10548 such guardianship estate. If the court determines that the
 10549 parent is unable to pay support, placement of the child shall
 10550 not be contingent upon issuance of a support order. The
 10551 department may employ a collection agency for the purpose of
 10552 receiving, collecting, and managing the payment of unpaid and
 10553 delinquent fees. The collection agency must be registered and in
 10554 good standing under chapter 559. The department may pay to the
 10555 collection agency a fee from the amount collected under the
 10556 claim or may authorize the agency to deduct the fee from the
 10557 amount collected.

10558 Section 341. Subsections (6), (7), and (8) of section
 10559 984.225, Florida Statutes, are amended to read:

10560 984.225 Powers of disposition; placement in a staff-secure
 10561 shelter.—

10562 (6) The department is deemed to have exhausted the
 10563 reasonable remedies offered under this chapter if, at the end of
 10564 the commitment period, the parent, guardian, or legal custodian
 10565 continues to refuse to allow the child to remain at home or
 10566 creates unreasonable conditions for the child's return. If, at
 10567 the end of the commitment period, the child is not reunited with

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10568 his or her parent, guardian, or custodian due solely to the
10569 continued refusal of the parent, guardian, or custodian to
10570 provide food, clothing, shelter, and parental support, the child
10571 is considered to be threatened with harm as a result of such
10572 acts or omissions, and the court shall direct that the child be
10573 handled in every respect as a dependent child. Jurisdiction
10574 shall be transferred to the Department of Children and Families
10575 ~~Family Services~~, and the child's care shall be governed under
10576 the relevant provisions of chapter 39.

10577 (7) The court shall review the child's commitment once
10578 every 45 days as provided in s. 984.20. The court shall
10579 determine whether the parent, guardian, or custodian has
10580 reasonably participated in and financially contributed to the
10581 child's counseling and treatment program. The court shall also
10582 determine whether the department's efforts to reunite the family
10583 have been reasonable. If the court finds an inadequate level of
10584 support or participation by the parent, guardian, or custodian
10585 prior to the end of the commitment period, the court shall
10586 direct that the child be handled in every respect as a dependent
10587 child. Jurisdiction shall be transferred to the Department of
10588 Children and Families ~~Family Services~~, and the child's care
10589 shall be governed under the relevant provisions of chapter 39.

10590 (8) If the child requires residential mental health
10591 treatment or residential care for a developmental disability,
10592 the court shall refer the child to the Department of Children
10593 and Families ~~Family Services~~ for the provision of necessary

10594 services.

10595 Section 342. Paragraphs (d) and (e) of subsection (5) of
 10596 section 984.226, Florida Statutes, are amended to read:

10597 984.226 Physically secure setting.—

10598 (5)

10599 (d) If the court finds an inadequate level of support or
 10600 participation by the parent, guardian, or custodian before the
 10601 end of the placement, the court shall direct that the child be
 10602 handled as a dependent child, jurisdiction shall be transferred
 10603 to the Department of Children and Families ~~Family Services~~, and
 10604 the child's care shall be governed by chapter 39.

10605 (e) If the child requires residential mental health
 10606 treatment or residential care for a developmental disability,
 10607 the court shall refer the child to the Department of Children
 10608 and Families ~~Family Services~~ for the provision of necessary
 10609 services.

10610 Section 343. Subsections (5), (7), (23), (32), and (51) of
 10611 section 985.03, Florida Statutes, are amended to read:

10612 985.03 Definitions.—As used in this chapter, the term:

10613 (5) "Authorized agent" or "designee" of the department
 10614 means a person or agency assigned or designated by the
 10615 department or the Department of Children and Families ~~Family~~
 10616 ~~Services~~, as appropriate, to perform duties or exercise powers
 10617 under this chapter and includes contract providers and their
 10618 employees for purposes of providing services to and managing
 10619 cases of children in need of services and families in need of

10620 services.

10621 (7) "Child in need of services" means a child for whom
 10622 there is no pending investigation into an allegation or
 10623 suspicion of abuse, neglect, or abandonment; no pending referral
 10624 alleging the child is delinquent; or no current supervision by
 10625 the department or the Department of Children and Families ~~Family~~
 10626 ~~Services~~ for an adjudication of dependency or delinquency. The
 10627 child must also, under this chapter, be found by the court:

10628 (a) To have persistently run away from the child's parents
 10629 or legal custodians despite reasonable efforts of the child, the
 10630 parents or legal custodians, and appropriate agencies to remedy
 10631 the conditions contributing to the behavior. Reasonable efforts
 10632 shall include voluntary participation by the child's parents or
 10633 legal custodians and the child in family mediation, services,
 10634 and treatment offered by the department or the Department of
 10635 Children and Families ~~Family Services~~;

10636 (b) To be habitually truant from school, while subject to
 10637 compulsory school attendance, despite reasonable efforts to
 10638 remedy the situation under ss. 1003.26 and 1003.27 and through
 10639 voluntary participation by the child's parents or legal
 10640 custodians and by the child in family mediation, services, and
 10641 treatment offered by the Department of Juvenile Justice or the
 10642 Department of Children and Families ~~Family Services~~; or

10643 (c) To have persistently disobeyed the reasonable and
 10644 lawful demands of the child's parents or legal custodians, and
 10645 to be beyond their control despite efforts by the child's

10646 parents or legal custodians and appropriate agencies to remedy
 10647 the conditions contributing to the behavior. Reasonable efforts
 10648 may include such things as good faith participation in family or
 10649 individual counseling.

10650 (23) "Family in need of services" means a family that has
 10651 a child for whom there is no pending investigation into an
 10652 allegation of abuse, neglect, or abandonment or no current
 10653 supervision by the department or the Department of Children and
 10654 Families ~~Family Services~~ for an adjudication of dependency or
 10655 delinquency. The child must also have been referred to a law
 10656 enforcement agency or the department for:

- 10657 (a) Running away from parents or legal custodians;
- 10658 (b) Persistently disobeying reasonable and lawful demands
 10659 of parents or legal custodians, and being beyond their control;
 10660 or
- 10661 (c) Habitual truancy from school.

10662 (32) "Licensed child-caring agency" means a person,
 10663 society, association, or agency licensed by the Department of
 10664 Children and Families ~~Family Services~~ to care for, receive, and
 10665 board children.

10666 (51) "Staff-secure shelter" means a facility in which a
 10667 child is supervised 24 hours a day by staff members who are
 10668 awake while on duty. The facility is for the temporary care and
 10669 assessment of a child who has been found to be dependent, who
 10670 has violated a court order and been found in contempt of court,
 10671 or whom the Department of Children and Families ~~Family Services~~

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10672 is unable to properly assess or place for assistance within the
 10673 continuum of services provided for dependent children.

10674 Section 344. Subsection (2) of section 985.046, Florida
 10675 Statutes, is amended to read:

10676 985.046 Statewide information-sharing system; interagency
 10677 workgroup.—

10678 (2) The interagency workgroup shall be coordinated through
 10679 the Department of Education and shall include representatives
 10680 from the state agencies specified in subsection (1), school
 10681 superintendents, school district information system directors,
 10682 principals, teachers, juvenile court judges, police chiefs,
 10683 county sheriffs, clerks of the circuit court, the Department of
 10684 Children and Families ~~Family Services~~, providers of juvenile
 10685 services including a provider from a juvenile substance abuse
 10686 program, and circuit juvenile justice managers.

