CHAPTER 2000-139

House Bill No. 2125

An act relating to children and families; amending s. 39.01, F.S.; revising the definition of the term "long-term custody"; defining the term "long-term licensed custody"; amending s. 39.013, F.S.; providing for precedence of orders of the circuit court in dependency matters involving dissolution or other custody action; deleting provisions relating to state funding of court-appointed counsel for legal guardians at shelter hearings; amending s. 39.0132, F.S., relating to oaths, records, and confidential information; amending s. 39.202, F.S.; revising provisions relating to access to and disclosure of reports and records in cases of child abuse or neglect; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.502, F.S., relating to notice, process, and services; amending s. 39.503, F.S., relating to procedures when the identity or location of the parent is unknown; creating a new pt. VII of ch. 39, F.S., relating to disposition and postdisposition change of custody; creating a new pt. IX of ch. 39, F.S., relating to permanency; renumbering and amending s. 39.508, F.S.; revising provisions relating to disposition hearings and powers of disposition; amending s. 39.5085, F.S.; providing intent for achieving permanency through a variety of permanency options; conforming a cross-reference; creating s. 39.522, F.S.; providing for postdisposition change of custody; amending s. 39.601, F.S.; providing requirements relating to case plans; amending s. 39.603, F.S., relating to court hearings for approval of case planning; authorizing, rather than requiring, court appointment of a guardian ad litem under certain circumstances; creating s. 39.621, F.S.; providing for permanency determinations by the court; creating s. 39.622, F.S.; providing conditions and requirements for court placement of a child in long-term custody; creating s. 39.623, F.S.; providing conditions and requirements for court approval of placement in long-term licensed custody; creating s. 39.624, F.S.; providing conditions and requirements for court approval of placement in independent living; amending s. 39.701, F.S.; revising provisions relating to judicial review hearings; amending s. 39.803, F.S.; revising procedure relating to diligent search, after filing of a termination of parental rights petition, for a parent whose identity or location is unknown; amending s. 39.804, F.S.; providing a penalty for false statements concerning paternity; amending s. 39.806, F.S.; providing abandonment as a ground for termination of parental rights; amending s. 39.807, F.S.; providing responsibilities of the guardian ad litem; amending s. 39.811, F.S.; providing for court-ordered disposition of the child in long-term custody following termination of parental rights; amending s. 435.045, F.S.; authorizing placement in a foster home pending federal-criminal-records-check results; requiring certain disclosure by prospective and approved foster parents; amending s. 409.2554, F.S.; conforming cross-references; repealing s. 402.40(3), F.S.; abolishing the Child Welfare Standards and Training Council; amending s. 20.04, F.S.; providing for program offices to be headed by program directors rather than assistant

secretaries; amending s. 20.19, F.S.; revising mission and purpose of the department; providing duties and responsibilities of the secretary, deputy secretary, and program directors; providing for program offices and support offices; providing for local services, service districts, district administrators, and community alliances; providing certain budget transfer authority; providing for the department to develop projections of the number of child abuse and neglect cases and to propose legislative budget requests based on Child Welfare League Standards; providing for operation of a prototype region; providing for contracts with lead agencies; providing for consultation with counties on mandated programs; amending s. 39.3065, F.S.; providing for the sheriff in any county to provide child protective investigative services; requiring individuals providing such services to complete protective investigation training; providing for funding; providing for performance evaluation; requiring reports to the department as specified in the grant agreement; providing for program performance evaluation; amending s. 318.21, F.S.; providing for disposition of civil penalties to the Grants and Donations Trust Fund in the Office of State Courts Administrator; amending s. 397.321, F.S.; providing for a pilot project to serve in a managed care arrangement non-Medicaid eligible persons for substance abuse or mental health services; amending ss. 393.502 and 393.503, F.S.; revising provisions relating to creation, appointment, and operation of family care councils; requiring establishment of a training program for council members; providing for reimbursement for members' per diem and travel expenses; deleting references to health and human services boards; creating s. 402.73, F.S.; providing contracting and performance standards for contracted client services; providing conditions for competitive procurement; providing for procurement and contract for services that involve multiple providers; providing requirements relating to matching contributions; providing for independent contract for assessment and case management services; providing for penalties; requiring certain notice; providing for standards of conduct and disciplinary actions with respect to department employees carrying out contracting responsibilities; providing requirements relating to the developmental services Medicaid waiver service system; requiring a report; providing for cancellation of provider contracts; restricting new contracts with canceled providers; providing that contract documents include a requirement that any state funds provided for purchase of or improvement to real property are contingent upon the granting of a security interest; providing for performance-based incentives; creating s. 402.731, F.S.; authorizing certification programs for department employees and service providers; providing rulemaking authority; requiring employment programs for staff to facilitate transition to privatized community-based care; requiring contracts for outpatient services; authorizing certain time-limited exempt positions; amending s. 409.1671, F.S., relating to foster care and related services; deleting provisions relating to a statewide privatization plan; deleting requirement that excess earnings be distributed to all entities contributing to the excess; providing for the designation of more than one

eligible lead community-based provider within a single county under certain circumstances; providing the establishment of a risk pool to reduce financial risk to community-based providers; excluding certain entities from certain insurance requirements; providing for any excess earnings to be distributed to all entities contributing to the excess; creating s. 409.1675, F.S.; providing conditions and procedures for placing a lead community-based provider in receivership; providing for notice and hearing; providing powers and duties of a receiver; providing for compensation; providing liability; requiring a receiver to post a bond under certain circumstances; providing for termination of receivership; amending s. 409.176, F.S.; authorizing the facility administrator or designee to consent to routine and emergency medical care within specified conditions; amending ss. 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302, 216.136, 381.0072, 383.14, 393.064, 393.13, 394.462, 394.4674, 394.67, 394.75, 397.311, 397.321, 397.821, 397.901, 400.435, 402.17, 402.3015, 402.40, 402.47, 409.152, 409.1673, 410.0245, 411.01, 411.223, 411.224, 414.028, 414.105, 414.36, 916.107, 985.223, and 985.413, F.S.; providing changes to conform with the provisions of the act; repealing s. 402.185(2), F.S., relating to funding for staff of the Office of Standards and Evaluation of the department; repealing s. 409.152(6), F.S., relating to designation of family preservation programs by the health and human services boards; providing a directive to the statute editors to conform terminology; providing incentive grants for children's services council or juvenile welfare board; providing requirements; authorizing rules; requiring the Correctional Privatization Commission in consultation with the Department of Children and Family Services to issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a specified secure facility to house and rehabilitate certain sexual predators; authorizing the Secretary of Children and Family Services to approve the request for proposal, the successful bidder, and the contract; providing authority for the commission to enter into a contract with a provider; providing authority of the contractor with respect to financing of the project; providing authority of the state to enter into certain agreements; providing for termination of a specified program upon completion of the facility; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to continue providing foster care services to certain individuals who are enrolled full-time in a degree-granting program in a postsecondary educational institution; specifying circumstances under which such services shall be terminated; repealing s. 216.1365, F.S.; requiring the Criminal Justice Estimating Conference to project future bed needs and other program needs for sexually violent predators; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to project future bed needs and other program needs for sexually violent predators; amending s. 960.07, F.S.; expanding the time within which a victim of an offense committed by a sexually violent predator may apply for compensation from the Crimes Compensation Trust Fund; amending s. 394.913, F.S.; increasing the period of time for the multidisciplinary

team to determine if an offender is a sexually violent predator; amending s. 394.930, F.S.; requiring the Department of Children and Family Services to adopt rules for education and training for members of multidisciplinary teams and other professionals who evaluate sexually violent predators; amending s. 394.931, F.S.; requiring the Department of Children and Family Services to implement a long-term study to determine the effectiveness of involuntary civil commitment of sexually violent predators; directing the Department of Children and Family Services to study the feasibility of establishing a certification or licensure program for non-clinical social workers; requiring a report to the Legislature; creating s. 784.085, F.S.; prohibiting battery of a child by throwing, tossing, projecting, or expelling certain fluids; providing a penalty; providing a definition; amending s. 921.0022, F.S., relating to the criminal Punishment Code; conforming provisions to changes made by the act; creating s. 683.23, F.S.; designating the second Monday in September of each year as "Florida Missing Children's Day"; providing legislative intent with respect to providing competent legal representation for children in state custody; requiring that the Office of the State Courts Administrator create a pilot Attorney Ad Litem Program in the Ninth Judicial Circuit; authorizing the office to contract with a private or public entity to operate the pilot program; providing for the pilot program to operate independently of other state agencies responsible for the care of children in state custody; providing for administration of the program; requiring that the Office of the State Courts Administrator develop a training program for attorneys ad litem; requiring that the court direct the pilot program to assign an attorney ad litem; requiring that the Department of Children and Family Services provide information to the pilot-program administrator; providing for assigning an attorney ad litem to represent the child's wishes; requiring the Office of the State Courts Administrator to make annual reports to the Legislature; requiring that the Office of the States Courts Administrator evaluate the pilot program; requesting that the Supreme Court adopt rules of juvenile procedure; providing appropriations for the pilot program; providing an effective date.

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

Section 1. Subsection (4) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(4) Within the Department of Children and Family Services there are organizational units called "program offices," headed by program directors ~~assistant secretaries~~.

Section 2. Section 20.19, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 20.19, F.S., for present text.)

20.19 Department of Children and Families.—There is created a Department of Children and Family Services.

(1) MISSION AND PURPOSE.—

(a) The mission of the Department of Children and Family Services is to work in partnership with local communities to ensure the safety, well being, and self-sufficiency of the people served.

(b) The department shall develop a strategic plan for fulfilling its mission and establish a set of measurable goals, objectives, performance standards, and quality assurance requirements to ensure that the department is accountable to the people of Florida.

(c) To the extent allowed by law and within specific appropriations, the department shall deliver services by contract through private providers.

(2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY SECRETARY.—

(a) The head of the department is the Secretary of Children and Family Services. The secretary is appointed by the Governor, subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

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

(c) The secretary has the authority and responsibility to ensure that the mission of the department is fulfilled in accordance with state and federal laws, rules, and regulations.

(3) PROGRAM DIRECTORS.—The secretary shall appoint program directors who serve at the pleasure of the secretary. The secretary may delegate to the program directors responsibilities for the management, policy, program, and fiscal functions of the department.

(4) PROGRAM OFFICES AND SUPPORT OFFICES.—

(a) The department is authorized to establish program offices and support offices, each of which shall be headed by a director or other management position who shall be appointed by and serves at the pleasure of the secretary.

(b) The following program offices are established:

1. Adult Services.

2. Child Care Services.

3. Developmental Disabilities.

4. Economic Self-Sufficiency Services.

5. Family Safety.

6. Mental Health.

7. Refugee Services.

8. Substance Abuse.

(c) Program offices and support offices may be consolidated, restructured, or rearranged by the secretary, in consultation with the Executive Office of the Governor, provided any such consolidation, restructuring, or rearranging is capable of meeting functions and activities and achieving outcomes as delineated in state and federal laws, rules, and regulations. The secretary may appoint additional managers and administrators as he or she determines are necessary for the effective management of the department.

(5) SERVICE DISTRICTS.—

(a) The department shall plan and administer its programs of family services through service districts and subdistricts composed of the following counties:

1. District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties.

2. District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties.

3. District 2, Subdistrict B.—Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties.

4. District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties.

5. District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties.

6. District 5.—Pasco and Pinellas Counties.

7. District 6.—Hillsborough and Manatee Counties.

8. District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties.

9. District 7, Subdistrict B.—Brevard County.

10. District 8, Subdistrict A.—Sarasota and DeSoto Counties.

11. District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties.

12. District 9.—Palm Beach County.

13. District 10.—Broward County.

14. District 11, Subdistrict A.—Miami-Dade County.

15. District 11, Subdistrict B.—Monroe County.

16. District 12.—Flagler and Volusia Counties.

17. District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties.

18. District 14.—Polk, Hardee, and Highlands Counties.

19. District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.

(b) The secretary shall appoint a district administrator for each of the service districts. The district administrator shall serve at the pleasure of the secretary and shall perform such duties as assigned by the secretary. Subject to the approval of the secretary, such duties shall include transferring up to 10 percent of the total district budget, the provisions of ss. 216.292 and 216.351 notwithstanding.

(c) Each fiscal year the secretary shall, in consultation with the relevant employee representatives, develop projections of the number of child abuse and neglect cases and shall include in the department's legislative budget request a specific appropriation for funds and positions for the next fiscal year in order to provide an adequate number of full-time equivalent:

1. Child protection investigation workers so that caseloads do not exceed the Child Welfare League Standards by more than two cases; and

2. Child protection case workers so that caseloads do not exceed the Child Welfare League Standard by more than two cases.

(6) COMMUNITY ALLIANCES.—

(a) The department shall, in consultation with local communities, establish a community alliance of the stakeholders, community leaders, client representatives and funders of human services in each county to provide a focal point for community participation and governance of community-based services. An alliance may cover more than one county when such arrangement is determined to provide for more effective representation. The community alliance shall represent the diversity of the community.

(b) The duties of the community alliance shall include, but not necessarily be limited to:

1. Joint planning for resource utilization in the community, including resources appropriated to the department and any funds that local funding sources choose to provide.

2. Needs assessment and establishment of community priorities for service delivery.

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

4. Serving as a catalyst for community resource development.

5. Providing for community education and advocacy on issues related to delivery of services.

6. Promoting prevention and early intervention services.

(c) The department shall ensure, to the greatest extent possible, that the formation of each community alliance builds on the strengths of the existing community human services infrastructure.

(d) The initial membership of the community alliance in a county shall be composed of the following:

1. The district administrator.

2. A representative from county government.

3. A representative from the school district.

4. A representative from the county United Way.

5. A representative from the county sheriff's office.

6. A representative from the circuit court corresponding to the county.

7. A representative from the county children's board, if one exists.

(e) At any time after the initial meeting of the community alliance, the community alliance shall adopt bylaws and may increase the membership of the alliance to include individuals and organizations who represent funding organizations, are community leaders, have knowledge of community-based service issues, or otherwise represent perspectives that will enable them to accomplish the duties listed in paragraph (b), if in the judgment of the alliance, such change is necessary to adequately represent the diversity of the population within the community alliance service districts.

