

Committee Substitute for Senate Bill No. 1394

An act relating to health and human services; authorizing the Department of Children and Family Services to begin the process of reorganization; requiring the department to integrate substance abuse and mental health programs into its structure and priorities; authorizing the department to plan for the realignment of districts in conformance with judicial circuits; requiring that a report be submitted to the Legislature; authorizing the department to use the name Department of Children and Families; authorizing the department to establish community partnerships and advisory groups; providing for members of such partnerships or advisory groups to be reimbursed for per diem, travel, and child care expenses; providing for the members to be subject to the Code of Ethics for Public Officers and Employees; providing that meetings and records of the partnerships and advisory groups are subject to the public-meetings and public-records law; amending s. 839.13, F.S.; clarifying provisions that prohibit falsifying, altering, or in any manner destroying records if such act may be detrimental to the health, safety, or welfare of an individual in the care and custody of a state agency; clarifying provisions that prohibit falsifying, altering, or in any manner destroying records of the Department of Children and Family Services or its contract provider with the intent to conceal a material fact; providing for the application of penalties thereto; providing effective dates.

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

Section 1. Flexibility for the Department of Children and Family Services.—

(1) The Legislature recognizes that modifications to the organizational structure of the Department of Children and Family Services are necessary to improve the effectiveness and efficiency of the department. In addition, any modifications to the organizational structure must be compatible with and must not impede the scheduled sunset review pursuant to s. 11.905, Florida Statutes. Therefore, notwithstanding s. 20.19, Florida Statutes, the Department of Children and Family Services is authorized to begin the process of reorganization subject to further legislative review and approval.

(a) The department shall integrate substance abuse and mental health programs into the overall structure and priorities of the department. The department may plan for realignment of department districts in conformance with judicial circuits and may phase in organizational changes to ensure that children currently in the system are not adversely affected.

(b) The department shall prepare a detailed report concerning its reorganizational modifications, including a plan for realignment of districts, which identifies all key actions taken or planned to be taken. The report shall review the department's progress in establishing regions and integrating substance abuse and mental health programs into the overall structure

of the department. This report shall be submitted to the Legislature by January 1, 2008, concurrently with the Sunset Review Report.

(c) The department is authorized to use the name Department of Children and Families.

(2) The department may establish community partnerships at the request of local communities in order to improve the delivery of community-based services through community participation. Community partnerships may advise and recommend to the department ways to improve and coordinate community-based services. The secretary may also establish such advisory groups at the state level as necessary to ensure and enhance communication and liaison with stakeholders, community leaders, and client representatives.

(a) Members of any community partnership or advisory group established pursuant to this subsection shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses, as provided in s. 112.061, Florida Statutes. Payment may 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. All such payments must be within existing resources.

(b) Members of any community partnership or advisory group established pursuant to this subsection are subject to the provisions of part III of chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

(c) All partnership and advisory group meetings are open to the public pursuant to s. 286.011, Florida Statutes, and records of such meetings are subject to the public-records provisions of s. 119.07(1), Florida Statutes.

(3) This section expires June 30, 2008.

Section 2. Effective July 1, 2007, subsection (2) of section 839.13, Florida Statutes, is amended to read:

839.13 Falsifying records.—

(2)(a) Any person who knowingly falsifies, alters, destroys, defaces, overwrites, removes, or discards by altering, destroying, defacing, overwriting, removing, or discarding an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "care and custody" includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

(b) Any person who commits a violation of paragraph (a) which contributes to great bodily harm to or the death of an individual in the care and

custody of a state agency commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term “care and custody” includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

(c) Any person who knowingly falsifies, ~~alters, destroys, defaces, overwrites, removes, or discards~~ by altering, destroying, defacing, overwriting, removing, or discarding records of the Department of Children and Family Services or its contract provider with the intent to conceal a fact material to a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Nothing in this paragraph prohibits prosecution for a violation of paragraph (a) or paragraph (b) involving records described in this paragraph.

(d) This section does not prohibit the disposing or archiving of records as otherwise provided by law. In addition, this section does not prohibit any person from correcting or updating records.

Section 3. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.