10687 Section 345. Paragraph (b) of subsection (1) of section
 10688 985.047, Florida Statutes, is amended to read:

10689 985.047 Information systems.—

10690 (1)

10691 (b) The central identification file shall contain, but not
 10692 be limited to, pertinent dependency record information
 10693 maintained by the Department of Children and Families ~~Family~~
 10694 ~~Services~~ and delinquency record information maintained by the
 10695 Department of Juvenile Justice; pertinent school records,
 10696 including information on behavior, attendance, and achievement;
 10697 pertinent information on delinquency and dependency maintained

10698 | by law enforcement agencies and the state attorney; and
 10699 | pertinent information on delinquency and dependency maintained
 10700 | by those agencies charged with screening, assessment, planning,
 10701 | and treatment responsibilities. The information obtained shall
 10702 | be used to develop a multiagency information sheet on serious
 10703 | habitual juvenile offenders or juveniles who are at risk of
 10704 | becoming serious habitual juvenile offenders. The agencies and
 10705 | persons specified in this paragraph shall cooperate with the law
 10706 | enforcement agency or county in providing needed information and
 10707 | in developing the multiagency information sheet to the greatest
 10708 | extent possible.

10709 | Section 346. Subsection (3) of section 985.11, Florida
 10710 | Statutes, is amended to read:

10711 | 985.11 Fingerprinting and photographing.—

10712 | (3) This section does not prohibit the fingerprinting or
 10713 | photographing of child traffic violators. All records of such
 10714 | traffic violations shall be kept in the full name of the
 10715 | violator and shall be open to inspection and publication in the
 10716 | same manner as adult traffic violations. This section does not
 10717 | apply to the photographing of children by the Department of
 10718 | Juvenile Justice or the Department of Children and Families
 10719 | ~~Family Services~~.

10720 | Section 347. Subsection (1) of section 985.145, Florida
 10721 | Statutes, is amended to read:

10722 | 985.145 Responsibilities of juvenile probation officer
 10723 | during intake; screenings and assessments.—

10724 (1) The juvenile probation officer shall serve as the
 10725 primary case manager for the purpose of managing, coordinating,
 10726 and monitoring the services provided to the child. Each program
 10727 administrator within the Department of Children and Families
 10728 ~~Family Services~~ shall cooperate with the primary case manager in
 10729 carrying out the duties and responsibilities described in this
 10730 section. In addition to duties specified in other sections and
 10731 through departmental rules, the assigned juvenile probation
 10732 officer shall be responsible for the following:

10733 (a) *Reviewing probable cause affidavit.*—The juvenile
 10734 probation officer shall make a preliminary determination as to
 10735 whether the report, affidavit, or complaint is complete,
 10736 consulting with the state attorney as may be necessary. A
 10737 report, affidavit, or complaint alleging that a child has
 10738 committed a delinquent act or violation of law shall be made to
 10739 the intake office operating in the county in which the child is
 10740 found or in which the delinquent act or violation of law
 10741 occurred. Any person or agency having knowledge of the facts may
 10742 make such a written report, affidavit, or complaint and shall
 10743 furnish to the intake office facts sufficient to establish the
 10744 jurisdiction of the court and to support a finding by the court
 10745 that the child has committed a delinquent act or violation of
 10746 law.

10747 (b) *Notification concerning apparent insufficiencies in*
 10748 *probable cause affidavit.*—In any case where the juvenile
 10749 probation officer or the state attorney finds that the report,

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10750 affidavit, or complaint is insufficient by the standards for a
10751 probable cause affidavit, the juvenile probation officer or
10752 state attorney shall return the report, affidavit, or complaint,
10753 without delay, to the person or agency originating the report,
10754 affidavit, or complaint or having knowledge of the facts or to
10755 the appropriate law enforcement agency having investigative
10756 jurisdiction of the offense, and shall request, and the person
10757 or agency shall promptly furnish, additional information in
10758 order to comply with the standards for a probable cause
10759 affidavit.

10760 (c) *Screening.*—During the intake process, the juvenile
10761 probation officer shall screen each child or shall cause each
10762 child to be screened in order to determine:

10763 1. Appropriateness for release; referral to a diversionary
10764 program, including, but not limited to, a teen court program;
10765 referral for community arbitration; or referral to some other
10766 program or agency for the purpose of nonofficial or nonjudicial
10767 handling.

10768 2. The presence of medical, psychiatric, psychological,
10769 substance abuse, educational, or vocational problems, or other
10770 conditions that may have caused the child to come to the
10771 attention of law enforcement or the department. The child shall
10772 also be screened to determine whether the child poses a danger
10773 to himself or herself or others in the community. The results of
10774 this screening shall be made available to the court and to court
10775 officers. In cases where such conditions are identified and a

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10776 nonjudicial handling of the case is chosen, the juvenile
10777 probation officer shall attempt to refer the child to a program
10778 or agency, together with all available and relevant assessment
10779 information concerning the child's precipitating condition.

10780 (d) *Completing risk assessment instrument.*—The juvenile
10781 probation officer shall ensure that a risk assessment instrument
10782 establishing the child's eligibility for detention has been
10783 accurately completed and that the appropriate recommendation was
10784 made to the court.

10785 (e) *Rights.*—The juvenile probation officer shall inquire
10786 as to whether the child understands his or her rights to counsel
10787 and against self-incrimination.

10788 (f) *Multidisciplinary assessment.*—The juvenile probation
10789 officer shall coordinate the multidisciplinary assessment when
10790 required, which includes the classification and placement
10791 process that determines the child's priority needs, risk
10792 classification, and treatment plan. When sufficient evidence
10793 exists to warrant a comprehensive assessment and the child fails
10794 to voluntarily participate in the assessment efforts, the
10795 juvenile probation officer shall inform the court of the need
10796 for the assessment and the refusal of the child to participate
10797 in such assessment. This assessment, classification, and
10798 placement process shall develop into the predisposition report.

10799 (g) *Comprehensive assessment.*—The juvenile probation
10800 officer, pursuant to uniform procedures established by the
10801 department and upon determining that the report, affidavit, or

10802 | complaint is complete, shall:

10803 | 1. Perform the preliminary screening and make referrals
 10804 | for a comprehensive assessment regarding the child's need for
 10805 | substance abuse treatment services, mental health services,
 10806 | intellectual disability services, literacy services, or other
 10807 | educational or treatment services.

10808 | 2. If indicated by the preliminary screening, provide for
 10809 | a comprehensive assessment of the child and family for substance
 10810 | abuse problems, using community-based licensed programs with
 10811 | clinical expertise and experience in the assessment of substance
 10812 | abuse problems.

10813 | 3. If indicated by the preliminary screening, provide for
 10814 | a comprehensive assessment of the child and family for mental
 10815 | health problems, using community-based psychologists,
 10816 | psychiatrists, or other licensed mental health professionals who
 10817 | have clinical expertise and experience in the assessment of
 10818 | mental health problems.

10819 | (h) *Referrals for services.*—The juvenile probation officer
 10820 | shall make recommendations for services and facilitate the
 10821 | delivery of those services to the child, including any mental
 10822 | health services, educational services, family counseling
 10823 | services, family assistance services, and substance abuse
 10824 | services.

10825 | (i) *Recommendation concerning a petition.*—Upon determining
 10826 | that the report, affidavit, or complaint complies with the
 10827 | standards of a probable cause affidavit and that the interests

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10828 of the child and the public will be best served, the juvenile
10829 probation officer may recommend that a delinquency petition not
10830 be filed. If such a recommendation is made, the juvenile
10831 probation officer shall advise in writing the person or agency
10832 making the report, affidavit, or complaint, the victim, if any,
10833 and the law enforcement agency having investigative jurisdiction
10834 over the offense of the recommendation; the reasons therefor;
10835 and that the person or agency may submit, within 10 days after
10836 the receipt of such notice, the report, affidavit, or complaint
10837 to the state attorney for special review. The state attorney,
10838 upon receiving a request for special review, shall consider the
10839 facts presented by the report, affidavit, or complaint, and by
10840 the juvenile probation officer who made the recommendation that
10841 no petition be filed, before making a final decision as to
10842 whether a petition or information should or should not be filed.