(f) Members of the community alliances shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses, as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department's services and for preapproved child care expenses for other members who demonstrate hardship.

(g) Members of a community alliance are subject to the provisions of part III of chapter 112, the Code of Ethics for Public Officers and Employees.

(h) Actions taken by a community alliance must be consistent with department policy and state and federal laws, rules, and regulations.

(i) Alliance members shall annually submit a disclosure statement of services interests to the department's inspector general. Any member who has an interest in a matter under consideration by the alliance must abstain from voting on that matter.

(j) All alliance meetings are open to the public pursuant to s. 286.011 and the public records provision of s. 119.07(1).

(7) PROTOTYPE REGION.—

(a) Notwithstanding the provisions of this section, the department may consolidate the management and administrative structure or function of the geographic area that includes the counties in the sixth, twelfth, and thirteenth judicial circuits as defined in s. 26.021. The department shall evaluate the efficiency and effectiveness of the operation of the prototype region and upon a determination that there has been a demonstrated improvement in management and oversight of services or cost savings from more efficient administration of services, the secretary may consolidate management and administration of additional areas of the state. Any such additional consolidation shall comply with the provisions of subsection (5) unless legislative authorization to the contrary is provided.

(b) Within the prototype region, the budget transfer authority defined in paragraph (5)(b) shall apply to the consolidated geographic area.

(c) The department is authorized to contract for children's services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services. The duties of the lead agency shall include, but not necessarily be limited to:

1. Directing and coordinating the program and children's services within the scope if its contract.

2. Contracting for the provision of core services, including intake and eligibility, assessment, service planning, and case management. However, a lead agency may obtain approval from the department to provide core services, including intake and eligibility, assessment, service planning, and case management, upon a finding by the department that such lead agency is the only appropriate organization within the service district capable of providing such service or services within the department's quality assurance and performance standards.

3. Creating a service provider network capable of delivering the services contained in client service plans, which shall include identifying the necessary services, the necessary volume of services, and possible utilization patterns and negotiating rates and expectations with providers.

4. Managing and monitoring of provider contracts and subcontracts.

5. Developing and implementing an effective bill payment mechanism to ensure all providers are paid in a timely fashion.

6. Providing or arranging for administrative services necessary to support service delivery.

7. Utilizing departmentally approved training and meeting departmentally defined credentials and standards.

8. Providing for performance measurement in accordance with the department's quality assurance program and providing for quality improvement and performance measurement.

9. Developing and maintaining effective interagency collaboration to optimize service delivery.

10. Ensuring that all federal and state reporting requirements are met.

11. Operating a consumer complaint and grievance process.

12. Ensuring that services are coordinated and not duplicated with other major payers, such as the local schools and Medicaid.

13. Any other duties or responsibilities defined in s. 409.1671 related to community-based care.

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

(9) PROCUREMENT OF HEALTH SERVICES.—Nothing contained in chapter 287 shall require competitive bids for health services involving examination, diagnosis, or treatment.

Section 3. Section 39.3065, Florida Statutes, is amended to read:

39.3065 Sheriffs ~~of Pasco, Manatee, and Pinellas Counties~~ to provide child protective investigative services; procedures; funding.—

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

(2) During fiscal year 1998-1999, the Department of Children and Family Services and each sheriff's office shall enter into a contract for the provision of these services. Funding for the services will be appropriated to the Department of Children and Family Services, and the department shall transfer to the respective sheriffs for the duration of fiscal year 1998-1999, funding for the investigative responsibilities assumed by the sheriffs, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract, and including, but not limited to, funding for all investigative, supervisory, and clerical positions; training; all associated equipment; furnishings; and other fixed capital items. The contract must specify whether the department will continue to perform part or none of the child protective investigations during the initial year. The sheriffs may either conduct the investigations themselves or may, in turn, subcontract with law enforcement officials or with properly trained

employees of private agencies to conduct investigations related to neglect cases only. If such a subcontract is awarded, the sheriff must take full responsibility for any safety decision made by the subcontractor and must immediately respond with law enforcement staff to any situation that requires removal of a child due to a condition that poses an immediate threat to the child's life. The contract must specify whether the services are to be performed by departmental employees or by persons determined by the sheriff. During this initial year, the department is responsible for quality assurance, and the department retains the responsibility for the performance of all child protective investigations. The department must identify any barriers to transferring the entire responsibility for child protective services to the sheriffs' offices and must pursue avenues for removing any such barriers by means including, but not limited to, applying for federal waivers. By January 15, 1999, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that describes any remaining barriers, including any that pertain to funding and related administrative issues. Unless the Legislature, on the basis of that report or other pertinent information, acts to block a transfer of the entire responsibility for child protective investigations to the sheriffs' offices, the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County, beginning in fiscal year 1999-2000, shall assume the entire responsibility for such services, as provided in subsection (3).

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

(b) The sheriffs ~~of Pasco County, Manatee County, and Pinellas County~~ shall operate, at a minimum, in accordance with the performance standards and outcome measures established by the Legislature for protective investigations conducted by the Department of Children and Family Services. Each individual who provides these services must complete, at a minimum, the training provided to and required of protective investigators employed by the Department of Children and Family Services.

(c) Funds for providing child protective investigations ~~in Pasco County, Manatee County, and Pinellas County~~ must be identified in the annual appropriation made to the Department of Children and Family Services, which shall award grants for the full amount identified to the respective sheriffs' offices. Notwithstanding the provisions of ss. 216.181(15)(b) and 216.351, the Department of Children and Family Services may advance payments to the sheriffs for child protective investigations. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices and reported to the Department of Children and Family Services as specified in the grant agreement.

(d) Program performance evaluation shall be based on criteria mutually agreed upon by the respective sheriffs and the Department of Children and Family Services. The program performance evaluation shall be conducted by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the department. ~~a committee of seven persons appointed by the Governor and selected from those persons serving on the Department of Children and Family Services District 5 Health and Human Services Board and District 6 Health and Human Services Board. Two of the Governor's appointees must be residents of Pasco County, two of the Governor's appointees must be residents of Manatee County, and two of the Governor's appointees must be residents of Pinellas County. Such appointees shall serve at the pleasure of the Governor. The individuals appointed must have demonstrated experience in outcome evaluation, social service areas of protective investigation, or child welfare supervision.~~ The Department of Children and Family Services ~~committee~~ shall submit an annual report regarding quality performance, outcome-measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, and to the Governor no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.

~~(4) For the 1999-2000 fiscal year only, the Sheriff of Broward County shall perform the same child protective investigative services according to the same standards as are performed by the sheriffs of Pinellas County, Manatee County, and Pasco County under this section. This subsection expires July 1, 2000.~~

Section 4. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 135 of chapter 98-403, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system ~~Department of Children and Family Services~~ for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county as provided for in s. 39.702 ~~39.4531~~.

Section 5. Section 393.502, Florida Statutes, is amended to read:

393.502 Family care councils.—

(1) CREATION~~; APPOINTMENT~~.—There shall be established and located within each service district of the department ~~of Children and Family Services~~ a district family care council.

(2) MEMBERSHIP.—

(a) Each district family care ~~The~~ council shall consist of at least 10 and no more than 15 members ~~nine persons~~ recommended by a majority vote of the district family care council and appointed by the Governor ~~district health and human services board~~.

(b) At least three ~~One-half~~ of the members of the council must be consumers. One such member shall be a consumer who received developmental services within the 4 years prior to the date of recommendation, or the legal guardian of such a consumer. The remainder of the council members shall be parents, guardians, or siblings ~~who are family members or legal guardians~~ of persons with developmental disabilities who qualify for developmental services pursuant to this chapter. ~~At least one-half of the members of the council shall be current consumers of developmental services.~~

(c) A person who is currently serving on another board or council of the department may not be appointed to a district family care council.

(d) Employees of the department are not eligible to serve on a district family care council.

(e) Persons related by consanguinity or affinity within the third degree shall not serve on the same district family care council at the same time.

(f) A chair ~~chairperson~~ for the council shall ~~must~~ be chosen by the council members to serve for 1 year. A person may serve no more than four 1-year terms as chair.

(3) TERMS; VACANCIES.—

(a) Council members shall be appointed for a 3-year ~~2-year~~ term, except as provided in subsection (8), and may be reappointed to ~~not more than~~ one additional term. ~~A person who is currently serving on another board or council of the department may not be appointed to a family care council.~~

(b) A member who has served two consecutive terms shall not be eligible to serve again until 12 months have elapsed since ending his or her service on the district council.

(c) Upon expiration of a term or in the case of any other vacancy, the district council shall, by majority vote, recommend to the Governor for appointment a person for each vacancy. If the Governor does not act on the council's recommendations within 45 days after receiving them, the persons recommended shall be considered to be appointed.

(4) COMMITTEE APPOINTMENTS.—The chair of the district family care council may appoint persons to serve on council committees. Such persons may include former members of the council and persons not eligible to serve on the council.

(5) TRAINING.—

(a) The department, in consultation with the district councils, shall establish a training program for district family care council members. Each district shall provide the training program when new persons are appointed to the district council and at other times as the secretary deems necessary.

(b) The training shall assist the council members to understand the laws, rules, and policies applicable to their duties and responsibilities.

(c) All persons appointed to a district council must complete this training within 90 days after their appointment. A person who fails to meet this requirement shall be considered to have resigned from the council.

(6)~~(2)~~ MEETINGS~~; CONTINUED EXISTENCE~~.—Council members shall serve on a voluntary basis without payment for their services but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061. The council shall meet at least six times per year ~~once a month~~.

(7)~~(3)~~ PURPOSE.—The purpose of the district family care councils shall be to advise ~~the health and human services boards of~~ the department and its district advisory boards, to develop a plan for the delivery of developmental services family support within the district, and to monitor the implementation and effectiveness of services and support provided under the plan. The primary functions of the district family care councils shall be to:

(a) Assist in providing information and outreach to families.

(b) Review the effectiveness of developmental services programs and make recommendations with respect to program implementation.

(c) Advise district developmental services administrators with respect to policy issues relevant to the community and family support system in the district.

(d) Meet and share information with other district family care councils.

(8) NEW COUNCILS.—When a district family care council is established for the first time in a district, the Governor shall appoint the first four council members, who shall serve 3-year terms. These members shall submit to the Governor, within 90 days after their appointment, recommendations for at least six additional members, selected by majority vote. If the Governor does not act on the recommendations within 45 days after receiving them, the persons recommended shall be considered to be appointed. Those members recommended for appointment by the Governor shall serve for 2 years.

(9) FUNDING; FINANCIAL REVIEW.—The district family care council may apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person. Each district council shall be subject to an annual financial review by district staff assigned by the district administrator. Each district council shall exercise care and prudence in the expenditure of funds. The district family care councils shall comply with state expenditure requirements.

Section 6. Section 393.503, Florida Statutes, is amended to read:

393.503 Respite and family care subsidy expenditures; funding.—The Department of Children and Family Services shall determine the amount of expenditures per fiscal year for the respite and family care subsidy to families and individuals with developmental disabilities living in their own homes. This information shall be made available to the family care councils and to others requesting the information. The family care councils shall review the expenditures and make recommendations to the department ~~health and human services board~~ with respect to any new funds that are made available for family care.

Section 7. Section 402.73, Florida Statutes, is created to read:

402.73 Contracting and performance standards.—

(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(3)(f), the department must competitively procure any contract for client services when any of the following occurs:

(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is $300,000 or more.

(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

(2) The competitive requirements of subsection (1) must be initiated for each contract that meets the criteria of this subsection, unless the secretary makes a written determination that particular facts and circumstances require deferral of the competitive process. Facts and circumstances must be specifically described for each individual contract proposed for deferral and must include one or more of the following:

(a) An immediate threat to the health, safety, or welfare of the department's clients.

(b) A threat to appropriate use or disposition of facilities that have been financed in whole, or in substantial part, through contracts or agreements with a state agency.

(c) A threat to the service infrastructure of a community which could endanger the well-being of the department's clients.

Competitive procurement of client services contracts that meet the criteria in subsection (1) may not be deferred for longer than 1 year.

(3) The Legislature intends that the department obtain services in the manner that is most cost-effective for the state, that provides the greatest long-term benefits to the clients receiving services, and that minimizes the disruption of client services. In order to meet these legislative goals, the department may adopt rules providing procedures for the competitive procurement of contracted client services which represent an alternative to the request-for-proposal or invitation-to-bid process. The alternative competitive procedures shall permit the department to solicit professional qualifications from prospective providers and to evaluate such statements of qualification before requesting service proposals. The department may limit the firms invited to submit service proposals to only those firms that have demonstrated the highest level of professional capability to provide the services under consideration, but may not invite fewer than three firms to submit service proposals, unless fewer than three firms submitted satisfactory statements of qualification. The alternative procedures must, at a minimum, allow the department to evaluate competing proposals and select the proposal that provides the greatest benefit to the state while considering the quality of the services, dependability, and integrity of the provider, the dependability of the provider's services, the experience of the provider in serving target populations or client groups substantially identical to members of the target population for the contract in question, and the ability of the provider to secure local funds to support the delivery of services, including, but not limited to, funds derived from local governments. These alternative procedures need not conform to the requirements of s. 287.042 or s. 287.057(1) or (2).

(4) The department shall review the period for which it executes contracts and, to the greatest extent practicable, shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution.

(5) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service-quality, and cost-control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes match to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee to the

selection team required by s. 287.057(15). Any employee so named shall qualify as one of the employees required by s. 287.057(15). The selection team shall include the named employee unless the department sets forth in writing the reason such inclusion would be contrary to the best interests of the state. No governmental entity or unit of special purpose government may name an employee to the selection team if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or match contributor shall comply with any deadlines and procurement procedures established by the department. The department may also involve nongovernmental funding entities in the procurement process when appropriate.

(6) The department may contract for or provide assessment and case management services independently from treatment services.