10843 (j) *Completing intake report.*—Subject to the interagency
10844 agreement authorized under this paragraph, the juvenile
10845 probation officer for each case in which a child is alleged to
10846 have committed a violation of law or delinquent act and is not
10847 detained shall submit a written report to the state attorney,
10848 including the original report, complaint, or affidavit, or a
10849 copy thereof, including a copy of the child's prior juvenile
10850 record, within 20 days after the date the child is taken into
10851 custody. In cases in which the child is in detention, the intake
10852 office report must be submitted within 24 hours after the child
10853 is placed into detention. The intake office report may include a

10854 recommendation that a petition or information be filed or that
 10855 no petition or information be filed and may set forth reasons
 10856 for the recommendation. The state attorney and the department
 10857 may, on a district-by-district basis, enter into interagency
 10858 agreements denoting the cases that will require a recommendation
 10859 and those for which a recommendation is unnecessary.

10860 Section 348. Paragraph (c) of subsection (4) of section
 10861 985.155, Florida Statutes, is amended to read:

10862 985.155 Neighborhood restorative justice.—

10863 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

10864 (c) The board shall require the parent or legal guardian
 10865 of the juvenile who is referred to a Neighborhood Restorative
 10866 Justice Center to appear with the juvenile before the board at
 10867 the time set by the board. In scheduling board meetings, the
 10868 board shall be cognizant of a parent's or legal guardian's other
 10869 obligations. The failure of a parent or legal guardian to appear
 10870 at the scheduled board meeting with his or her child or ward may
 10871 be considered by the juvenile court as an act of child neglect
 10872 as defined by s. 39.01, and the board may refer the matter to
 10873 the Department of Children and Families ~~Family Services~~ for
 10874 investigation under the provisions of chapter 39.

10875 Section 349. Subsection (2) of section 985.18, Florida
 10876 Statutes, is amended to read:

10877 985.18 Medical, psychiatric, psychological, substance
 10878 abuse, and educational examination and treatment.—

10879 (2) If a child has been found to have committed a

10880 delinquent act, or before such finding with the consent of any
 10881 parent or legal custodian of the child, the court may order the
 10882 child to be treated by a physician. The court may also order the
 10883 child to receive mental health, substance abuse, or intellectual
 10884 disability services from a psychiatrist, psychologist, or other
 10885 appropriate service provider. If it is necessary to place the
 10886 child in a residential facility for such services, the
 10887 procedures and criteria established in chapter 393, chapter 394,
 10888 or chapter 397, as applicable, must be used. After a child has
 10889 been adjudicated delinquent, if an educational needs assessment
 10890 by the district school board or the Department of Children and
 10891 Families ~~Family Services~~ has been conducted, the court shall
 10892 order the report included in the child's court record in lieu of
 10893 a new assessment. For purposes of this section, an educational
 10894 needs assessment includes, but is not limited to, reports of
 10895 intelligence and achievement tests, screening for learning and
 10896 other disabilities, and screening for the need for alternative
 10897 education.

10898 Section 350. Paragraphs (a), (d), (g), and (h) of
 10899 subsection (1), subsections (2) and (4), paragraph (b) of
 10900 subsection (5), and subsection (6) of section 985.19, Florida
 10901 Statutes, are amended to read:

10902 985.19 Incompetency in juvenile delinquency cases.—

10903 (1) If, at any time prior to or during a delinquency case,
 10904 the court has reason to believe that the child named in the
 10905 petition may be incompetent to proceed with the hearing, the

10906 court on its own motion may, or on the motion of the child's
 10907 attorney or state attorney must, stay all proceedings and order
 10908 an evaluation of the child's mental condition.

10909 (a) Any motion questioning the child's competency to
 10910 proceed must be served upon the child's attorney, the state
 10911 attorney, the attorneys representing the Department of Juvenile
 10912 Justice, and the attorneys representing the Department of
 10913 Children and Families ~~Family Services~~. Thereafter, any motion,
 10914 notice of hearing, order, or other legal pleading relating to
 10915 the child's competency to proceed with the hearing must be
 10916 served upon the child's attorney, the state attorney, the
 10917 attorneys representing the Department of Juvenile Justice, and
 10918 the attorneys representing the Department of Children and
 10919 Families ~~Family Services~~.

10920 (d) For incompetency evaluations related to mental
 10921 illness, the Department of Children and Families ~~Family Services~~
 10922 shall maintain and annually provide the courts with a list of
 10923 available mental health professionals who have completed a
 10924 training program approved by the Department of Children and
 10925 Families ~~Family Services~~ to perform the evaluations.

10926 (g) Immediately upon the filing of the court order finding
 10927 a child incompetent to proceed, the clerk of the court shall
 10928 notify the Department of Children and Families ~~Family Services~~
 10929 and the Agency for Persons with Disabilities and fax or hand
 10930 deliver to the department and to the agency a referral packet
 10931 that includes, at a minimum, the court order, the charging

10932 documents, the petition, and the court-appointed evaluator's
 10933 reports.

10934 (h) After placement of the child in the appropriate
 10935 setting, the Department of Children and Families ~~Family Services~~
 10936 in consultation with the Agency for Persons with Disabilities,
 10937 as appropriate, must, within 30 days after placement of the
 10938 child, prepare and submit to the court a treatment or training
 10939 plan for the child's restoration of competency. A copy of the
 10940 plan must be served upon the child's attorney, the state
 10941 attorney, and the attorneys representing the Department of
 10942 Juvenile Justice.

10943 (2) A child who is adjudicated incompetent to proceed, and
 10944 who has committed a delinquent act or violation of law, either
 10945 of which would be a felony if committed by an adult, must be
 10946 committed to the Department of Children and Families ~~Family~~
 10947 ~~Services~~ for treatment or training. A child who has been
 10948 adjudicated incompetent to proceed because of age or immaturity,
 10949 or for any reason other than for mental illness, intellectual
 10950 disability, or autism, must not be committed to the department
 10951 or to the Department of Children and Families ~~Family Services~~
 10952 for restoration-of-competency treatment or training services.
 10953 For purposes of this section, a child who has committed a
 10954 delinquent act or violation of law, either of which would be a
 10955 misdemeanor if committed by an adult, may not be committed to
 10956 the department or to the Department of Children and Families
 10957 ~~Family Services~~ for restoration-of-competency treatment or

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10958 training services.

10959 (4) A child who is determined to have mental illness,
10960 intellectual disability, or autism, who has been adjudicated
10961 incompetent to proceed, and who meets the criteria set forth in
10962 subsection (3), must be committed to the Department of Children
10963 and Families ~~Family Services~~ and receive treatment or training
10964 in a secure facility or program that is the least restrictive
10965 alternative consistent with public safety. Any placement of a
10966 child to a secure residential program must be separate from
10967 adult forensic programs. If the child attains competency,
10968 custody, case management, and supervision of the child shall be
10969 transferred to the department in order to continue delinquency
10970 proceedings; however, the court retains authority to order the
10971 Department of Children and Families ~~Family Services~~ to provide
10972 continued treatment or training to maintain competency.

10973 (a) A child adjudicated incompetent due to intellectual
10974 disability or autism may be ordered into a secure program or
10975 facility designated by the Department of Children and Families
10976 ~~Family Services~~ for children who have intellectual disabilities
10977 or autism.

10978 (b) A child adjudicated incompetent due to mental illness
10979 may be ordered into a secure program or facility designated by
10980 the Department of Children and Families ~~Family Services~~ for
10981 children having mental illnesses.

10982 (c) If a child is placed in a secure residential facility,
10983 the department shall provide transportation to the secure

10984 residential facility for admission and from the secure
 10985 residential facility upon discharge.