(7) The department shall adopt, by rule, provisions for including in its contracts incremental penalties to be imposed by its contract managers on a service provider due to the provider's failure to comply with a requirement for corrective action. Any financial penalty that is imposed upon a provider may not be paid from funds being used to provide services to clients, and the provider may not reduce the amount of services being delivered to clients as a method for offsetting the impact of the penalty. If a financial penalty is imposed upon a provider that is a corporation, the department shall notify, at a minimum, the board of directors of the corporation. The department may notify, at its discretion, any additional parties that the department believes may be helpful in obtaining the corrective action that is being sought. Further, the rules adopted by the department must include provisions that permit the department to deduct the financial penalties from funds that would otherwise be due to the provider, not to exceed 10 percent of the amount that otherwise would be due to the provider for the period of noncompliance. If the department imposes a financial penalty, it shall advise the provider in writing of the cause for the penalty. A failure to include such deductions in a request for payment constitutes a ground for the department to reject that request for payment. The remedies identified in this subsection do not limit or restrict the department's application of any other remedy available to it in the contract or under law. The remedies described in this subsection may be cumulative and may be assessed upon each separate failure to comply with instructions from the department to complete corrective action.

(8) The department shall develop standards of conduct and a range of disciplinary actions for its employees which are specifically related to carrying out contracting responsibilities.

(9) The department must implement systems and controls to ensure financial integrity and service provision quality in the developmental services Medicaid waiver service system. The Auditor General shall include specific reference to systems and controls related to financial integrity in the developmental services Medicaid waiver service system in his or her audit of the department for each fiscal year.

(10) If a provider fails to meet the performance standards established in the contract, the department may allow a reasonable period for the provider

to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the provider to the department's satisfaction, the department must cancel the contract with the provider. The department may not enter into a new contract with that same provider for the services for which the contract was previously canceled for a period of at least 24 months after the date of cancellation. If an adult substance abuse services provider fails to meet the performance standards established in the contract, the department may allow a reasonable period, not to exceed 6 months, for the provider to correct performance deficiencies. If the performance deficiencies are not resolved to the satisfaction of the department within 6 months, the department must cancel the contract with the adult substance abuse provider, unless there is no other qualified provider in the service district.

(11) The department shall include in its standard contract document a requirement that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law. The contract must include a provision that, as a condition of receipt of state funding for this purpose, the provider agrees that, if it disposes of the property before the department's interest is vacated, the provider will refund the proportionate share of the state's initial investment, as adjusted by depreciation.

(12) The department shall develop and refine contracting and accountability methods that are administratively efficient and that provide for optimal provider performance.

(13) The department may competitively procure any contract when it deems it is in the best interest of the state to do so. The requirements described in subsection (1) do not, and may not be construed to, limit in any way the department's ability to competitively procure any contract it executes, and the absence of any or all of the criteria described in subsection (1) may not be used as the basis for an administrative or judicial protest of the department's determination to conduct competition, make an award, or execute any contract.

(14) A contract may include cost-neutral, performance-based incentives that may vary according to the extent a provider achieves or surpasses the performance standards set forth in the contract. Such incentives may be weighted proportionally to reflect the extent to which the provider has demonstrated that it has consistently met or exceeded the contractual requirements and the department's performance standards.

(15) Nothing contained in chapter 287 shall require competitive bids for health services involving examination, diagnosis, or treatment.

Section 8. Section 402.731, Florida Statutes, is created to read:

402.731 Department of Children and Family Services certification programs for employees and service providers; employment provisions for transition to community-based care.—

(1) The Department of Children and Family Services is authorized to create certification programs for its employees and service providers to ensure that only qualified employees and service providers provide client services. The department is authorized to develop rules that include qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.

(2) The department shall develop and implement employment programs to attract and retain competent staff to support and facilitate the transition to privatized community-based care. Such employment programs shall include lump-sum bonuses, salary incentives, relocation allowances, or severance pay. The department shall also contract for the delivery or administration of outplacement services. The department shall establish time-limited exempt positions as provided in s. 110.205(2)(h), in accordance with the authority provided in s. 216.262(1)(c)1. Employees appointed to fill such exempt positions shall have the same salaries and benefits as career service employees.

Section 9. Paragraphs (a), (b), and (d) of subsection (1), paragraph (c) of subsection (3), and paragraph (a) of subsection (4) of section 409.1671, Florida Statutes, are amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to said section, to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. ~~This plan is to be submitted by July 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the minority leaders of both houses.~~ This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department

to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. ~~Notwithstanding the provisions of s. 215.425, all documented federal funds earned for the current fiscal year by the department and community-based agencies which exceed the amount appropriated by the Legislature shall be distributed to all entities that contributed to the excess earnings based on a schedule and methodology developed by the department and approved by the Executive Office of the Governor. Distribution shall be pro rata based on total earnings and shall be made only to those entities that contributed to excess earnings. Excess earnings of community-based agencies shall be used only in the district in which they were earned. Additional state funds appropriated by the Legislature for community-based agencies or made available pursuant to the budgetary amendment process described in s. 216.177 shall be transferred to the community-based agencies. The department shall amend a community-based agency's contract to permit expenditure of the funds. The distribution program applies only to entities that were under privatization contracts as of July 1, 1999. This program is authorized for a period of 3 years beginning July 1, 1999, and ending June 30, 2002. The Office of Program Policy Analysis and Government Accountability shall review this program and report to the Legislature by December 31, 2001. The review shall assess the program to determine how the additional resources were used, the number of additional clients served, the improvements in quality of service attained, the performance outcomes associated with the additional resources, and the feasibility of continuing or expanding this program.~~ The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" means family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this

section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for a privatization project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.

2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.

3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services.

4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.

5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.

6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

(d) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (b), or its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. In any tort action brought against such an eligible lead community-based provider, net economic damages shall be limited to $1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset

by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(3)

(c) The ~~annual~~ contract between the department and community-based agencies must include provisions that specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established ~~may be performed~~ by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or the Council on Accreditation of Rehabilitation Facilities (CARF). The department may ~~shall~~ develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed $300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

(7) The department is authorized to establish and administer a risk pool to reduce the financial risk to eligible lead community-based providers resulting from unanticipated caseload growth.

(8) Notwithstanding the provisions of s. 215.425, all documented federal funds earned for the current fiscal year by the department and community-based agencies which exceed the amount appropriated by the Legislature

shall be distributed to all entities that contributed to the excess earnings based on a schedule and methodology developed by the department and approved by the Executive Office of the Governor. Distribution shall be pro rata based on total earnings and shall be made only to those entities that contributed to excess earnings. Excess earnings of community-based agencies shall be used only in the service district in which they were earned. Additional state funds appropriated by the Legislature for community-based agencies or made available pursuant to the budgetary amendment process described in s. 216.177 shall be transferred to the community-based agencies. The department shall amend a community-based agency's contract to permit expenditure of the funds. The distribution program applies only to entities that were under privatization contracts as of July 1, 1999. This program is authorized for a period of 3 years beginning July 1, 1999, and ending June 30, 2002. The Office of Program Policy Analysis and Government Accountability shall review this program and report to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001. The review shall assess the program to determine how the additional resources were used, the number of additional clients served, the improvements in quality of service attained, the performance outcomes associated with the additional resources, and the feasibility of continuing or expanding this program.

Section 10. Section 409.1675, Florida Statutes, is created to read:

409.1675 Lead community-based providers; receivership.—

(1) The Department of Children and Family Services may petition a court of competent jurisdiction for the appointment of a receiver for a lead community-based provider established pursuant to s. 409.1671 when any of the following conditions exist:

(a) The lead community-based provider is operating without a license as a child-placing agency.

(b) The lead community-based provider has given less than 120 days notice of its intent to cease operations, and arrangements have not been made for another lead community-based provider or for the department to continue the uninterrupted provision of services.

(c) The department determines that conditions exist in the lead community-based provider which present an imminent danger to the health, safety, or welfare of the dependent children under that provider's care or supervision. Whenever possible, the department shall make a reasonable effort to facilitate the continued operation of the program.

(d) The lead community-based provider cannot meet its current financial obligations to its employees, contractors, or foster parents. Issuance of bad checks or the existence of delinquent obligations for payment of salaries, utilities, or invoices for essential services or commodities shall constitute prima facie evidence that the lead community-based provider lacks the financial ability to meet its financial obligations.

(2)(a) The petition for receivership shall take precedence over other court business unless the court determines that some other pending proceeding, having statutory precedence, has priority.

(b) A hearing shall be conducted within 5 days after the filing of the petition, at which time interested parties shall have the opportunity to present evidence as to whether a receiver should be appointed. The department shall give reasonable notice of the hearing on the petition to the lead community-based provider.

(c) The court shall grant the petition upon finding that one or more of the conditions in subsection (1) exists and the continued existence of the condition or conditions jeopardizes the health, safety, or welfare of dependent children. A receiver may be appointed ex parte when the court determines that one or more of the conditions in subsection (1) exists. After such finding, the court may appoint any person, including an employee of the department who is qualified by education, training, or experience to carry out the duties of the receiver pursuant to this section, except that the court shall not appoint any member of the governing board or any officer of the lead community-based provider. The receiver may be selected from a list of persons qualified to act as receivers which is developed by the department and presented to the court with each petition of receivership.

(d) A receiver may be appointed for up to 90 days and the department may petition the court for additional 30-day extensions. Sixty days after appointment of a receiver and every 30 days thereafter until the receivership is terminated, the department shall submit to the court an assessment of the lead community-based provider's ability to ensure the health, safety, and welfare of the dependent children under its supervision.

(3) The receiver shall take such steps as are reasonably necessary to ensure the continued health, safety, and welfare of the dependent children under the supervision of the lead community-based provider and shall exercise those powers and perform those duties set out by the court, including, but not limited to:

(a) Taking such action as is reasonably necessary to protect or conserve the assets or property of the lead community-based provider. The receiver may use the assets and property and any proceeds from any transfer thereof only in the performance of the powers and duties set forth in this section and by order of the court.

(b) Using the assets of the lead community-based provider in the provision of care and services to dependent children.

(c) Entering into contracts and hiring agents and employees to carry out the powers and duties of the receiver under this section.

(d) Having full power to direct, manage, hire, and discharge employees of the lead community-based provider. The receiver shall hire and pay new employees at the rate of compensation, including benefits, approved by the court.

(e) Honoring all leases, mortgages, and contractual obligations of the lead community-based provider, but only to the extent of payments that become due during the period of the receivership.

(4)(a) The receiver shall deposit funds received in a separate account and shall use this account for all disbursements.

(b) A payment to the receiver of any sum owing to the lead community-based provider shall discharge any obligation to the provider to the extent of the payment.

(5) A receiver may petition the court for temporary relief from obligations entered into by the lead community-based provider if the rent, price, or rate of interest required to be paid under the agreement was substantially in excess of a reasonable rent, price, or rate of interest at the time the contract was entered into, or if any material provision of the agreement was unreasonable when compared to contracts negotiated under similar conditions. Any relief in this form provided by the court shall be limited to the life of the receivership, unless otherwise determined by the court.

(6) The court shall set the compensation of the receiver, which shall be considered a necessary expense of a receivership and may grant to the receiver such other authority necessary to ensure the health, safety, and welfare of the children served.

(7) A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts, or breaches of fiduciary duty. This section shall not be interpreted to be a waiver of sovereign immunity should the department be appointed receiver.

(8) If the receiver is not the department, the court may require a receiver to post a bond to ensure the faithful performance of these duties.

(9) The court may terminate a receivership when:

(a) The court determines that the receivership is no longer necessary because the conditions that gave rise to the receivership no longer exist; or

(b) The department has entered into a contract with a new lead community-based provider pursuant to s. 409.1671 and that contractor is ready and able to assume the duties of the previous provider.

(10) Within 30 days after the termination, unless this time period is extended by the court, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected and disbursed, and of the expenses of the receivership.

(11) Nothing in this section shall be construed to relieve any employee of the lead community-based provider placed in receivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the employee prior to the appointment of a receiver; nor shall anything contained in this section be construed to suspend during the receivership any obligation of the employee for payment of taxes or other

operating or maintenance expenses of the lead community-based provider or for the payment of mortgages or liens. The lead community-based provider shall retain the right to sell or mortgage any facility under receivership, subject to the prior approval of the court that ordered the receivership.

Section 11. Paragraph (g) in subsection (6) of section 409.176, Florida Statutes, is created to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(6) Each child served by a Type II facility shall be covered by a written contract, executed at the time of admission or prior thereto, between the facility and the parent, legal guardian, or person having legal custody of the child. Such person shall be given a copy of the contract at the time of its execution, and the facility shall retain the original contract. Each contract shall:

(a) Enumerate the basic services and accommodations provided by the facility.

(b) State that the facility is a Type II facility.

(c) Contain the address and telephone number of the qualified association.

(d) Specify the charges, if any, to the parent, legal guardian, or person having legal custody of the child.

(e) Contain a clear statement regarding disciplinary procedures.

(f) State that the goal of the facility is to return the child it serves to the parent, legal guardian, or person having legal custody of the child, within 1 year from the time the child enters the facility.

(g) Authorize the facility administrator or his or her designee to consent to routine and emergency medical care on behalf of the parent, legal guardian, or person having legal custody of the child, provided the facility administrator shall immediately notify the parent, legal guardian, or person having legal custody of the child of medical care being provided on their behalf. Authorization of this power shall be granted only upon the separate consent in the contract of the parent, legal guardian, or person having legal custody of the child.

A copy of the contract signed by the parent, legal guardian, or person having legal custody of the child shall be filed with the qualified association within 10 days after the child enters the facility.

Section 12. Subsection (5) of section 20.43, Florida Statutes, is amended to read:

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

(5) The department shall plan and administer its public health programs through its county health departments and may, for administrative purposes and efficient service delivery, establish up to 15 service areas to carry out such duties as may be prescribed by the secretary. The boundaries of the service areas shall be the same as, or combinations of, the service districts of the Department of Children and Family Services ~~health and human services boards~~ established in s. 20.19 and, to the extent practicable, shall take into consideration the boundaries of the jobs and education regional boards.

Section 13. Paragraph (e) of subsection (2) and paragraph (b) of subsection (7) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(2) DEPARTMENT CONTRACTS.—The department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(e) The department shall develop and implement a written and performance-based testing and evaluation program ~~pursuant to s. 20.19(4),~~ to ensure measurable competencies of all employees assigned to manage or supervise cases of child abuse, abandonment, and neglect.