10986 (d) The purpose of the treatment or training is the
 10987 restoration of the child's competency to proceed.

10988 (e) The service provider must file a written report with
 10989 the court pursuant to the applicable Florida Rules of Juvenile
 10990 Procedure within 6 months after the date of commitment, or at
 10991 the end of any period of extended treatment or training, and at
 10992 any time the Department of Children and Families ~~Family~~
 10993 ~~Services~~, through its service provider, determines the child has
 10994 attained competency or no longer meets the criteria for secure
 10995 placement, or at such shorter intervals as ordered by the court.
 10996 A copy of a written report evaluating the child's competency
 10997 must be filed by the provider with the court and with the state
 10998 attorney, the child's attorney, the department, and the
 10999 Department of Children and Families ~~Family Services~~.

11000 (5)

11001 (b) Whenever the provider files a report with the court
 11002 informing the court that the child will never become competent
 11003 to proceed, the Department of Children and Families ~~Family~~
 11004 ~~Services~~ will develop a discharge plan for the child prior to
 11005 any hearing determining whether the child will ever become
 11006 competent to proceed and send the plan to the court, the state
 11007 attorney, the child's attorney, and the attorneys representing
 11008 the Department of Juvenile Justice. The provider will continue
 11009 to provide services to the child until the court issues the

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11010 order finding the child will never become competent to proceed.

11011 (6) (a) If a child is determined to have mental illness,
11012 intellectual disability, or autism and is found to be
11013 incompetent to proceed but does not meet the criteria set forth
11014 in subsection (3), the court shall commit the child to the
11015 Department of Children and Families ~~Family Services~~ and order
11016 the Department of Children and Families ~~Family Services~~ to
11017 provide appropriate treatment and training in the community. The
11018 purpose of the treatment or training is the restoration of the
11019 child's competency to proceed.

11020 (b) All court-ordered treatment or training must be the
11021 least restrictive alternative that is consistent with public
11022 safety. Any placement by the Department of Children and Families
11023 ~~Family Services~~ to a residential program must be separate from
11024 adult forensic programs.

11025 (c) If a child is ordered to receive competency
11026 restoration services, the services shall be provided by the
11027 Department of Children and Families ~~Family Services~~. The
11028 department shall continue to provide case management services to
11029 the child and receive notice of the competency status of the
11030 child.

11031 (d) The service provider must file a written report with
11032 the court pursuant to the applicable Florida Rules of Juvenile
11033 Procedure, not later than 6 months after the date of commitment,
11034 at the end of any period of extended treatment or training, and
11035 at any time the service provider determines the child has

11036 attained competency or will never attain competency, or at such
 11037 shorter intervals as ordered by the court. A copy of a written
 11038 report evaluating the child's competency must be filed by the
 11039 provider with the court, the state attorney, the child's
 11040 attorney, the Department of Children and Families ~~Family~~
 11041 ~~Services~~, and the department.

11042 Section 351. Paragraph (f) of subsection (6) of section
 11043 985.433, Florida Statutes, is amended to read:

11044 985.433 Disposition hearings in delinquency cases.—When a
 11045 child has been found to have committed a delinquent act, the
 11046 following procedures shall be applicable to the disposition of
 11047 the case:

11048 (6) The first determination to be made by the court is a
 11049 determination of the suitability or unsuitability for
 11050 adjudication and commitment of the child to the department. This
 11051 determination shall include consideration of the recommendations
 11052 of the department, which may include a predisposition report.
 11053 The predisposition report shall include, whether as part of the
 11054 child's multidisciplinary assessment, classification, and
 11055 placement process components or separately, evaluation of the
 11056 following criteria:

11057 (f) The record and previous criminal history of the child,
 11058 including without limitations:

11059 1. Previous contacts with the department, the former
 11060 Department of Health and Rehabilitative Services, the Department
 11061 of Children and Families ~~Family Services~~, the Department of

11062 Corrections, other law enforcement agencies, and courts.

11063 2. Prior periods of probation.

11064 3. Prior adjudications of delinquency.

11065 4. Prior commitments to institutions.

11066

11067 It is the intent of the Legislature that the criteria set forth
 11068 in this subsection are general guidelines to be followed at the
 11069 discretion of the court and not mandatory requirements of
 11070 procedure. It is not the intent of the Legislature to provide
 11071 for the appeal of the disposition made under this section.

11072 Section 352. Subsections (2) and (3) of section 985.461,
 11073 Florida Statutes, are amended to read:

11074 985.461 Transition to adulthood.—

11075 (2) Youth served by the department who are in the custody
 11076 of the Department of Children and Families ~~Family Services~~ and
 11077 who entered juvenile justice placement from a foster care
 11078 placement, if otherwise eligible, may receive independent living
 11079 transition services pursuant to s. 409.1451. Court-ordered
 11080 commitment or probation with the department is not a barrier to
 11081 eligibility for the array of services available to a youth who
 11082 is in the dependency foster care system only.

11083 (3) For a dependent child in the foster care system,
 11084 adjudication for delinquency does not, by itself, disqualify
 11085 such child for eligibility in the Department of Children and
 11086 Families ~~Family Services~~ independent living program.

11087 Section 353. Paragraph (j) of subsection (11) of section

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11088 985.48, Florida Statutes, is amended to read:

11089 985.48 Juvenile sexual offender commitment programs;
11090 sexual abuse intervention networks.—

11091 (11) Membership of a sexual abuse intervention network
11092 shall include, but is not limited to, representatives from:

11093 (j) The Department of Children and Families ~~Family~~
11094 ~~Services~~.

11095 Section 354. Paragraph (c) of subsection (4) of section
11096 985.556, Florida Statutes, is amended to read:

11097 985.556 Waiver of juvenile court jurisdiction; hearing.—

11098 (4) WAIVER HEARING.—

11099 (c) The court shall conduct a hearing on all transfer
11100 request motions for the purpose of determining whether a child
11101 should be transferred. In making its determination, the court
11102 shall consider:

11103 1. The seriousness of the alleged offense to the community
11104 and whether the protection of the community is best served by
11105 transferring the child for adult sanctions.

11106 2. Whether the alleged offense was committed in an
11107 aggressive, violent, premeditated, or willful manner.

11108 3. Whether the alleged offense was against persons or
11109 against property, greater weight being given to offenses against
11110 persons, especially if personal injury resulted.

11111 4. The probable cause as found in the report, affidavit,
11112 or complaint.

11113 5. The desirability of trial and disposition of the entire

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11114 offense in one court when the child's associates in the alleged
 11115 crime are adults or children who are to be tried as adults.

11116 6. The sophistication and maturity of the child.

11117 7. The record and previous history of the child,

11118 including:

11119 a. Previous contacts with the department, the Department
 11120 of Corrections, the former Department of Health and
 11121 Rehabilitative Services, the Department of Children and Families
 11122 ~~Family Services~~, other law enforcement agencies, and courts;

11123 b. Prior periods of probation;

11124 c. Prior adjudications that the child committed a
 11125 delinquent act or violation of law, greater weight being given
 11126 if the child has previously been found by a court to have
 11127 committed a delinquent act or violation of law involving an
 11128 offense classified as a felony or has twice previously been
 11129 found to have committed a delinquent act or violation of law
 11130 involving an offense classified as a misdemeanor; and

11131 d. Prior commitments to institutions.

11132 8. The prospects for adequate protection of the public and
 11133 the likelihood of reasonable rehabilitation of the child, if the
 11134 child is found to have committed the alleged offense, by the use
 11135 of procedures, services, and facilities currently available to
 11136 the court.