(7) PLAN FOR COMPREHENSIVE APPROACH.—

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. The department shall establish an interprogram task force comprised of the Program Director for Family Safety ~~Assistant Secretary for Children and Family Services~~, or a designee, a representative from the Child Care Services ~~Children and Families~~ Program Office, a representative from the Family Safety Program Office, a representative from the ~~Alcohol, Drug Abuse, and~~ Mental Health Program Office, a representative from the Substance Abuse Program Office, a representative from the Developmental Disabilities ~~Services~~ Program Office, ~~a representative from the Office of Standards and Evaluation,~~ and a representative from the Division of Children's Medical Services of the Department of Health. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse, abandonment, and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district

plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall provide an analysis and summary of each element of the local plans to provide a statewide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

2. The department, the Department of Education, and the Department of Health shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end shall be included in the state plan.

3. The department, the Department of Law Enforcement, and the Department of Health shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.

4. Within existing appropriations, the department shall work with other appropriate public and private agencies to emphasize efforts to educate the general public about the problem of and ways to detect child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect. The plan for accomplishing this end shall be included in the state plan.

5. The department, the Department of Education, and the Department of Health shall work together on the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, abandonment, and neglect. The curriculum materials shall be geared toward a sequential program of instruction at the

four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to utilize the curriculum are to be included in the comprehensive state plan for the prevention of child abuse, abandonment, and neglect.

6. Each district of the department shall develop a plan for its specific geographical area. The plan developed at the district level shall be submitted to the interprogram task force for utilization in preparing the state plan. The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in paragraph (a), as well as representatives from those departmental district offices participating in the treatment and prevention of child abuse, abandonment, and neglect. In order to accomplish this, the district administrator in each district shall establish a task force on the prevention of child abuse, abandonment, and neglect. The district administrator shall appoint the members of the task force in accordance with the membership requirements of this section. In addition, the district administrator shall ensure that each subdistrict is represented on the task force; and, if the district does not have subdistricts, the district administrator shall ensure that both urban and rural areas are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The district plan of action to be prepared by the task force shall include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child abandonment and neglect in its geographical area.

b. A description of programs currently serving abused, abandoned, and neglected children and their families and a description of programs for the prevention of child abuse, abandonment, and neglect, including information on the impact, cost-effectiveness, and sources of funding of such programs.

c. A continuum of programs and services necessary for a comprehensive approach to the prevention of all types of child abuse, abandonment, and neglect as well as a brief description of such programs and services.

d. A description, documentation, and priority ranking of local needs related to child abuse, abandonment, and neglect prevention based upon the continuum of programs and services.

e. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

f. A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse, abandonment, and neglect.

g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.

Section 14. Paragraph (b) of subsection (3) of section 39.0015, Florida Statutes, is amended to read:

39.0015 Child abuse prevention training in the district school system.—

(3) DEFINITIONS.—As used in this section:

(b) "Child abuse" means those acts as defined in ss. 39.01(1), (2), (30), (43), (45), (52), and (63) ~~(44), (46), (53), and (64)~~, 827.04, and 984.03(1), (2), and (39).

Section 15. Subsection (31) of section 39.01, Florida Statutes, is repealed, subsection (25) of that section is amended, present subsections (32) through (41) and (43) through (72) of that section are redesignated as subsections (32) through (40) and (42) through (71), respectively, present subsection (42) of that section is redesignated as subsection (41) and amended, and a new subsection (72) is added to that section, to read:

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

(25) "District administrator" means the chief operating officer of each service district of the department as defined in s. 20.19(5)~~(7)~~ and, where appropriate, includes any district administrator whose service district falls within the boundaries of a judicial circuit.

(41)~~(42)~~ "Long-term custody" or "long-term custodial relationship" means the relationship that a juvenile court order creates between a child and an adult relative of the child or other legal custodian approved by the court when the child cannot be placed in the custody of a parent and adoption ~~termination of parental rights~~ is not deemed to be in the best interest of the child. Long-term custody confers upon the relative or other legal custodian, other than the department, the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the legal custodian or upon a showing that the best interest of the child necessitates a change of custody for the child. A relative or other legal custodian who has been designated as a long-term custodian shall have all of the rights and duties of a parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

(72) "Long-term licensed custody" means the relationship that a juvenile court order creates between a child and a placement licensed by the state to provide residential care for dependent children, if the licensed placement is willing and able to continue to care for the child until the child reaches the age of majority.

Section 16. Present subsection (10) of section 39.013, Florida Statutes, is amended, present subsections (4) through (10) are renumbered as subsections (5) through (11), respectively, and a new subsection (4) is added to that section, to read:

39.013 Procedures and jurisdiction; right to counsel.—

(4) The order of the circuit court hearing dependency matters shall be filed by the clerk of the court in any dissolution or other custody action or proceeding and shall take precedence over other custody and visitation orders entered in those actions.

(11)~~(10)~~ Court-appointed counsel representing indigent parents ~~or legal guardians~~ at shelter hearings shall be paid from state funds appropriated by general law.

Section 17. Subsections (2) and (3), paragraph (a) of subsection (4), and paragraphs (b) and (d) of subsection (6) of section 39.0132, Florida Statutes, are amended to read:

39.0132 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a dependent child until 7 years after the last entry was made, or until the child is 18 years of age, whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a juvenile shall be preserved permanently. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter ~~part~~ and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which may be filed therein.

(3) The clerk shall keep all court records required by this chapter ~~part~~ separate from other records of the circuit court. All court records required by this chapter ~~part~~ shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents of the child and their attorneys, guardian ad litem, law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4)(a) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent is confidential and exempt from s. 119.07(1) and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, guardian ad litem, and others entitled under this chapter to receive that information, except upon order of the court.

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(b) Records of proceedings under this chapter ~~part~~ forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(d) Records of proceedings under this chapter ~~part~~ may be used to prove disqualification pursuant to s. 435.06 and for proof regarding such disqualification in a chapter 120 proceeding.

Section 18. Paragraph (e) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, abandonment, or neglect and, when the alleged perpetrator is not a parent, shall be limited to information involving the protective investigation only and shall not include any information relating to subsequent dependency proceedings. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

Section 19. Paragraph (c) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the best interest of the child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; and

3. Give the parents or legal custodians an opportunity to be heard and to present evidence.

Section 20. Subsection (18) of section 39.502, Florida Statutes, is amended to read:

39.502 Notice, process, and service.—

(18) In all proceedings under this part ~~chapter~~, the court shall provide to the parent or legal custodian of the child, at the conclusion of any hearing,

a written notice containing the date of the next scheduled hearing. The court shall also include the date of the next hearing in any order issued by the court.

Section 21. Subsection (5) of section 39.503, Florida Statutes, is amended to read:

39.503 Identity or location of parent unknown; special procedures.—

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the petitioner ~~department~~ to conduct a diligent search for that person before scheduling a disposition hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without notice to the person whose location is unknown.

Section 22. (1) Present part VII of chapter 39, Florida Statutes, is redesignated as part VIII, and a new part VII, is created, consisting of section 39.521, Florida Statutes, entitled "Disposition; Postdisposition Change of Custody."

(2) Present parts VIII through XI of chapter 39, Florida Statutes, are redesignated as parts X through XIII, respectively, and a new part IX is created, consisting of sections 39.621, 39.622, 39.623, and 39.624, Florida Statutes, entitled "Permanency."

Section 23. Section 39.508, Florida Statutes, is renumbered as section 39.521, Florida Statutes, and amended to read:

39.521 ~~39.508~~ Disposition hearings; powers of disposition.—

(1) A ~~At the~~ disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(a) A written~~, the court shall receive and consider a~~ case plan and a predisposition study prepared~~, which must be in writing and presented~~ by an authorized agent of the department must be filed with the court and served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

(b) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal custodian and the child, to participate in treatment and services identified as necessary.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

(c) At the conclusion of the disposition hearing, the court shall schedule the initial judicial review hearing which must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever occurs earlier, but in no event shall the review hearing be held later than 6 months after the date of the child's removal from the home.

(d) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

b. If diligent efforts are made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

For the purposes of this subparagraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.

(e) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the parent and child, if reasonable efforts are required. Reasonable efforts to reunify are not required if the court has

found that any of the acts listed in s. 39.806(1)(f)-(i) have occurred. The department has the burden of demonstrating that it has made reasonable efforts under this paragraph.

1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

2. In support of its determination as to whether reasonable efforts have been made, the court shall:

a. Enter written findings as to whether or not prevention or reunification efforts were indicated.

b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.

3. A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).

4. A reasonable effort by the department for reunification of the parent and child has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.

(2) The predisposition study ~~shall cover for any dependent child all factors specified in s. 61.13(3), and~~ must ~~also~~ provide the court with the following documented information:

(a) The capacity and disposition of the parents to provide the child with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

(b) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(c) The mental and physical health of the parents.

(d) The home, school, and community record of the child.

(e) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(f) Evidence of domestic violence or child abuse.

(g)~~(a)~~ An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

(h)~~(b)~~ A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

(i)~~(c)~~ A description of the benefits of returning the child home.

(j)~~(d)~~ A description of all unresolved issues.

(k)~~(e)~~ A Florida Abuse Hotline Information System (FAHIS) ~~An abuse registry~~ history and criminal records check for all caregivers, family members, and individuals residing within the household from which the child was removed.

(l)~~(f)~~ The complete report and recommendation of the child protection team of the Department of Health or, if no report exists, a statement reflecting that no report has been made.

(m)~~(g)~~ All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the parent and child.

(n)~~(h)~~ A listing ~~The availability~~ of appropriate and available prevention and reunification services for the parent and child to prevent the removal of the child from the home or to reunify the child with the parent after removal, including the availability of family preservation services and an explanation of the following:

1. If the services were or were not provided.

2. If the services were provided, the outcome of the services.

3. If the services were not provided, why they were not provided.

4. If the services are currently being provided and if they need to be continued ~~through the Family Builders Program, the Intensive Crisis Counseling Program, or both~~.

(o)~~(i)~~ A listing ~~The inappropriateness~~ of other prevention and reunification services that were available but determined to be inappropriate and why.

~~(j) The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the parent and child if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.~~

~~(k) Whether the services were provided to the parent and child.~~

~~(l) If the services were provided, whether they were sufficient to meet the needs of the child and the parent and to enable the child to remain safely at home or to be returned home.~~

~~(m) If the services were not provided, the reasons for such lack of action.~~

~~(n) The need for, or appropriateness of, continuing the services if the child remains in the custody of the parent or if the child is placed outside the home.~~

(p)~~(o)~~ Whether dependency mediation was provided.

(q)~~(p)~~ If the child has been removed from the home and there is a parent ~~or legal custodian~~ who may be considered for custody pursuant to this section, a recommendation as to whether placement of the child with that parent ~~or legal custodian~~ would be detrimental to the child.

(r)~~(q)~~ If the child has been removed from the home and will be remaining with a relative or other adult approved by the court, a home study report concerning the proposed placement shall be included in the predisposition report. Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed legal custodians, which must include, at a minimum:

1. An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.

2. Records checks through the Florida Abuse Hotline Information System (FAHIS), and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home. Out-of-state criminal records checks must be initiated for any individual designated above who has resided in a state other than Florida provided that state's laws allow the release of these records. The out-of-state criminal records must be filed with the court within 5 days after receipt by the department or its agent.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed legal custodians.

5. A determination of suitable child care arrangements if the proposed legal custodians are employed outside of the home.

6. Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the proposed legal custodians.

The department shall not place the child or continue the placement of the child in a home under shelter or postdisposition placement if the results of the home study are unfavorable, unless the court finds that this placement is in the child's best interest.

(s)~~(r)~~ If the child has been removed from the home, a determination of the amount of child support each parent will be required to pay pursuant to s. 61.30.

(t) If placement of the child with anyone other than the child's parent is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent will be reconsidered.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

~~(3)(a)1. Notwithstanding s. 435.045(1), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant, and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.~~

~~2. Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.~~

~~(b) Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed legal custodians, which must include, at a minimum:~~

~~1. An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.~~

~~2. Records checks through the department's automated abuse information system, and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12~~

~~years of age or older and any other persons made known to the department who are frequent visitors in the home.~~

~~3. An assessment of the physical environment of the home.~~

~~4. A determination of the financial security of the proposed legal custodians.~~

~~5. A determination of suitable child care arrangements if the proposed legal custodians are employed outside of the home.~~

~~6. Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes.~~

~~7. Documentation that information regarding support services available in the community has been provided to the proposed legal custodians.~~

~~(c) The department shall not place the child or continue the placement of the child in the home of the proposed legal custodians if the results of the home study are unfavorable.~~

~~(4) If placement of the child with anyone other than the child's parent is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent will be reconsidered.~~

~~(5) The predisposition study may not be made before the adjudication of dependency unless the parents of the child consent.~~

~~(6) A case plan and predisposition study must be filed with the court and served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.~~

~~(7) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever occurs earlier, but in no event shall the review be held later than 6 months after the date of the child's removal from the home.~~

(3)~~(8)~~ When any child is adjudicated by a court to be dependent, ~~and the court finds that removal of the child from the custody of a parent or legal custodian is necessary,~~ the court shall determine the appropriate placement for the child as follows:

(a) If the court determines that the child can safely remain in the home with the parent with whom the child was residing at the time the events or conditions arose that brought the child within the jurisdiction of the court and that remaining in this home is in the best interest of the child, then the court shall order conditions under which the child may remain or return to

the home and that this placement be under the protective supervision of the department for not less than 6 months.

(b) If ~~first determine whether~~ there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child ~~and, if such parent requests custody~~, the court shall place the child with that ~~the~~ parent upon completion of a home study, unless the court ~~it~~ finds that such placement would endanger the safety, well-being, or physical, mental, or emotional health of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, well-being, or physical, mental, or emotional health of the child. If the court places the child with such parent, it may do either of the following:

1.~~(a)~~ Order that the parent assume sole custodial responsibilities for the child. The court may also provide for reasonable visitation by the noncustodial parent. The court may then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the circuit court hearing dependency matters. The order of the circuit court hearing dependency matters shall be filed in any dissolution or other custody action or proceeding between the parents and shall take precedence over other custody and visitation orders entered in those actions.

2.~~(b)~~ Order that the parent assume custody subject to the jurisdiction of the circuit court hearing dependency matters. The court may order that reunification services be provided to the parent from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at every review hearing which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another or to a relative or another adult approved by the court shall be the best interest of the child.