11137 Section 355. Paragraph (b) of subsection (1) of section
 11138 985.565, Florida Statutes, is amended to read:

11139 985.565 Sentencing powers; procedures; alternatives for

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11140 juveniles prosecuted as adults.—
 11141 (1) POWERS OF DISPOSITION.—
 11142 (b) In determining whether to impose juvenile sanctions
 11143 instead of adult sanctions, the court shall consider the
 11144 following criteria:
 11145 1. The seriousness of the offense to the community and
 11146 whether the community would best be protected by juvenile or
 11147 adult sanctions.
 11148 2. Whether the offense was committed in an aggressive,
 11149 violent, premeditated, or willful manner.
 11150 3. Whether the offense was against persons or against
 11151 property, with greater weight being given to offenses against
 11152 persons, especially if personal injury resulted.
 11153 4. The sophistication and maturity of the offender.
 11154 5. The record and previous history of the offender,
 11155 including:
 11156 a. Previous contacts with the Department of Corrections,
 11157 the Department of Juvenile Justice, the former Department of
 11158 Health and Rehabilitative Services, the Department of Children
 11159 and Families ~~Family Services~~, law enforcement agencies, and the
 11160 courts.
 11161 b. Prior periods of probation.
 11162 c. Prior adjudications that the offender committed a
 11163 delinquent act or violation of law as a child.
 11164 d. Prior commitments to the Department of Juvenile
 11165 Justice, the former Department of Health and Rehabilitative

11166 Services, the Department of Children and Families ~~Family~~
 11167 ~~Services~~, or other facilities or institutions.

11168 6. The prospects for adequate protection of the public and
 11169 the likelihood of deterrence and reasonable rehabilitation of
 11170 the offender if assigned to services and facilities of the
 11171 Department of Juvenile Justice.

11172 7. Whether the Department of Juvenile Justice has
 11173 appropriate programs, facilities, and services immediately
 11174 available.

11175 8. Whether adult sanctions would provide more appropriate
 11176 punishment and deterrence to further violations of law than the
 11177 imposition of juvenile sanctions.

11178 Section 356. Subsection (4) of section 985.601, Florida
 11179 Statutes, is amended to read:

11180 985.601 Administering the juvenile justice continuum.—

11181 (4) The department shall maintain continuing cooperation
 11182 with the Department of Education, the Department of Children and
 11183 Families ~~Family Services~~, the Department of Economic
 11184 Opportunity, and the Department of Corrections for the purpose
 11185 of participating in agreements with respect to dropout
 11186 prevention and the reduction of suspensions, expulsions, and
 11187 truancy; increased access to and participation in GED,
 11188 vocational, and alternative education programs; and employment
 11189 training and placement assistance. The cooperative agreements
 11190 between the departments shall include an interdepartmental plan
 11191 to cooperate in accomplishing the reduction of inappropriate

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11192 transfers of children into the adult criminal justice and
 11193 correctional systems.

11194 Section 357. Subsection (1) of section 985.61, Florida
 11195 Statutes, is amended to read:

11196 985.61 Early delinquency intervention program; criteria.-

11197 (1) The Department of Juvenile Justice shall, contingent
 11198 upon specific appropriation and with the cooperation of local
 11199 law enforcement agencies, the judiciary, district school board
 11200 personnel, the office of the state attorney, the office of the
 11201 public defender, the Department of Children and Families ~~Family~~
 11202 ~~Services~~, and community service agencies that work with
 11203 children, establish an early delinquency intervention program,
 11204 the components of which shall include, but not be limited to:

- 11205 (a) Case management services.
- 11206 (b) Treatment modalities, including substance abuse
 11207 treatment services, mental health services, and services for
 11208 intellectual disabilities.
- 11209 (c) Prevocational education and career education services.
- 11210 (d) Diagnostic evaluation services.
- 11211 (e) Educational services.
- 11212 (f) Self-sufficiency planning.
- 11213 (g) Independent living skills.
- 11214 (h) Parenting skills.
- 11215 (i) Recreational and leisure time activities.
- 11216 (j) Program evaluation.
- 11217 (k) Medical screening.

11218 Section 358. Section 985.614, Florida Statutes, is amended
 11219 to read:

11220 985.614 Children locked out of the home; interagency
 11221 cooperation.—The department and the Department of Children and
 11222 Families ~~Family Services~~ shall encourage interagency cooperation
 11223 within each circuit and shall develop comprehensive agreements
 11224 between the staff and providers for each department in order to
 11225 coordinate the services provided to children who are locked out
 11226 of the home and the families of those children.

11227 Section 359. Section 985.64, Florida Statutes, is amended
 11228 to read:

11229 985.64 Rulemaking.—

11230 (1) The department shall adopt rules pursuant to ss.
 11231 120.536(1) and 120.54 to implement the provisions of this
 11232 chapter. Such rules may not conflict with the Florida Rules of
 11233 Juvenile Procedure. All rules and policies must conform to
 11234 accepted standards of care and treatment.

11235 (2) The department shall adopt rules to ensure the
 11236 effective provision of health services to youth in facilities or
 11237 programs operated or contracted by the department. The rules
 11238 shall address the delivery of the following:

- 11239 (a) Ordinary medical care.
- 11240 (b) Mental health services.
- 11241 (c) Substance abuse treatment services.
- 11242 (d) Services to youth with developmental disabilities.

11243

11244 The department shall coordinate its rulemaking with the
 11245 Department of Children and Families ~~Family Services~~ and the
 11246 Agency for Persons with Disabilities to ensure that the rules
 11247 adopted under this section do not encroach upon the substantive
 11248 jurisdiction of those agencies. The department shall include the
 11249 above-mentioned entities in the rulemaking process, as
 11250 appropriate. This subsection does not supersede the provisions
 11251 governing consent to treatment and services found in ss. 39.407,
 11252 743.0645, and 985.18, or otherwise provided by law.

11253 Section 360. Paragraph (a) of subsection (1) of section
 11254 985.731, Florida Statutes, is amended to read:

11255 985.731 Sheltering unmarried minors; aiding unmarried
 11256 minor runaways; violations.—

11257 (1) (a) A person who is not an authorized agent of the
 11258 department or the Department of Children and Families ~~Family~~
 11259 ~~Services~~ may not knowingly shelter an unmarried minor for more
 11260 than 24 hours without the consent of the minor's parent or
 11261 guardian or without notifying a law enforcement officer of the
 11262 minor's name and the fact that the minor is being provided
 11263 shelter.

11264 Section 361. Subsection (3) of section 985.8025, Florida
 11265 Statutes, is amended to read:

11266 985.8025 State Council for Interstate Juvenile Offender
 11267 Supervision.—

11268 (3) Appointees shall be selected from individuals with
 11269 personal or professional experience in the juvenile justice

11270 system and may include a victim's advocate, employees of the
 11271 Department of Children and Families ~~Family Services~~, employees
 11272 of the Department of Law Enforcement who work with missing and
 11273 exploited children, and a parent who, at the time of
 11274 appointment, does not have a child involved in the juvenile
 11275 justice system.

11276 Section 362. Paragraph (m) of subsection (4) of section
 11277 1001.42, Florida Statutes, is amended to read:

11278 1001.42 Powers and duties of district school board.—The
 11279 district school board, acting as a board, shall exercise all
 11280 powers and perform all duties listed below:

11281 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
 11282 SCHOOLS.—Adopt and provide for the execution of plans for the
 11283 establishment, organization, and operation of the schools of the
 11284 district, including, but not limited to, the following:

11285 (m) *Alternative education programs for students in*
 11286 *residential care facilities.*—Provide, in accordance with the
 11287 provisions of s. 1003.58, educational programs according to
 11288 rules of the State Board of Education to students who reside in
 11289 residential care facilities operated by the Department of
 11290 Children and Families ~~Family Services~~.