(c) If no fit parent is willing or available to assume care and custody of the child, place

~~(9)(a) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power, by order, to:~~

~~1. Require the parent or legal custodian, and the child when appropriate, to participate in treatment and services identified as necessary.~~

~~2. Require the parent or legal custodian, and the child when appropriate, to participate in mediation if the parent or legal custodian refused to participate in mediation.~~

~~3. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or of another adult approved by the court, or in some other suitable place under such reasonable conditions as the court may direct. Protective supervision continues until~~

~~the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.~~

4. ~~Place~~ the child in the temporary legal custody of an adult relative or other adult approved by the court who is willing to care for the child, under the protective supervision of the department. The department must supervise this placement until the child reaches permanency status in this home, and in no case for a period of less than 6 months. Permanency in a relative placement shall be by adoption, long-term custody, or guardianship.

(d) If the child cannot be safely placed in a nonlicensed placement, the court shall commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for court-approved visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary legal custody of the department, all further proceedings under this section are governed by this chapter.

Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

(4) An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

(5) In carrying out the provisions of this chapter, the court may order the parents and legal custodians of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the parent or child.

(6) With respect to a child who is the subject in proceedings under this chapter, the court may issue to the department an order to show cause why it should not return the child to the custody of the parents upon expiration of the case plan, or sooner if the parents have substantially complied with the case plan.

(7) The court may enter an order ending its jurisdiction over a child when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

~~5.a. When the parents have failed to comply with a case plan and the court determines at a judicial review hearing, or at an adjudication hearing held pursuant to this section, that neither reunification, termination of parental rights, nor adoption is in the best interest of the child, the court may place the child in the long-term custody of an adult relative or other adult approved by the court willing to care for the child, if all of the following conditions are met:~~

~~(I) A case plan describing the responsibilities of the relative or other adult, the department, and any other party must have been submitted to the court.~~

~~(II) The case plan for the child does not include reunification with the parents or adoption by the relative or other adult.~~

~~(III) The child and the relative or other adult are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship, or the department assures the court that protective supervision or preventive services will be provided in order to ensure the stability of the long-term custodial relationship.~~

~~(IV) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date, should the parent demonstrate a material change in circumstances and the return of the child to the parent is in the child's best interest.~~

~~(V) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.~~

~~(VI) The court has considered the recommendation of the guardian ad litem if one has been appointed.~~

~~(VII) The relative or other adult has made a commitment to provide for the child until the child reaches the age of majority and to prepare the child for adulthood and independence.~~

~~(VIII) The relative or other adult agrees not to return the child to the physical care and custody of the person from whom the child was removed, including for short visitation periods, without the approval of the court.~~

~~b. The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or other adult approved by the court until the order creating the long-term custodial relationship is modified by the court. The court shall discontinue regular judicial review hearings and may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. The child must be in the placement for a minimum of 6 continuous months before the court may consider termination of the department's supervision. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term placement if it finds that the long-term placement is no longer in the best interest of the child.~~

~~6.a. Approve placement of the child in long-term out-of-home care, when the following conditions are met:~~

~~(I) The foster child is 16 years of age or older, unless the court determines that the history or condition of a younger child makes long-term out-of-home care the most appropriate placement.~~

~~(II) The child demonstrates no desire to be placed in an independent living arrangement pursuant to this subsection.~~

~~(III) The department's social services study pursuant to part VIII recommends long-term out-of-home care.~~

~~Long-term out-of-home care under the above conditions shall not be considered a permanency option.~~

~~b. The court may approve placement of the child in long-term out-of-home care, as a permanency option, when all of the following conditions are met:~~

~~(I) The child is 14 years of age or older.~~

~~(II) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption.~~

~~(III) The foster family has made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence.~~

~~(IV) The child has remained in the home for a continuous period of no less than 12 months.~~

~~(V) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.~~

~~(VI) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.~~

~~Notwithstanding the retention of jurisdiction and supervision by the department, long-term out-of-home care placements made pursuant to this section shall be considered a permanency option for the child. For purposes of this subsection, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term out-of-home care as a permanency option shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term out-of-home care if it finds that the placement is no longer in the best interests of the child.~~

~~c. Approve placement of the child in an independent living arrangement for any child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult approved by the court, continue to be subject to court review provisions.~~

~~7. Commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for court-approved visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section are also governed by this chapter.~~

~~8.a. Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing. A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other~~

~~interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interest of the child. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.~~

~~b. In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.~~

~~(b) The court shall, in its written order of disposition, include all of the following:~~

~~1. The placement or custody of the child as provided in paragraph (a).~~

~~2. Special conditions of placement and visitation.~~

~~3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.~~

~~4. The persons or entities responsible for supervising or monitoring services to the child and parent.~~

~~5. Continuation or discharge of the guardian ad litem, as appropriate.~~

~~6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:~~

~~a. Ninety days after the disposition hearing;~~

~~b. Ninety days after the court accepts the case plan;~~

~~c. Six months after the date of the last review hearing; or~~

~~d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.~~

~~7. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.~~

~~(c) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.~~

~~(d) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the parent and child, if reasonable efforts are required. Reasonable efforts to reunify are not required if the court has found that any of the acts listed in s. 39.806(1)(f)-(i) have occurred. The department has the burden of demonstrating that it has made reasonable efforts under this paragraph.~~

~~1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services delineated in the case plan.~~

~~2. In support of its determination as to whether reasonable efforts have been made, the court shall:~~

~~a. Enter written findings as to whether or not prevention or reunification efforts were indicated.~~

~~b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.~~

~~c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.~~

~~3. A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:~~

~~a. The first contact of the department with the family occurs during an emergency;~~

~~b. The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;~~

~~c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or~~

~~d. The parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).~~

~~4. A reasonable effort by the department for reunification of the parent and child has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the~~

~~burden of demonstrating to the court that reunification efforts were inappropriate.~~

~~5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.~~

~~(10)(a) When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative, legal custodian, or other adult approved by the court, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption, order the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay child support to the legal custodian caring for the child, the licensed child-caring agency, or the department. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61.~~

~~(b) Placement of the child pursuant to subsection (8) shall not be contingent upon issuance of a support order.~~

~~(11)(a) If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.~~

~~(b) If diligent efforts are made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement. For the purposes of this paragraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.~~

~~(12) An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.~~

~~(13) In carrying out the provisions of this chapter, the court may order the parents or legal custodians of a child who is found to be dependent to~~

~~participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.~~

~~(14) With respect to a child who is the subject in proceedings under this chapter, the court shall issue to the department an order to show cause why it should not return the child to the custody of the parents upon expiration of the case plan, or sooner if the parents have substantially complied with the case plan.~~

~~(15) The court may enter an order ending its jurisdiction over a child when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.~~

Section 24. Paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section 39.5085, Florida Statutes, are amended to read:

39.5085 Relative Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(c) Recognize that permanency in the best interests of the child can be achieved through a variety of permanency options, including long-term relative custody, guardianship, or adoption, by providing ~~Provide~~ additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to this chapter. Such placement may be either court-ordered temporary legal custody to the relative under protective supervision of the department pursuant to s. 39.521(1)(b)3. ~~39.508(9)(a)4.~~, or court-ordered placement in the home of a relative as a permanency option ~~under protective supervision of the department~~ pursuant to s. 39.622 ~~39.508(9)(a)3~~. The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

Section 25. Section 39.522, Florida Statutes, is created to read:

39.522 Postdisposition change of custody.—The court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing.

(1) A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interest of the child. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.

(2) In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.

Section 26. Subsection (2) of section 39.601, Florida Statutes, is amended to read:

39.601 Case plan requirements.—

(2) When the child or parent is receiving services, the case plan shall be filed with the court, for approval by the court, at least 72 hours prior to the disposition hearing. The case plan must be served on all parties whose whereabouts are known at least 72 hours prior to the disposition hearing and must include, in addition to the requirements in subsection (1), at a minimum:

(a) A description of the problem being addressed that includes the behavior or act of a parent resulting in risk to the child and the reason for the department's intervention.

(b) A description of the tasks with which the parent must comply and the services to be provided to the parent and child specifically addressing the identified problem, including:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location of the delivery of the services.

4. The accountable department staff or service provider.

(c) A description of the measurable objectives, including timeframes for achieving objectives, addressing the identified problem.

Section 27. Paragraph (a) of subsection (1) of section 39.603, Florida Statutes, is amended to read:

39.603 Court approvals of case planning.—

(1) At the hearing on the plan, which shall occur in conjunction with the disposition hearing unless otherwise directed by the court, the court shall determine:

(a) All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court may ~~shall~~ appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.

Section 28. Section 39.621, Florida Statutes, is created to read:

39.621 Permanency determination by the court.—

(1) When the court has determined that reunification with either parent is not appropriate, then the court must make a permanency determination for the child.

(2) Adoption, pursuant to chapter 63, is the primary permanency option available to the court. If the child is placed with a relative or with a relative of the child's half-brother or half-sister as a permanency option, the court shall recognize the permanency of this placement without requiring the relative to adopt the child.

(3) The permanency options listed in the following paragraphs shall only be considered by the court if adoption is determined by the court to not be in the child's best interest, except as otherwise provided in subsection (2):

(a) Guardianship pursuant to chapter 744.

(b) Long-term custody.

(c) Long-term licensed custody.

(d) Independent living.

The permanency placement is intended to continue until the child reaches the age of majority and shall not be disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interest of the child.

Section 29. Section 39.622, Florida Statutes, is created to read:

39.622 Long-term custody.—When the parents have either consented to long-term custody, had their parental rights terminated, or failed to substantially comply with a case plan, and the court determines at a judicial review hearing, or at an adjudication hearing held pursuant to this chapter, that reunification is not in the best interest of the child, the court may place the child in the long-term custody of an adult relative or other adult approved by the court who has had custody of the child for at least the 6 preceding months and is willing to care for the child, if all of the following conditions are met:

(1) A case plan describing the responsibilities of the relative or other adult, the department, and any other party has been submitted to the court.

(2) The case plan for the child does not include reunification with the parents or adoption by the relative or other adult.

(3) The child and the relative or other adult are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship.

(4) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date if the parent demonstrates a material change in circumstances and the return of the child to the parent is in the child's best interest.

(5) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.

(6) The court has considered the recommendation of the guardian ad litem if one has been appointed.

(7) The relative or other adult has made a commitment to provide for the child until the child reaches the age of majority and to prepare the child for adulthood and independence.

(8) The relative or other adult agrees not to return the child to the physical care and custody of the person from whom the child was removed, including for short visitation periods, without the approval of the court.

(9) The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or other adult approved by the court, until the order creating the long-term custodial relationship is modified by the court. The court shall discontinue regular judicial-review hearings and may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. The child must be in the placement for a minimum of 6 continuous months before the court may consider termination of the department's supervision. Notwithstanding the retention of jurisdiction, the placement shall be considered a

permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term placement if it finds that the long-term placement is no longer in the best interest of the child.

(10) A relative or other legal custodian who has been designated as a long-term custodian shall have all of the rights and duties of a parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship. The long-term custodian must inform the court in writing of any changes in the residence of the long-term custodian or the child.

Section 30. Section 39.623, Florida Statutes, is created to read:

39.623 Long-term licensed custody.—The court may approve placement of the child in long-term licensed custody, as a permanency option, when all of the following conditions are met:

(1) The child is 14 years of age or older.

(2) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption.

(3) The foster parents have made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence.

(4) The child has remained in the home for a continuous period of no less than 12 months.

(5) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.

(6) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.

Notwithstanding the retention of jurisdiction and supervision by the department, long-term licensed custody placements made pursuant to this section shall be considered a permanency option for the child. For purposes of this section, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term licensed custody as a permanency option shall set forth the powers of the foster parents of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the

permanency option of long-term licensed custody if it finds that the placement is no longer in the best interest of the child.

Section 31. Section 39.624, Florida Statutes, is created to read:

39.624 Independent living.—The court may approve placement of the child in an independent living arrangement as permanency for any child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult approved by the court, continue to be subject to court review provisions until the child reaches the age of 18.

Section 32. Paragraph (b) of subsection (3) and paragraphs (b) and (c) of subsection (6) of section 39.701, Florida Statutes, are amended to read:

39.701 Judicial review.—

(3)

(b) If the citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was removed from the home or the case plan was adopted, whichever date came first, the court must schedule a judicial review hearing to be conducted by the court within 30 days after receiving the recommendation from the citizen review panel.

(6)

(b) A copy of the social service agency's written report and the written report of the guardian ad litem must be served on all parties whose whereabouts are known; ~~provided to the attorney of record of the parents; to the parents;~~ to the foster parents or legal custodians; and to the ~~to each~~ citizen review panel,~~; and to the guardian ad litem for the child, or the representative of the guardian ad litem program if the program has been appointed by the court,~~ at least 72 hours before the judicial review hearing or citizen review panel hearing. The requirement for providing parents with a copy of the written report does not apply to those parents who have voluntarily surrendered their child for adoption or who have had their parental rights to the child terminated.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If the child cannot be placed for adoption, a report on the progress made by the child towards alternative permanency goals or placements, including, but not limited to, guardianship, long-term custody, long-term licensed custody ~~foster care~~, or independent living~~, custody to a relative or other adult approved by the court on a permanent basis with or without legal guardianship, or custody to a foster parent or legal custodian on a permanent basis~~

~~with or without legal guardianship~~, must be submitted to the court. The report must be submitted to the court at least 72 hours before each scheduled judicial review.

Section 33. Subsection (5) of section 39.803, Florida Statutes, is amended to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the petitioner ~~department~~ to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the petition for termination of parental rights to ~~dependency of~~ the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

Section 34. Section 39.804, Florida Statutes, is amended to read:

39.804 Penalties for false statements of paternity.—Any male person or any mother of a dependent child ~~A person~~ who knowingly and willfully makes a false statement concerning the ~~claiming~~ paternity of a child in conjunction with a petition to terminate parental rights under this chapter and causes such false statement of paternity to be filed with the court commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who makes a statement claiming paternity in good faith is immune from criminal liability under this section.