11291 Section 363. Subsection (7) of section 1002.3305, Florida
 11292 Statutes, is amended to read:

11293 1002.3305 College-Preparatory Boarding Academy Pilot
 11294 Program for at-risk students.—

11295 (7) FUNDING.—The college-preparatory boarding academy must

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11296 be a public school and part of the state's program of education.
 11297 The program may receive state and federal funding from
 11298 noneducation sources, and such funds may be transferred between
 11299 state agencies to provide for the operations of the program. The
 11300 State Board of Education shall coordinate, streamline, and
 11301 simplify any requirements to eliminate duplicate, redundant, or
 11302 conflicting requirements and oversight by various governmental
 11303 programs or agencies. Funding for the operation of the boarding
 11304 academy is contingent on the development of a plan by the
 11305 Department of Education, the Department of Juvenile Justice, and
 11306 the Department of Children and Families ~~Family Services~~ which
 11307 details how educational and noneducational funds that would
 11308 otherwise be committed to the students in the school and their
 11309 families can be repurposed to provide for the operation of the
 11310 school and related services. Such plans must be based on federal
 11311 and state funding streams for children and families meeting the
 11312 eligibility criteria for eligible students as specified in
 11313 paragraph (2)(b) and include recommendations for modifications
 11314 to the criteria for eligible students which further the
 11315 program's goals or improve the feasibility of using existing
 11316 funding sources. The plan shall be submitted, together with
 11317 relevant budget requests, through the legislative budget request
 11318 process under s. 216.023 or through requests for budget
 11319 amendments to the Legislative Budget Commission in accordance
 11320 with s. 216.181.

11321 Section 364. Paragraph (c) of subsection (2) of section

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11322 | 1002.395, Florida Statutes, is amended to read:

11323 | 1002.395 Florida Tax Credit Scholarship Program.—

11324 | (2) DEFINITIONS.—As used in this section, the term:

11325 | (c) "Direct certification list" means the certified list
 11326 | of children who qualify for the food assistance program, the
 11327 | Temporary Assistance to Needy Families Program, or the Food
 11328 | Distribution Program on Indian Reservations provided to the
 11329 | Department of Education by the Department of Children and
 11330 | Families ~~Family Services~~.

11331 | Section 365. Subsection (3) of section 1002.57, Florida
 11332 | Statutes, is amended to read:

11333 | 1002.57 Prekindergarten director credential.—

11334 | (3) The prekindergarten director credential must meet or
 11335 | exceed the requirements of the Department of Children and
 11336 | Families ~~Family Services~~ for the child care facility director
 11337 | credential under s. 402.305(2)(f), and successful completion of
 11338 | the prekindergarten director credential satisfies these
 11339 | requirements for the child care facility director credential.

11340 | Section 366. Subsection (4) of section 1003.27, Florida
 11341 | Statutes, is amended to read:

11342 | 1003.27 Court procedure and penalties.—The court procedure
 11343 | and penalties for the enforcement of the provisions of this
 11344 | part, relating to compulsory school attendance, shall be as
 11345 | follows:

11346 | (4) COOPERATIVE AGREEMENTS.—The circuit manager of the
 11347 | Department of Juvenile Justice or the circuit manager's

11348 | designee, the district administrator of the Department of
 11349 | Children and Families ~~Family Services~~ or the district
 11350 | administrator's designee, and the district school superintendent
 11351 | or the superintendent's designee must develop a cooperative
 11352 | interagency agreement that:

11353 | (a) Clearly defines each department's role,
 11354 | responsibility, and function in working with habitual truants
 11355 | and their families.

11356 | (b) Identifies and implements measures to resolve and
 11357 | reduce truant behavior.

11358 | (c) Addresses issues of streamlining service delivery, the
 11359 | appropriateness of legal intervention, case management, the role
 11360 | and responsibility of the case staffing committee, student and
 11361 | parental intervention and involvement, and community action
 11362 | plans.

11363 | (d) Delineates timeframes for implementation and
 11364 | identifies a mechanism for reporting results by the circuit
 11365 | juvenile justice manager or the circuit manager's designee and
 11366 | the district school superintendent or the superintendent's
 11367 | designee to the Department of Juvenile Justice and the
 11368 | Department of Education and other governmental entities as
 11369 | needed.

11370 | (e) Designates which agency is responsible for each of the
 11371 | intervention steps in this section, to yield more effective and
 11372 | efficient intervention services.

11373 | Section 367. Subsection (1) of section 1003.49, Florida

11374 Statutes, is amended to read:

11375 1003.49 Graduation and promotion requirements for publicly
11376 operated schools.—

11377 (1) Each state or local public agency, including the
11378 Department of Children and Families ~~Family Services~~, the
11379 Department of Corrections, the boards of trustees of
11380 universities and Florida College System institutions, and the
11381 Board of Trustees of the Florida School for the Deaf and the
11382 Blind, which agency is authorized to operate educational
11383 programs for students at any level of grades kindergarten
11384 through 12 shall be subject to all applicable requirements of
11385 ss. 1003.428, 1003.429, 1008.23, and 1008.25. Within the content
11386 of these cited statutes each such state or local public agency
11387 or entity shall be considered a "district school board."

11388 Section 368. Subsection (1) of section 1003.51, Florida
11389 Statutes, is amended to read:

11390 1003.51 Other public educational services.—

11391 (1) The general control of other public educational
11392 services shall be vested in the State Board of Education except
11393 as provided herein. The State Board of Education shall, at the
11394 request of the Department of Children and Families ~~Family~~
11395 ~~Services~~ and the Department of Juvenile Justice, advise as to
11396 standards and requirements relating to education to be met in
11397 all state schools or institutions under their control which
11398 provide educational programs. The Department of Education shall
11399 provide supervisory services for the educational programs of all

11400 such schools or institutions. The direct control of any of these
 11401 services provided as part of the district program of education
 11402 shall rest with the district school board. These services shall
 11403 be supported out of state, district, federal, or other lawful
 11404 funds, depending on the requirements of the services being
 11405 supported.

11406 Section 369. Paragraph (a) of subsection (3) of section
 11407 1003.57, Florida Statutes, is amended to read:

11408 1003.57 Exceptional students instruction.-

11409 (3) (a) For purposes of this subsection and subsection (4),
 11410 the term:

11411 1. "Agency" means the Department of Children and Families
 11412 ~~Family Services~~ or its contracted lead agency, the Agency for
 11413 Persons with Disabilities, and the Agency for Health Care
 11414 Administration.

11415 2. "Exceptional student" means an exceptional student, as
 11416 defined in s. 1003.01, who has a disability.

11417 3. "Receiving school district" means the district in which
 11418 a private residential care facility is located.

11419 4. "Placement" means the funding or arrangement of funding
 11420 by an agency for all or a part of the cost for an exceptional
 11421 student to reside in a private residential care facility and the
 11422 placement crosses school district lines.

11423
 11424 The requirements of paragraphs (c) and (d) do not apply to
 11425 written agreements among school districts which specify each

11426 school district's responsibility for providing and paying for
 11427 educational services to an exceptional student in a residential
 11428 care facility. However, each agreement must require a school
 11429 district to review the student's IEP within 10 business days
 11430 after receiving the notification required under paragraph (b).

11431 Section 370. Section 1003.58, Florida Statutes, is amended
 11432 to read:

11433 1003.58 Students in residential care facilities.—Each
 11434 district school board shall provide educational programs
 11435 according to rules of the State Board of Education to students
 11436 who reside in residential care facilities operated by the
 11437 Department of Children and Families ~~Family Services~~ or the
 11438 Agency for Persons with Disabilities.

11439 (1) The district school board shall not be charged any
 11440 rent, maintenance, utilities, or overhead on such facilities.
 11441 Maintenance, repairs, and remodeling of existing facilities
 11442 shall be provided by the Department of Children and Families
 11443 ~~Family Services~~ or the Agency for Persons with Disabilities, as
 11444 appropriate.