Section 35. Paragraph (b) of subsection (1) of section 39.806, Florida Statutes, is amended to read:

39.806 Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, a licensed child-placing agency, or any person who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(b) Abandonment as defined in s. 39.01(1) or when the identity or location of the parent or parents is unknown and cannot be ascertained by diligent search within 60 days.

Section 36. Paragraphs (a) and (b) of subsection (2) of section 39.807, Florida Statutes, are amended to read:

39.807 Right to counsel; guardian ad litem.—

(2)(a) The court shall appoint a guardian ad litem to represent the best interest of the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed.

(b) The guardian ad litem has the following responsibilities:

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 72 hours before the disposition hearing.

2. To be present at all court hearings unless excused by the court.

3. To represent the best interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.

Section 37. Subsection (4) of section 39.811, Florida Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(4) If the child is neither in the custody of the department nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been established for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with the department or an appropriate legal custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a legal custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness and capabilities of the proposed legal custodian to function as the primary caregiver for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a legal custodian under this subsection, the court shall appoint such legal custodian either as the guardian for the child as provided in s. 744.3021 or as the long-term custodian of the child as provided in s. 39.622 so long as the child has been residing with the legal custodian for a minimum of 6 months. The court may modify the order placing the child in the custody of the legal custodian and revoke the guardianship established under s. 744.3021 or the long-term custodial relationship if the court subsequently finds the placement to be no longer in the best interest of the child.

Section 38. Subsections (1) and (2) of section 435.045, Florida Statutes, are amended to read:

435.045 Requirements for prospective foster or adoptive parents.—

(1)(a) Unless an election provided for in subsection (2) is made with respect to the state, the department shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care mainte-

nance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. s. 671, are to be made. Approval shall not be granted:

1.~~(a)~~ In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2.~~(b)~~ In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(b) Notwithstanding paragraph (a), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.

(c) Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.

(2) For purposes of this section, and ss. 39.401(3) and 39.521(1)(d) ~~39.508(9)(b) and (10)(a)~~, the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

Section 39. Paragraph (b) of subsection (10) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(10) "Support" means:

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s. 39.624 ~~s. 39.508~~.

Section 40. Subsection (3) of section 402.40, Florida Statutes, is repealed.

Section 41. Subsection (9) of section 39.201, Florida Statutes, is amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(9) On an ongoing basis, the department's quality assurance program shall review reports to the hotline involving three or more unaccepted reports on a single child in order to detect such things as harassment and situations that warrant an investigation because of the frequency or variety of the source of the reports. The Program Director for Family Safety ~~assistant secretary~~ may refer a case for investigation when it is determined, as a result of this review, that an investigation may be warranted.

Section 42. Subsection (1) of section 39.302, Florida Statutes, is amended to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report which alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(31)~~(32)~~ or (47) ~~(48)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney, law enforcement agency, and licensing agency. These agencies shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations onsite or having face-to-face interviews with the child, such investigation visits shall be unannounced unless it is determined by the department or its agent that such unannounced visits would threaten the safety of the child. When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an onsite visit of the child's place of residence. In all cases, the department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 43. Paragraph (b) of subsection (9) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(9) JUVENILE JUSTICE ESTIMATING CONFERENCE.—

(b) Principals.—The Executive Office of the Governor, the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Children and Family Services Substance ~~Alcohol, Drug~~ Abuse~~,~~ and Mental Health Program Offices ~~Office~~, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon professional staff of the Juvenile Justice Accountability Board and appropriate legislative staff.

Section 44. Paragraph (a) of subsection (3) of section 381.0072, Florida Statutes, is amended to read:

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

(3) LICENSES REQUIRED.—

(a) Licenses; annual renewals.—Each food service establishment regulated under this section shall obtain a license from the department annually. Food service establishment licenses shall expire annually and shall not be transferable from one place or individual to another. However, those facilities licensed by the department's Office of Licensure and Certification, the Child Care Services ~~Children and Families~~ Program Office, or the Developmental Disabilities ~~Services~~ Program Office are exempt from this subsection. It shall be a misdemeanor of the second degree, punishable as provided in s. 381.0061, s. 775.082, or s. 775.083, for such an establishment to operate without this license. The department may refuse a license, or a renewal thereof, to any establishment that is not constructed or maintained in accordance with law and with the rules of the department. Annual application for renewal shall not be required.

Section 45. Subsection (5) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(5) ADVISORY COUNCIL.—There is established a Genetics and Infant Screening Advisory Council made up of 12 members appointed by the Secretary of Health. The council shall be composed of two consumer members, three practicing pediatricians, at least one of whom must be a pediatric hematologist, one representative from each of the four medical schools in the state, the Secretary of Health or his or her designee, one representative from the Department of Health representing Children's Medical Services, and one

representative from the Developmental Disabilities ~~Services~~ Program Office of the Department of Children and Family Services. All appointments shall be for a term of 4 years. The chairperson of the council shall be elected from the membership of the council and shall serve for a period of 2 years. The council shall meet at least semiannually or upon the call of the chairperson. The council may establish ad hoc or temporary technical advisory groups to assist the council with specific topics which come before the council. Council members shall serve without pay. Pursuant to the provisions of s. 112.061, the council members are entitled to be reimbursed for per diem and travel expenses. It is the purpose of the council to advise the department about:

(a) Conditions for which testing should be included under the screening program and the genetics program;

(b) Procedures for collection and transmission of specimens and recording of results; and

(c) Methods whereby screening programs and genetics services for children now provided or proposed to be offered in the state may be more effectively evaluated, coordinated, and consolidated.

Section 46. Subsection (1) of section 393.064, Florida Statutes, is amended to read:

393.064 Prevention.—

(1) The Department of Children and Family Services~~, in carrying out its assigned purpose under s. 20.19(1) of preventing to the maximum extent possible the occurrence and incidence of physical and mental diseases and disabilities,~~ shall give priority to the development, planning, and implementation of programs which have the potential to prevent, correct, cure, or reduce the severity of developmental disabilities. The department shall direct an interdepartmental and interprogram effort for the continued development of a prevention plan and program. The department shall identify, through demonstration projects, through departmental program evaluation, and through monitoring of programs and projects conducted outside of the department, any medical, social, economic, or educational methods, techniques, or procedures which have the potential to effectively ameliorate, correct, or cure developmental disabilities. The department shall determine the costs and benefits that would be associated with such prevention efforts and shall implement, or recommend the implementation of, those methods, techniques, or procedures which are found likely to be cost-beneficial. The department in its legislative budget request shall identify funding needs for such prevention programs.

Section 47. Paragraph (i) of subsection (4) of section 393.13, Florida Statutes, is amended to read:

393.13 Personal treatment of persons who are developmentally disabled.—

(4) CLIENT RIGHTS.—For purposes of this subsection, the term "client," as defined in s. 393.063, shall also include any person served in a facility licensed pursuant to s. 393.067.

(i) Clients shall have the right to be free from unnecessary physical, chemical, or mechanical restraint. Restraints shall be employed only in emergencies or to protect the client from imminent injury to himself or herself or others. Restraints shall not be employed as punishment, for the convenience of staff, or as a substitute for a habilitative plan. Restraints shall impose the least possible restrictions consistent with their purpose and shall be removed when the emergency ends. Restraints shall not cause physical injury to the client and shall be designed to allow the greatest possible comfort.

1. Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered restraints, but shall be prescriptively designed and applied under the supervision of a qualified professional with concern for principles of good body alignment, circulation, and allowance for change of position.

2. Totally enclosed cribs and barred enclosures shall be considered restraints.

3. Daily reports on the employment of physical, chemical, or mechanical restraints by those specialists authorized in the use of such restraints shall be made to the appropriate chief administrator of the facility, and a monthly summary of such reports shall be relayed to the district administrator and the district human rights advocacy committee. The reports shall summarize all such cases of restraints, the type used, the duration of usage, and the reasons therefor. Districts shall submit districtwide quarterly reports of these summaries to the state Developmental Disabilities ~~Services~~ Program Office.

4. The department shall post a copy of the rules promulgated under this section in each living unit of residential facilities. A copy of the rules promulgated under this section shall be given to all staff members of licensed facilities and made a part of all preservice and inservice training programs.

Section 48. Subsection (3) of section 394.462, Florida Statutes, is amended to read:

394.462 Transportation.—

(3) EXCEPTIONS.—An exception to the requirements of this section may be granted by the secretary of the department for the purposes of improving service coordination or better meeting the special needs of individuals. A proposal for an exception must be submitted by the district administrator after being approved ~~by the local health and human services board and~~ by the governing boards of any affected counties, prior to submission to the secretary.

(a) A proposal for an exception must identify the specific provision from which an exception is requested; describe how the proposal will be implemented by participating law enforcement agencies and transportation authorities; and provide a plan for the coordination of services such as case management.

(b) The exception may be granted only for:

1. An arrangement centralizing and improving the provision of services within a district, which may include an exception to the requirement for transportation to the nearest receiving facility;

2. An arrangement by which a facility may provide, in addition to required psychiatric services, an environment and services which are uniquely tailored to the needs of an identified group of persons with special needs, such as persons with hearing impairments or visual impairments, or elderly persons with physical frailties; or

3. A specialized transportation system that provides an efficient and humane method of transporting patients to receiving facilities, among receiving facilities, and to treatment facilities.

(c) Any exception approved pursuant to this subsection shall be reviewed and approved every 5 years by the secretary.

Section 49. Paragraph (e) of subsection (2) of section 394.4674, Florida Statutes, is amended to read:

394.4674 Plan and report.—

(2) The department shall prepare and submit a semiannual report to the Legislature, until the conditions specified in subsection (1) are met, which shall include, but not be limited to:

(e) Any evidence of involvement between the ~~Alcohol, Drug Abuse, and~~ Mental Health Program Office and other program offices within the department and between the department and other state and private agencies and individuals to accomplish the deinstitutionalization of patients in this age group.

Section 50. Subsections (17) and (19) of section 394.67, Florida Statutes, are amended to read:

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

(17) "Program office" means the ~~Alcohol, Drug Abuse, and~~ Mental Health Program Office of the Department of Children and Family Services.

(19) "Service district" means a community service district as established by the department under s. 20.19 for the purpose of providing community ~~alcohol, drug abuse, and~~ mental health services.

Section 51. Paragraph (b) of subsection (11) of section 394.75, Florida Statutes, is amended to read:

394.75 District alcohol, drug abuse, and mental health plans.—

(11) The district administrator shall report annually to the district planning council the status of funding for priorities established in the district plan. Each report must include:

(b) A description of the district plan priorities that were included in the departmental budget request ~~prepared under s. 20.19~~;

Section 52. Paragraph (a) of subsection (19) of section 397.311, Florida Statutes, is amended to read:

397.311 Definitions.—As used in this chapter, except part VIII:

(19) "Licensed service provider" means a public agency under this chapter, a private for-profit or not-for-profit agency under this chapter, a physician licensed under chapter 458 or chapter 459, or any other private practitioner licensed under this chapter, or a hospital licensed under chapter 395, which offers substance abuse impairment services through one or more of the following licensable service components:

(a) Addictions receiving facility, which is a community-based facility designated by the department to receive, screen, and assess clients found to be substance abuse impaired, in need of emergency treatment for substance abuse impairment, or impaired by substance abuse to such an extent as to meet the criteria for involuntary admission in s. 397.675, and to provide detoxification and stabilization. An addictions receiving facility must be state-owned, state-operated, or state-contracted, and licensed pursuant to rules adopted by the department's Substance Abuse ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office which include specific authorization for the provision of levels of care and a requirement of separate accommodations for adults and minors. Addictions receiving facilities are designated as secure facilities to provide an intensive level of care and must have sufficient staff and the authority to provide environmental security to handle aggressive and difficult-to-manage behavior and deter elopement.

Section 53. Paragraph (b) of subsection (14) and subsection (18) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(14) In cooperation with service providers, foster and actively seek additional funding to enhance resources for prevention, intervention, and treatment services, including but not limited to the development of partnerships with:

(b) Intradepartmental and interdepartmental program offices, including, but not limited to, child care services; family safety ~~children and families~~; delinquency services; health services; economic services; and children's medical services.

(18) Ensure that the department develops and ensures the implementation of procedures between its Substance Abuse ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office and other departmental programs~~, particularly the Children and Families Program Office and the Delinquency Services Program Office,~~ regarding the referral of substance abuse impaired persons to service providers, information on service providers, information on methods of identifying substance abuse impaired juveniles, and procedures for referring such juveniles to appropriate service providers.

Section 54. Subsection (20) is added to section 397.321, Florida Statutes, to read:

397.321 Duties of the department.—The department shall:

(20) The department may establish in district 9, in cooperation with the Palm Beach County Board of County Commissioners, a pilot project to serve in a managed care arrangement non-Medicaid eligible persons who qualify to receive substance abuse or mental health services from the department. The department may contract with a not for profit entity to conduct the pilot project. The results of the pilot project shall be reported to the district administrator, and the Secretary eighteen months after the initiation. The department shall incur no additional administrative costs for the pilot project.

Section 55. Subsection (3) of section 397.821, Florida Statutes, is amended to read:

397.821 Juvenile substance abuse impairment prevention and early intervention councils.—

(3) The council shall provide recommendations to the Program Director for Substance Abuse ~~Assistant Secretary for Alcohol, Drug Abuse, and Mental Health~~ annually for consideration for inclusion in the district ~~alcohol, drug abuse, and mental health planning councils for consideration for inclusion in the district~~ alcohol, drug abuse, and mental health plans.

Section 56. Subsection (4) of section 397.901, Florida Statutes, is amended to read:

397.901 Prototype juvenile addictions receiving facilities.—

(4) The department shall adopt rules necessary to implement this section. The rules must be written by the department's Substance Abuse ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office and must specify criteria for staffing and services delineated for the provision of graduated levels of care from nonintensive to environmentally secure for the handling of aggressive and difficult-to-manage behavior and the prevention of elopement.

Section 57. Subsection (2) of section 400.435, Florida Statutes, is amended to read:

400.435 Maintenance of records; reports.—

(2) Within 60 days after the date of the biennial inspection visit or within 30 days after the date of any interim visit, the agency shall forward the results of the inspection to the district ombudsman council in whose planning and service area, as defined in part II, the facility is located; to at least one public library or, in the absence of a public library, the county seat in the county in which the inspected assisted living facility is located; and, when appropriate, to the district Adult Services and ~~district alcohol, drug abuse, and~~ Mental Health Program Offices.