11445 (2) If additional facilities are required, the district
 11446 school board and the Department of Children and Families ~~Family~~
 11447 ~~Services~~ or the Agency for Persons with Disabilities, as
 11448 appropriate, shall agree on the appropriate site based on the
 11449 instructional needs of the students. When the most appropriate
 11450 site for instruction is on district school board property, a
 11451 special capital outlay request shall be made by the commissioner

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11452 in accordance with s. 1013.60. When the most appropriate site is
11453 on state property, state capital outlay funds shall be requested
11454 by the department or agency in accordance with chapter 216. Any
11455 instructional facility to be built on state property shall have
11456 educational specifications jointly developed by the school
11457 district and the department or agency and approved by the
11458 Department of Education. The size of space and occupant design
11459 capacity criteria as provided by state board rules shall be used
11460 for remodeling or new construction whether facilities are
11461 provided on state property or district school board property.
11462 The planning of such additional facilities shall incorporate
11463 current state deinstitutionalization goals and plans.

11464 (3) The district school board shall have full and complete
11465 authority in the matter of the assignment and placement of such
11466 students in educational programs. The parent of an exceptional
11467 student shall have the same due process rights as are provided
11468 under s. 1003.57(1)(c).

11469 (4) The district school board shall have a written
11470 agreement with the Department of Children and Families ~~Family~~
11471 ~~Services~~ and the Agency for Persons with Disabilities outlining
11472 the respective duties and responsibilities of each party.

11473
11474 Notwithstanding the provisions herein, the educational program
11475 at the Marianna Sunland Center in Jackson County shall be
11476 operated by the Department of Education, either directly or
11477 through grants or contractual agreements with other public or

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11478 | duly accredited educational agencies approved by the Department
 11479 | of Education.

11480 | Section 371. Subsection (2) of section 1004.44, Florida
 11481 | Statutes, is amended to read:

11482 | 1004.44 Louis de la Parte Florida Mental Health
 11483 | Institute.—There is established the Louis de la Parte Florida
 11484 | Mental Health Institute within the University of South Florida.

11485 | (2) The Department of Children and Families ~~Family~~
 11486 | ~~Services~~ is authorized to designate the Louis de la Parte
 11487 | Florida Mental Health Institute a treatment facility for the
 11488 | purpose of accepting voluntary and involuntary clients in
 11489 | accordance with institute programs. Clients to be admitted are
 11490 | exempted from prior screening by a community mental health
 11491 | center.

11492 | Section 372. Section 1004.61, Florida Statutes, is amended
 11493 | to read:

11494 | 1004.61 Partnerships to develop child protection workers.—
 11495 | The Department of Children and Families ~~Family Services~~ is
 11496 | directed to form partnerships with the schools of social work of
 11497 | the state universities in order to encourage the development of
 11498 | graduates trained to work in child protection. The department
 11499 | shall give hiring preferences for child protection jobs to
 11500 | graduates who have earned bachelor's and master's degrees from
 11501 | these programs with a concentration in child protection. The
 11502 | partnership between the Department of Children and Families
 11503 | ~~Family Services~~ and the schools of social work shall include,

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11504 but not be limited to, modifying existing graduate and
11505 undergraduate social work curricula, providing field placements
11506 for students into child protection internships in the
11507 department, and collaborating in the design and delivery of
11508 advanced levels of social work practice.

11509 Section 373. Paragraph (c) of subsection (3) of section
11510 1004.93, Florida Statutes, is amended to read:

11511 1004.93 Adult general education.—

11512 (3)

11513 (c) To the extent funds are available, the Department of
11514 Children and Families ~~Family Services~~ shall provide for day care
11515 and transportation services to clients who enroll in adult basic
11516 education programs.

11517 Section 374. Subsection (1) of section 1006.03, Florida
11518 Statutes, is amended to read:

11519 1006.03 Diagnostic and learning resource centers.—

11520 (1) The department shall maintain regional diagnostic and
11521 learning resource centers for exceptional students, to assist in
11522 the provision of medical, physiological, psychological, and
11523 educational testing and other services designed to evaluate and
11524 diagnose exceptionalities, to make referrals for necessary
11525 instruction and services, and to facilitate the provision of
11526 instruction and services to exceptional students. The department
11527 shall cooperate with the Department of Children and Families
11528 ~~Family Services~~ in identifying service needs and areas.

11529 Section 375. Subsection (3) of section 1006.061, Florida

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11530 Statutes, is amended to read:

11531 1006.061 Child abuse, abandonment, and neglect policy.—
 11532 Each district school board, charter school, and private school
 11533 that accepts scholarship students under s. 1002.39 or s.
 11534 1002.395 shall:

11535 (3) Require the principal of the charter school or private
 11536 school, or the district school superintendent, or the
 11537 superintendent's designee, at the request of the Department of
 11538 Children and Families ~~Family Services~~, to act as a liaison to
 11539 the Department of Children and Families ~~Family Services~~ and the
 11540 child protection team, as defined in s. 39.01, when in a case of
 11541 suspected child abuse, abandonment, or neglect or an unlawful
 11542 sexual offense involving a child the case is referred to such a
 11543 team; except that this does not relieve or restrict the
 11544 Department of Children and Families ~~Family Services~~ from
 11545 discharging its duty and responsibility under the law to
 11546 investigate and report every suspected or actual case of child
 11547 abuse, abandonment, or neglect or unlawful sexual offense
 11548 involving a child.

11549
 11550 The Department of Education shall develop, and publish on the
 11551 department's Internet website, sample notices suitable for
 11552 posting in accordance with subsections (1) and (2).

11553 Section 376. Subsection (3) of section 1008.39, Florida
 11554 Statutes, is amended to read:

11555 1008.39 Florida Education and Training Placement

11556 Information Program.—

11557 (3) The Florida Education and Training Placement
 11558 Information Program must not make public any information that
 11559 could identify an individual or the individual's employer. The
 11560 Department of Education must ensure that the purpose of
 11561 obtaining placement information is to evaluate and improve
 11562 public programs or to conduct research for the purpose of
 11563 improving services to the individuals whose social security
 11564 numbers are used to identify their placement. If an agreement
 11565 assures that this purpose will be served and that privacy will
 11566 be protected, the Department of Education shall have access to
 11567 the reemployment assistance wage reports maintained by the
 11568 Department of Economic Opportunity, the files of the Department
 11569 of Children and Families ~~Family Services~~ that contain
 11570 information about the distribution of public assistance, the
 11571 files of the Department of Corrections that contain records of
 11572 incarcerations, and the files of the Department of Business and
 11573 Professional Regulation that contain the results of licensure
 11574 examination.

11575 Section 377. Paragraphs (c) and (d) of subsection (1) of
 11576 section 1009.25, Florida Statutes, are amended to read:

11577 1009.25 Fee exemptions.—

11578 (1) The following students are exempt from the payment of
 11579 tuition and fees, including lab fees, at a school district that
 11580 provides workforce education programs, Florida College System
 11581 institution, or state university:

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11582 (c) A student who is or was at the time he or she reached
11583 18 years of age in the custody of the Department of Children and
11584 Families ~~Family Services~~ or who, after spending at least 6
11585 months in the custody of the department after reaching 16 years
11586 of age, was placed in a guardianship by the court. Such
11587 exemption includes fees associated with enrollment in applied
11588 academics for adult education instruction. The exemption remains
11589 valid until the student reaches 28 years of age.

11590 (d) A student who is or was at the time he or she reached
11591 18 years of age in the custody of a relative under s. 39.5085 or
11592 who was adopted from the Department of Children and Families
11593 ~~Family Services~~ after May 5, 1997. Such exemption includes fees
11594 associated with enrollment in applied academics for adult
11595 education instruction. The exemption remains valid until the
11596 student reaches 28 years of age.