Section 58. Paragraph (a) of subsection (1) of section 402.17, Florida Statutes, is amended to read:

402.17 Claims for care and maintenance; trust property.—The Department of Children and Family Services shall protect the financial interest of the state with respect to claims which the state may have for the care and maintenance of clients of the department. The department shall, as trustee, hold in trust and administer money of clients and property designated for the personal benefit of clients. The department shall act as trustee of clients' money and property entrusted to it in accordance with the usual fiduciary standards applicable generally to trustees, and shall act to protect both the short-term and long-term interests of the clients for whose benefit it is holding such money and property.

(1) CLAIMS FOR CARE AND MAINTENANCE.—

(a) The department shall perform the following acts:

1. Receive and supervise the collection of sums due the state.

2. Bring any court action necessary to collect any claim the state may have against any client, former client, guardian of any client or former client, executor or administrator of the client's estate, or any person against whom any client or former client may have a claim.

3. Obtain a copy of any inventory or appraisal of the client's property filed with any court.

4. Obtain from the Economic Self-Sufficiency Services Program Office a financial status report on any client or former client, including the ability of third parties responsible for such client to pay all or part of the cost of the client's care and maintenance.

5. Petition the court for appointment of a guardian or administrator for an otherwise unrepresented client or former client should the financial status report or other information indicate the need for such action. The cost of any such action shall be charged against the assets or estate of the client.

6. Represent the interest of the state in any litigation in which a client or former client is a party.

7. File claims with any person, firm, or corporation or with any federal, state, county, district, or municipal agency on behalf of an unrepresented client.

8. Represent the state in the settlement of the estates of deceased clients or in the settlement of estates in which a client or a former client against whom the state may have a claim has a financial interest.

9. Establish procedures by rule for the use of amounts held in trust for the client to pay for the cost of care and maintenance, if such amounts would otherwise cause the client to become ineligible for services which are in the client's best interests.

Section 59. Paragraph (a) of subsection (1) and subsection (7) of section 402.3015, Florida Statutes, are amended to read:

402.3015 Subsidized child care program; purpose; fees; contracts.—

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills of children who are at risk of abuse or neglect and children of low-income families, and to promote financial self-sufficiency and life skills for the families of these children, unless prohibited by federal law. Priority for participation in the subsidized child care program shall be accorded to children under 13 years of age who are:

(a) Determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the department's Family Safety ~~Children and Families~~ Program Office;

(7) To the extent funds are available, the department shall contract for support services for children who are clients of the department's Child Care Services ~~Children and Families~~ Program Office and who participate in the subsidized child care program. Support services shall include, but need not be limited to, transportation, child development programs, child nutrition services, and parent training and family counseling activities.

Section 60. Subsection (6) of section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(6) ~~TIMEFRAME FOR~~ ESTABLISHMENT OF TRAINING ACADEMIES.~~—By June 30, 1987, the department shall have established and have operational at least one training academy, which shall be located in subdistrict IIB.~~ The department shall contract for the operation of one or more training academies ~~the academy~~ with Tallahassee Community College. The number, location, and timeframe for establishment of additional training academies shall be according to the recommendation of the council as approved by the Secretary of Children and Family Services.

Section 61. Subsection (2) of section 402.47, Florida Statutes, is amended to read:

402.47 Foster grandparent and retired senior volunteer services to high-risk and handicapped children.—

(2) The Department of Children and Family ~~Health and Rehabilitative~~ Services shall:

(a) Establish a program to provide foster grandparent and retired senior volunteer services to high-risk and handicapped children. Foster grandparent services and retired senior volunteer services to high-risk and handicapped children shall be under the supervision of the department ~~Deputy~~

~~Secretary for Human Services~~, in coordination with intraagency and interagency programs and agreements as provided for in s. 411.203.

(b) In authorized districts, contract with foster grandparent programs and retired senior volunteer programs for services to high-risk and handicapped children, utilizing funds appropriated for handicap prevention.

(c) Develop guidelines for the provision of foster grandparent services and retired senior volunteer services to high-risk and handicapped children, and monitor and evaluate the implementation of the program.

(d) Coordinate with the Federal Action State Office and the department's Office of Prevention, Early Assistance, and Child Development regarding the development of criteria for program elements and funding.

Section 62. Subsection (7) of section 409.152, Florida Statutes, is amended to read:

409.152 Service integration and family preservation.—

(7) On or before September 1, 1993, and annually thereafter, the department shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive committees of the Senate and the House of Representatives a copy of the state and district plans described in this section ~~and the results or accomplishments of any district family preservation programs established by the health and human services boards~~.

Section 63. Paragraphs (a) and (b) of subsection (2) of section 409.1673, Florida Statutes, are amended to read:

409.1673 Legislative findings; alternate care plans.—

(2) ALTERNATE CARE PLANS.—

(a) The department must, in a collaborative partnership with community service providers, annually develop and administer an objective plan with respect to services for dependent children. The district's community service providers ~~Each service district~~ must annually develop and submit to the district administrator ~~health and human services board~~ by March 31, 1995, and by March 31 of each succeeding year, an alternate care plan that specifies the assessment and case planning process and prescribes the services needed to ensure the most appropriate alternate care placement for dependent children who must be placed outside their homes. As used in this section, the term "assessment" means the evaluation of a child's physical, psychological, educational, vocational, and social condition and the child's family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, educational and remedial literacy services, medical services, family services, and other specialized services.

(b) The plan must be developed by the department in collaboration with community service providers, foster parent providers, licensed residential

child care providers, mental health providers, parents and guardians, child care providers, school system representatives, juvenile justice council members, and other community representatives, and must be approved by the district administrator ~~health and human services board~~. The plan must be approved prior to the beginning of each fiscal year for use in preparing the legislative budget request for the following fiscal year.

Section 64. Paragraph (a) of subsection (1) of section 410.0245, Florida Statutes, is amended to read:

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

(1)(a) The ~~Aging and~~ Adult Services Program Office of the Department of Children and Family Services shall contract for a study of the service needs of the 18-to-59-year-old disabled adult population served or waiting to be served by the community care for disabled adults program. The Division of Vocational Rehabilitation of the Department of Labor and Employment Security and other appropriate state agencies shall provide information to the Department of Children and Family Services when requested for the purposes of this study.

Section 65. Paragraph (a) of subsection (6) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Family Safety ~~Children and Family Services~~ Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the WAGES program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

Section 66. Section 411.223, Florida Statutes, is amended to read:

411.223 Uniform standards.—

(1) The Department of Children and Family ~~Health and Rehabilitative~~ Services, in consultation with the Department of Education, shall establish a minimum set of procedures for each preschool child who receives preventive health care with state funds. Preventive health care services shall meet the minimum standards established by federal law for the Early Periodic

Screening, Diagnosis, and Treatment Program and shall provide guidance on screening instruments which are appropriate for identifying health risks and handicapping conditions in preschool children.

(2) Duplicative diagnostic and planning practices shall be eliminated to the extent possible. Diagnostic and other information necessary to provide quality services to high-risk or handicapped children shall be shared among the program offices of the Department of Children and Family ~~Health and Rehabilitative~~ Services, pursuant to the provisions of s. 228.093.

Section 67. Paragraphs (c), (d), and (g) of subsection (2) and subsection (5) of section 411.224, Florida Statutes, are amended to read:

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

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

(c) Children from birth through age 5 who are served by the Developmental Disabilities ~~Services~~ Program Office of the Department of Children and Family Services.

(d) Children from birth through age 5 who are served by the ~~Alcohol, Drug Abuse, and~~ Mental Health Program Office of the Department of Children and Family Services.

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

(5) There must be only a single-family support plan to address the problems of the various family members unless the family requests that an individual family support plan be developed for different members of that family. The family support plan must replace individual habilitation plans for children from birth through 5 years old who are served by the Developmental Disabilities ~~Services~~ Program Office of the Department of Children and Family Services. To the extent possible, the family support plan must replace other case-planning forms used by the Department of Children and Family Services.

Section 68. Paragraph (a) of subsection (1) of section 414.028, Florida Statutes, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level.

The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the regional workforce development board established under the Enterprise Florida workforce development board. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the district administrator in the appropriate district of the Department of Children and Family Services ~~health and human services board~~.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

Section 69. Paragraph (e) of subsection (2) of section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary cash assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996. A participant may not receive temporary cash assistance under this

subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months. Hardship exemptions to the time limitations of this chapter shall be limited to 20 percent of participants in all subsequent years, as determined by the department and approved by the WAGES Program State Board of Directors. Criteria for hardship exemptions include:

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services ~~Children and Families~~ Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.

At the recommendation of the local WAGES coalition, temporary cash assistance under a hardship exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

Section 70. Subsection (3) of section 414.36, Florida Statutes, is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(3) The Economic Self-Sufficiency Services Program Office of the department shall have responsibility for contract management and for monitoring and policy development functions relating to privatization of the public assistance overpayment recovery program.

Section 71. Subsection (4) of section 916.107, Florida Statutes, is amended to read:

916.107 Rights of forensic clients.—

(4) QUALITY OF TREATMENT.—Each client committed pursuant to this chapter shall receive treatment or training suited to the client's needs, which shall be administered skillfully, safely, and humanely with full respect for the client's dignity and personal integrity. Each client shall receive such medical, vocational, social, educational, and rehabilitative services as the client's condition requires to bring about a return to court for disposition of charges or a return to the community. In order to achieve this goal, the department is directed to coordinate the services of the ~~Alcohol, Drug Abuse and~~ Mental Health Program Office and the Developmental Disabilities ~~Services~~ Program Office with all other programs of the department and other appropriate state agencies.

Section 72. Paragraph (e) of subsection (1) of section 985.223, Florida Statutes, is amended to read:

985.223 Incompetency in juvenile delinquency cases.—

(1) If, at any time prior to or during a delinquency case, the court has reason to believe that the child named in the petition may be incompetent to proceed with the hearing, the court on its own motion may, or on the motion of the child's attorney or state attorney must, stay all proceedings and order an evaluation of the child's mental condition.

(e) For incompetency evaluations related to mental retardation, the court shall order the Developmental Disabilities ~~Services~~ Program Office within the Department of Children and Family Services to examine the child to determine if the child meets the definition of "retardation" in s. 393.063 and, if so, whether the child is competent to proceed with delinquency proceedings.

Section 73. Paragraphs (b) and (d) of subsection (3) and paragraph (c) of subsection (4) of section 985.413, Florida Statutes, are amended to read:

985.413 District juvenile justice boards.—

(3) DISTRICT JUVENILE JUSTICE BOARDS.—

(b)1.a. The authority to appoint members to district juvenile justice boards, and the size of each board, is as follows:

(I) District 1 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

(II) District 2 is to have a board composed of 18 members, to be appointed by the juvenile justice councils in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

(III) District 3 is to have a board composed of 15 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

(IV) District 4 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

(V) District 5 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

(VI) District 6 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

(VII) District 7 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

(VIII) District 8 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

(IX) District 9 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Palm Beach County.

(X) District 10 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Broward County.

(XI) District 11 is to have a juvenile justice board composed of 12 members to be appointed by the juvenile justice council in the respective counties, as follows: Miami-Dade ~~Dade~~ County, 6 members and Monroe County, 6 members.

(XII) District 12 is to have a board composed of 12 members, to be appointed by the juvenile justice council of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

(XIII) District 13 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

(XIV) District 14 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

(XV) District 15 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

The district administrator of the Department of Children and Family Services in each district may ~~health and human services board in each district may appoint one of its members to~~ serve as an ex officio member of the district juvenile justice board established under this sub-subparagraph.

b. In any judicial circuit where a juvenile delinquency and gang prevention council exists on the date this act becomes law, and where the circuit

and district or subdistrict boundaries are identical, such council shall become the district juvenile justice board, and shall thereafter have the purposes and exercise the authority and responsibilities provided in this section.

2. At any time after the adoption of initial bylaws pursuant to paragraph (c), a district juvenile justice board may adopt a bylaw to enlarge the size, by no more than three members, and composition of the board to adequately reflect the diversity of the population and community organizations in the district.

3. All appointments shall be for 2-year terms. Appointments to fill vacancies created by death, resignation, or removal of a member are for the unexpired term. A member may not serve more than three full consecutive terms.

4. A member who is absent for three meetings within any 12-month period, without having been excused by the chair, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

5. Members are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(d) A district juvenile justice board has the purpose, power, and duty to:

1. Advise the district juvenile justice manager and the district administrator on the need for and the availability of juvenile justice programs and services in the district, including the educational services in Department of Juvenile Justice programs.

2. Develop a district juvenile justice plan that is based upon the juvenile justice plans developed by each county within the district, and that addresses the needs of each county within the district.

3. Develop a district interagency cooperation and information-sharing agreement that supplements county agreements and expands the scope to include appropriate circuit and district officials and groups.

4. Coordinate the efforts of the district juvenile justice board with the activities of the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee and other public and private entities.

5. Advise and assist the district juvenile justice manager in the provision of optional, innovative delinquency services in the district to meet the unique needs of delinquent children and their families.

6. Develop, in consultation with the district juvenile justice manager, funding sources external to the Department of Juvenile Justice for the provision and maintenance of additional delinquency programs and services. The board may, either independently or in partnership with one or more county juvenile justice councils or other public or private entities,

apply for and receive funds, under contract or other funding arrangement, from federal, state, county, city, and other public agencies, and from public and private foundations, agencies, and charities for the purpose of funding optional innovative prevention, diversion, or treatment services in the district for delinquent children and children at risk of delinquency, and their families. To aid in this process, the department shall provide fiscal agency services for the councils.

7. Educate the community about and assist in the community juvenile justice partnership grant program administered by the Department of Juvenile Justice.

8. Advise the district administrator of the Department of Children and Family Services ~~health and human services board~~, the district juvenile justice manager, and the Secretary of Juvenile Justice regarding the development of the legislative budget request for juvenile justice programs and services in the district and the commitment region, and, in coordination with the district administrator ~~health and human services board~~, make recommendations, develop programs, and provide funding for prevention and early intervention programs and services designed to serve children in need of services, families in need of services, and children who are at risk of delinquency within the district or region.

9. Assist the district juvenile justice manager in collecting information and statistical data useful in assessing the need for prevention programs and services within the juvenile justice continuum program in the district.

10. Make recommendations with respect to, and monitor the effectiveness of, the judicial administrative plan for each circuit pursuant to Rule 2.050, Florida Rules of Judicial Administration.

11. Provide periodic reports to the district administrator ~~health and human services board~~ in the appropriate district of the Department of Children and Family Services. These reports must contain, at a minimum, data about the clients served by the juvenile justice programs and services in the district, as well as data concerning the unmet needs of juveniles within the district.

12. Provide a written annual report on the activities of the board to the district administrator, the Secretary of Juvenile Justice, and the Juvenile Justice Accountability Board. The report should include an assessment of the effectiveness of juvenile justice continuum programs and services within the district, recommendations for elimination, modification, or expansion of existing programs, and suggestions for new programs or services in the juvenile justice continuum that would meet identified needs of children and families in the district.

(4) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.—

(c) The district juvenile justice board may use public hearings and other appropriate processes to solicit input regarding the development and updating of the district juvenile justice plan. Input may be provided by parties which include, but are not limited to:

1. Local level public and private service providers, advocacy organizations, and other organizations working with delinquent children.

2. County and municipal governments.

3. State agencies that provide services to children and their families.

4. University youth centers.

5. Judges, state attorneys, public defenders, and The Florida Bar.

6. Victims of crimes committed by children.

7. Law enforcement.

8. Delinquent children and their families and caregivers.

The district juvenile justice board must develop its district juvenile justice plan in close cooperation with the ~~appropriate health and human services board of the~~ Department of Children and Family Services, local school districts, local law enforcement agencies, and other community groups and must update the plan annually. To aid the planning process, the Department of Juvenile Justice shall provide to district juvenile justice boards routinely collected ethnicity data. The Department of Law Enforcement shall include ethnicity as a field in the Florida Intelligence Center database, and shall collect the data routinely and make it available to district juvenile justice boards.

Section 74. Subsection (2) of section 402.185 and subsection (6) of section 409.152, Florida Statutes, are repealed.

Section 75. Children's services council or juvenile welfare board incentive grants.—

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

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

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

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

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

(4) The Department of Children and Family Services shall establish rules as necessary to implement this section.

Section 76. (1) The Correctional Privatization Commission created under chapter 957, Florida Statutes, in consultation with the Department of Children and Family Services, shall develop and issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility of at least 400 beds to house and rehabilitate sexual predators committed under the Jimmy Ryce Act of 1998. The Secretary of Children and Family Services shall retain final approval of the request for proposal, the successful bidder, and the contract.

(2) This constitutes specific legislative authorization for the Correctional Privatization Commission to enter into a contract with a provider for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility to house and rehabilitate sexual predators to be constructed upon the grounds of the DeSoto Correctional Facility in DeSoto County housing the DeSoto Correctional Institute.

(3) The selected contractor for the financing, design, construction, acquisition, ownership, leasing and operation of the secure facility is authorized to enter into a lease arrangement or other private financing, or to sponsor the issuance of tax exempt bonds, certificates of participation, or other public or private means to finance the facility. The state is authorized to enter into all such agreements as are necessary, including lease alternatives, to bring the facility to an operational state and to commence leasing of the facility.

(4) Upon completion of the sexual predator secure treatment facility in DeSoto County, the Martin Sexually Violent Predator Treatment and Retaining Program shall be phased out, to be terminated within 1 year of completion of the facility.

Section 77. Paragraphs (a) and (b) of subsection (3) of section 409.145, Florida Statutes, are amended to read:

409.145 Care of children.—

(3)(a) The department is authorized to continue to provide the services of the children's foster care program to individuals 18 to 21 years of age who are enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program, and to continue to provide services of the children's foster care program to individuals 18 to 23 years of age who are enrolled full-time in a postsecondary educational institution granting a degree, a certificate, or an applied technology diploma, if the following requirements are met:

1. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

2. All other resources have been thoroughly explored, and it can be clearly established that there are no alternative resources for placement; and

3. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program; and shall continue for those individuals 18 to 23 years of age only for the period of time the individual is continuously enrolled full-time in a postsecondary educational institution granting a degree, a certificate, or an applied technology diploma. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, ~~or~~ the full-time career education program, or the postsecondary educational institution granting a degree, a certificate, or an applied technology diploma.

Section 78. Subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions by offense categories specified in Rule 3.701, Florida Rules of Criminal Procedure, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V. of chapter 394.

Section 79. Section 216.1365, Florida Statutes is repealed.

Section 80. Section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—

(1) A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the person entitled to make a claim is mentally incompetent, by the person's guardian or such other individual authorized to administer his or her estate.

(2) Except as provided in subsection (3), a claim must be filed not later than 1 year after:

(a) The occurrence of the crime upon which the claim is based.

(b) The death of the victim or intervenor.

(c) The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

However, for good cause the department may extend the time for filing for a period not exceeding 2 years after such occurrence.

(3) Notwithstanding the provisions of subsection (2) and regardless of when the crime occurred, if the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection.

(a) The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; or

(b) When a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year within which to file a claim.

For good cause, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year.

(4) The provisions of subsection (2) notwithstanding, and regardless of when the crime occurred, a victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within one year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense.

(5)~~(4)~~ Claims may be filed in the Tallahassee office of the department in person or by mail. Any employee of the department receiving a claim for compensation shall, immediately upon receipt of such claim, mail the claim to the department at its office in Tallahassee. In no event and under no circumstances shall the rights of a claimant under this chapter be prejudiced or lost by the failure or delay of the employees of the department in mailing claims to the department in Tallahassee.

(6)~~(5)~~ Upon filing of a claim pursuant to this chapter, in which there is an identified offender, the department shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the department that a criminal prosecution or delinquency petition is pending upon the same alleged crime and requests that action by the department be deferred, the department shall defer all proceedings under this chapter until such time as a trial verdict or delinquency adjudication has been rendered, and shall so notify such state attorney and claimant. When a trial verdict or delinquency adjudication has been rendered, such state attorney shall promptly notify the department. Nothing in this subsection shall limit the authority of the department to grant emergency awards pursuant to s. 960.12.

(7)~~(6)~~ The state attorney's office shall aid claimants in the filing and processing of claims, as may be required.

Section 81. Paragraph (e) of subsection (3) of section 394.913, Florida Statutes, is amended to read:

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

(3)

(e) Within 90 ~~45~~ days after receiving notice, there shall be a written assessment as to whether the person meets the definition of a sexually violent predator and a written recommendation, which shall be provided to the state attorney. The written recommendation shall be provided by the Department of Children and Family Services and shall include the written report of the multidisciplinary team.

The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of this part.

Section 82. Section 394.930, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

~~(6)~~(5) The protocol to inform a person that he or she is being examined to determine whether he or she is a sexually violent predator under this part.

Section 83. Section 394.931, Florida Statutes, is amended to read:

394.931 Quarterly reports.—Beginning July 1, 1999, the Department of Corrections shall collect information and compile quarterly reports with statistics profiling inmates released the previous quarter who fit the criteria and were referred to the Department of Children and Family Services pursuant to this act. The quarterly reports must be produced beginning October 1, 1999. At a minimum, the information that must be collected and compiled for inclusion in the reports includes: whether the qualifying offense was the current offense or the prior offense; the most serious sexual offense; the total number of distinct victims of the sexual offense; whether the victim was known to the offender; whether the sexual act was consensual; whether the sexual act involved multiple victims; whether direct violence was involved in the sexual offense; the age of each victim at the time of the offense; the age of the offender at the time of the first sexual offense; whether a weapon was used; length of time since the most recent sexual offense; and the total number of prior and current sexual-offense convictions. In addition, the Department of Children and Family Services shall implement a long-term study to determine the overall efficacy of the provisions of this part.

Section 84. Social Work Feasibility Study.—

The Department of Children and Family Services is authorized to study the feasibility of establishing a certification or licensure program for nonclinical master level and bachelor level social work for the protection of consumers of social work services. This study shall be conducted in consultation with the Florida schools of social work. The Department shall report back to the Speaker of the House of Representatives and the President of the Senate as to the feasibility and desirability of establishing such a program.

Section 85. Section 784.085, Florida Statutes, is created to read:

784.085 Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.—

(1) It is unlawful for any person, except a child as defined in this section, to knowingly cause or attempt to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material.

(2) Any person, except a child as defined in this section, who violates this section commits battery of a child, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this section, the term “child” means a person under 18 years of age.

Section 86. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 4
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
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 to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

Florida Statute	Felony Degree	Description
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
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 proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

Section 87. Section 683.23, Florida Statutes, is created to read:

683.23 Florida Missing Children's Day.—The second Monday in September of each year is hereby designated as "Florida Missing Children's Day"

in remembrance of Florida's past and present missing children and in recognition of our state's continued efforts to protect the safety of children through prevention, education, and community involvement.

Section 88. Pilot program for attorneys ad litem for dependent children.—

(1) LEGISLATIVE INTENT.—In furtherance of the goals set forth in section 39.4085, Florida Statutes, it is the intent of the Legislature that children who are maintained in out-of-home care by court order under s. 39.402 receive competent legal representation.

(2) RESPONSIBILITIES.—

(a) The Office of the State Courts Administrator shall establish a 3-year pilot Attorney Ad Litem Program in the Ninth Judicial Circuit.

(b) The Office of the State Courts Administrator shall establish the pilot program in the Ninth Judicial Circuit by October 1, 2000. The Ninth Judicial Circuit may contract with a private or public entity in the Ninth Judicial Circuit to establish the pilot program. The private or public entity must have appropriate expertise in representing the rights of children taken into custody by the Department of Children and Family Services. The Office of the State Court Administrator shall identify measurable outcomes, including, but not limited to, the impact of counsel on child safety, improvements in the provision of appropriate services, and any reduction in the length of stay of children in state care. The pilot program shall be established and operate independently of any other state agency responsible for the care of children taken into custody.

(c) The Ninth Judicial Circuit shall designate an attorney within the Ninth Judicial Circuit to conduct the administrative oversight of the pilot program. The program administrator must be a member in good standing of The Florida Bar and must have 5 or more years of experience in the area of child advocacy, child welfare, or juvenile law. The administrative oversight of the pilot program is subject to supervision by the Ninth Judicial Circuit.

(d) The Office of the State Courts Administrator in conjunction with the pilot program shall develop a training program for attorneys ad litem which includes, but need not be limited to, appropriate standards of practice for attorneys who represent children.

(e) Within funds specifically appropriated for this pilot program, the Office of the State Courts Administrator in conjunction with the pilot program shall design an appropriate attorney ad litem program and may establish the number of attorneys needed to serve as attorneys ad litem and may employ attorneys and other personnel. An attorney ad litem must be a member in good standing of The Florida Bar and may not serve as an attorney ad litem until he or she has completed the training program.

(f) The court shall appoint the entity responsible for representation of children in the Ninth Judicial Circuit under the pilot program who are

continued in out-of-home care at the shelter hearing conducted under section 39.402, Florida Statutes, if the court deems attorney ad litem representation necessary. At any time following the shelter hearing, the court may appoint an attorney ad litem upon the motion of any party, or upon the court's own motion if an attorney ad litem has not yet been appointed and the court deems such representation necessary. The attorney ad litem's representation shall be limited to proceedings initiated under chapter 39, only. The court must appoint a guardian ad litem pursuant to s. 39.822 for all children who have been appointed an attorney ad litem. Upon this action by the court, the department shall provide to the administrator, at a minimum, the name of the child, the location and placement of the child, the name of the department's authorized agent and contact information, copies of all notices sent to the parent or legal custodian of the child, and other information or records concerning the child.

(g) Upon the court's direction, the pilot program administrator shall assign an attorney ad litem to represent the child. Once assigned, the attorney ad litem shall represent the child's wishes for purposes of proceedings under chapter 39, Florida Statutes, as long as the child's wishes are consistent with the safety and well being of the child. The child's attorney must in all circumstances fulfill the same duties of advocacy, loyalty, confidentiality, and competent representation which are due an adult client. The court must approve any action by the attorney ad litem restricting access to the child by the guardian ad litem or by any other party. The attorney ad litem shall represent the child until the program is discharged by order of the court because permanency has been achieved or the court believes that the attorney ad litem is no longer necessary.

(h) The Office of the State Courts Administrator shall conduct research and gather statistical information to evaluate the establishment, operation, and impact of the pilot program in meeting the legal needs of dependent children. In assessing the effects of the pilot program, including achievement of outcomes identified under paragraph (2)(b), the evaluation must include a comparison of children within the Ninth Judicial Circuit who are appointed an attorney ad litem with those who are not. The office shall submit a report to the Legislature and the Governor by October 1, 2001 and by October 1, 2002, regarding its findings. The office shall submit a final report by October 1, 2003, which must include an evaluation of the pilot program; findings on the feasibility of a statewide program; and recommendations, if any, for locating, establishing, and operating a statewide program.

(3) STANDARDS.—The Supreme Court is requested, by October 1, 2000, to adopt rules of juvenile procedure which include the duties, responsibilities, and conduct of an attorney ad litem. The Office of the State Courts Administrator, in consultation with the Dependency Court Improvement Committee of the Supreme Court, shall develop implementation guidelines for the attorney ad litem pilot program.

(4) FUNDING.—The sums of $1,040,111 in recurring funds and $48,674 in nonrecurring funds are appropriated from the General Revenue Fund and two full-time-equivalent positions are authorized for Court Operations -

Circuit Courts in the State Court System to operate the attorney ad litem pilot program in the Ninth Judicial Circuit and provide adequate guardian ad litem representation that is in the best interests of all children involved in the pilot program. The sum of $696,798 in recurring funds is appropriated from the General Revenue Fund, and 14 full-time equivalent positions are authorized, for the circuit court budget to ensure best interests representation by the Guardian Ad Litem Program as part of the pilot program. The sum of $75,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Supreme Court for the Office of the State Courts Administrator for the purpose of evaluating the pilot program.

(5) The provisions in this section of the act shall take effect October 1, 2000.

Section 89. Except as otherwise provided, this act shall take effect July 1, 2000.

Approved by the Governor May 23, 2000.

Filed in Office Secretary of State May 23, 2000.