11597 Section 378. Subsection (1) of section 1010.57, Florida
11598 Statutes, is amended to read:

11599 1010.57 Bonds payable from motor vehicle license tax
11600 funds; instruction units computed.—

11601 (1) For the purpose of administering the provisions of s.
11602 9(d), Art. XII of the State Constitution as amended in 1972, the
11603 number of current instruction units in districts shall be
11604 computed annually by the Department of Education by multiplying
11605 the number of full-time equivalent students in programs under s.
11606 1011.62(1)(c) in each district by the cost factors established
11607 in the General Appropriations Act and dividing by 23, except

11608 that all basic program cost factors shall be one, and the
 11609 special program cost factors for hospital- and homebound I and
 11610 for community service shall be zero. Full-time equivalent
 11611 membership for students residing in Department of Children and
 11612 Families ~~Family Services~~ residential care facilities or
 11613 identified as Department of Juvenile Justice students shall not
 11614 be included in this computation. Any portion of the fund not
 11615 expended during any fiscal year may be carried forward in
 11616 ensuing budgets and shall be temporarily invested as prescribed
 11617 by law or rules of the State Board of Education.

11618 Section 379. Paragraph (d) of subsection (1) of section
 11619 1011.62, Florida Statutes, is amended to read:

11620 1011.62 Funds for operation of schools.—If the annual
 11621 allocation from the Florida Education Finance Program to each
 11622 district for operation of schools is not determined in the
 11623 annual appropriations act or the substantive bill implementing
 11624 the annual appropriations act, it shall be determined as
 11625 follows:

11626 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 11627 OPERATION.—The following procedure shall be followed in
 11628 determining the annual allocation to each district for
 11629 operation:

11630 (d) *Annual allocation calculation.*—

11631 1. The Department of Education is authorized and directed
 11632 to review all district programs and enrollment projections and
 11633 calculate a maximum total weighted full-time equivalent student

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11634 enrollment for each district for the K-12 FEFP.

11635 2. Maximum enrollments calculated by the department shall
11636 be derived from enrollment estimates used by the Legislature to
11637 calculate the FEFP. If two or more districts enter into an
11638 agreement under the provisions of s. 1001.42(4)(d), after the
11639 final enrollment estimate is agreed upon, the amount of FTE
11640 specified in the agreement, not to exceed the estimate for the
11641 specific program as identified in paragraph (c), may be
11642 transferred from the participating districts to the district
11643 providing the program.

11644 3. As part of its calculation of each district's maximum
11645 total weighted full-time equivalent student enrollment, the
11646 department shall establish separate enrollment ceilings for each
11647 of two program groups. Group 1 shall be composed of basic
11648 programs for grades K-3, grades 4-8, and grades 9-12. Group 2
11649 shall be composed of students in exceptional student education
11650 programs support levels IV and V, English for Speakers of Other
11651 Languages programs, and all career programs in grades 9-12.

11652 a. For any calculation of the FEFP, the enrollment ceiling
11653 for group 1 shall be calculated by multiplying the actual
11654 enrollment for each program in the program group by its
11655 appropriate program weight.

11656 b. The weighted enrollment ceiling for group 2 programs
11657 shall be calculated by multiplying the enrollment for each
11658 program by the appropriate program weight as provided in the
11659 General Appropriations Act. The weighted enrollment ceiling for

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11660 program group 2 shall be the sum of the weighted enrollment
11661 ceilings for each program in the program group, plus the
11662 increase in weighted full-time equivalent student membership
11663 from the prior year for clients of the Department of Children
11664 and Families ~~Family Services~~ and the Department of Juvenile
11665 Justice.

11666 c. If, for any calculation of the FEFP, the weighted
11667 enrollment for program group 2, derived by multiplying actual
11668 enrollments by appropriate program weights, exceeds the
11669 enrollment ceiling for that group, the following procedure shall
11670 be followed to reduce the weighted enrollment for that group to
11671 equal the enrollment ceiling:

11672 (I) The weighted enrollment ceiling for each program in
11673 the program group shall be subtracted from the weighted
11674 enrollment for that program derived from actual enrollments.

11675 (II) If the difference calculated under sub-sub-
11676 subparagraph (I) is greater than zero for any program, a
11677 reduction proportion shall be computed for the program by
11678 dividing the absolute value of the difference by the total
11679 amount by which the weighted enrollment for the program group
11680 exceeds the weighted enrollment ceiling for the program group.

11681 (III) The reduction proportion calculated under sub-sub-
11682 subparagraph (II) shall be multiplied by the total amount of the
11683 program group's enrollment over the ceiling as calculated under
11684 sub-sub-subparagraph (I).

11685 (IV) The prorated reduction amount calculated under sub-

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11686 sub-subparagraph (III) shall be subtracted from the program's
11687 weighted enrollment to produce a revised program weighted
11688 enrollment.

11689 (V) The prorated reduction amount calculated under sub-
11690 sub-subparagraph (III) shall be divided by the appropriate
11691 program weight, and the result shall be added to the revised
11692 program weighted enrollment computed in sub-sub-subparagraph
11693 (IV).

11694 Section 380. Subsection (1) of section 1012.32, Florida
11695 Statutes, is amended to read:

11696 1012.32 Qualifications of personnel.—

11697 (1) To be eligible for appointment in any position in any
11698 district school system, a person must be of good moral
11699 character; must have attained the age of 18 years, if he or she
11700 is to be employed in an instructional capacity; must not be
11701 ineligible for such employment under s. 1012.315; and must, when
11702 required by law, hold a certificate or license issued under
11703 rules of the State Board of Education or the Department of
11704 Children and Families ~~Family Services~~, except when employed
11705 pursuant to s. 1012.55 or under the emergency provisions of s.
11706 1012.24. Previous residence in this state shall not be required
11707 in any school of the state as a prerequisite for any person
11708 holding a valid Florida certificate or license to serve in an
11709 instructional capacity.

11710 Section 381. Section 1012.62, Florida Statutes, is amended
11711 to read:

11712 1012.62 Transfer of sick leave and annual leave.—In
 11713 implementing the provisions of ss. 402.22(1)(d) and
 11714 1001.42(4)(m), educational personnel in Department of Children
 11715 and Families ~~Family Services~~ residential care facilities who are
 11716 employed by a district school board may request, and the
 11717 district school board shall accept, a lump-sum transfer of
 11718 accumulated sick leave for such personnel to the maximum allowed
 11719 by policies of the district school board, notwithstanding the
 11720 provisions of s. 110.122. Educational personnel in Department of
 11721 Children and Families ~~Family Services~~ residential care
 11722 facilities who are employed by a district school board under the
 11723 provisions of s. 402.22(1)(d) may request, and the district
 11724 school board shall accept, a lump-sum transfer of accumulated
 11725 annual leave for each person employed by the district school
 11726 board in a position in the district eligible to accrue vacation
 11727 leave under policies of the district school board.

11728 Section 382. Subsection (12) of section 1012.98, Florida
 11729 Statutes, is amended to read:

11730 1012.98 School Community Professional Development Act.—

11731 (12) The department shall require teachers in grades 1-12
 11732 to participate in continuing education training provided by the
 11733 Department of Children and Families ~~Family Services~~ on
 11734 identifying and reporting child abuse and neglect.

11735 Reviser's note.—Amended to conform references within the Florida
 11736 Statutes to the redesignation of the Department of Children
 11737 and Family Services as the Department of Children and

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11738 Families by s. 2, ch. 2012-84, Laws of Florida.
11739 Section 383. This act shall take effect on the 60th day
11740 after adjournment sine die of the session of the Legislature in
11741 which enacted.