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1 A bill to be entitled
2 An act relating to vulnerable children and adults;
3 repealing s. 39.0015, F.S., relating to child abuse
4 prevention training in the district school system;
5 repealing s. 39.305, F.S., relating to the development by
6 the Department of Children and Family Services of a model
7 plan for community intervention and treatment in
8 intrafamily sexual abuse cases; repealing ss. 39.311,
9 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and
10 39.318, F.S., relating to the Family Builders Program;
11 repealing 39.816, F.S., relating to authorization for
12 pilot and demonstration projects; repealing s. 39.817,
13 F.S., relating to a foster care privatization
14 demonstration project; repealing s. 383.0115, F.S.,
15 relating to the Commission on Marriage and Family Support
16 Initiatives; repealing s. 393.22, F.S., relating to
17 financial commitment to community services programs;
18 repealing s. 393.503, F.S., relating to respite and family
19 care subsidy expenditures and funding recommendations;
20 repealing s. 394.922, F.S., relating to constitutional
21 requirements regarding long-term control, care, and
22 treatment of sexually violent predators; repealing s.
23 402.3045, F.S., relating to a requirement that the
24 Department of Children and Family Services adopt
25 distinguishable definitions of child care programs by
26 rule; repealing s. 402.50, F.S., relating to the
27 development of administrative infrastructure standards by
28 the Department of Children and Family Services; repealing

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s. 402.55, F.S., relating to the management fellows program; repealing s. 409.1672, F.S., relating to performance incentives for department employees with respect to the child welfare system; repealing s. 409.1673, F.S., relating to legislative findings regarding the foster care system and the development of alternate care plans; repealing s. 409.1685, F.S., relating to an annual report to the Legislature by the Department of Children and Family Services with respect to children in foster care; repealing ss. 409.801 and 409.802, F.S., relating to the Family Policy Act; repealing s. 409.803, F.S., relating to pilot programs to provide shelter and foster care services to dependent children; amending ss. 20.195, 39.00145, 39.0121, 39.301, 39.3031, 49.011, 381.006, 381.0072, 390.01114, 409.1685, 411.01013, 753.03, and 877.22, F.S.; conforming references to changes made by the act; providing an effective date.

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

Section 1. Sections 39.0015, 39.305, 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, 39.318, 39.816, 39.817, 383.0115, 393.22, 393.503, 394.922, 402.3045, 402.50, 402.55, 409.1672, 409.1673, 409.1685, 409.801, 409.802, and 409.803, Florida Statutes, are repealed.

Section 2. Paragraph (a) of subsection (4) of section 20.195, Florida Statutes, is amended to read:

20.195 Department of Children and Family Services; trust

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

59 (4) Domestic Violence Trust Fund.

60 (a) Funds to be credited to and uses of the trust fund
61 shall be administered in accordance with the provisions of s.
62 28.101, part XII ~~XIII~~ of chapter 39, and chapter 741.

63 Section 3. Subsection (1) of section 39.00145, Florida
64 Statutes, is amended to read:

65 39.00145 Records concerning children.—

66 (1) The case record of every child under the supervision
67 of or in the custody of the department, the department's
68 authorized agents, or providers contracting with the department,
69 including community-based care lead agencies and their
70 subcontracted providers, must be maintained in a complete and
71 accurate manner. The case record must contain, at a minimum, the
72 child's case plan required under part VII ~~VIII~~ of this chapter
73 and the full name and street address of all shelters, foster
74 parents, group homes, treatment facilities, or locations where
75 the child has been placed.

76 Section 4. Subsection (10) of section 39.0121, Florida
77 Statutes, is amended to read:

78 39.0121 Specific rulemaking authority.—Pursuant to the
79 requirements of s. 120.536, the department is specifically
80 authorized to adopt, amend, and repeal administrative rules
81 which implement or interpret law or policy, or describe the
82 procedure and practice requirements necessary to implement this
83 chapter, including, but not limited to, the following:

84 (10) The ~~Family Builders Program, the~~ Intensive Crisis

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85 Counseling Program~~7~~ and any other early intervention programs
86 and kinship care assistance programs.

87 Section 5. Paragraph (a) of subsection (15) of section
88 39.301, Florida Statutes, is amended to read:

89 39.301 Initiation of protective investigations.—

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

92 1. Medical or other health care; or

93 2. Homemaker care, day care, protective supervision, or
94 other services to stabilize the home environment, including
95 intensive family preservation services through ~~the Family~~
96 ~~Builders Program or~~ the Intensive Crisis Counseling Program, ~~or~~
97 ~~both,~~

98
99 such services shall first be offered for voluntary acceptance
100 unless there are high-risk factors that may impact the ability
101 of the parents or legal custodians to exercise judgment. Such
102 factors may include the parents' or legal custodians' young age
103 or history of substance abuse or domestic violence.

104 Section 6. Section 39.3031, Florida Statutes, is amended
105 to read:

106 39.3031 Rules for implementation of s. ss. 39.303 ~~and~~
107 ~~39.305.~~—The Department of Health, in consultation with the
108 Department of Children and Family Services, shall adopt rules
109 governing the child protection teams ~~and the sexual abuse~~
110 ~~treatment program~~ pursuant to s. ss. 39.303 ~~and 39.305,~~
111 including definitions, organization, roles and responsibilities,

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eligibility, services and their availability, qualifications of staff, and a waiver-request process.

Section 7. Subsection (13) of section 49.011, Florida Statutes, is amended to read:

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

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

Section 8. Subsection (18) of section 381.006, Florida Statutes, is amended to read:

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

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

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

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140 Section 9. Paragraph (b) of subsection (1) of section
141 381.0072, Florida Statutes, is amended to read:

142 381.0072 Food service protection.—It shall be the duty of
143 the Department of Health to adopt and enforce sanitation rules
144 consistent with law to ensure the protection of the public from
145 food-borne illness. These rules shall provide the standards and
146 requirements for the storage, preparation, serving, or display
147 of food in food service establishments as defined in this
148 section and which are not permitted or licensed under chapter
149 500 or chapter 509.

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

151 (b) "Food service establishment" means detention
152 facilities, public or private schools, migrant labor camps,
153 assisted living facilities, adult family-care homes, adult day
154 care centers, short-term residential treatment centers,
155 residential treatment facilities, homes for special services,
156 transitional living facilities, crisis stabilization units,
157 hospices, prescribed pediatric extended care centers,
158 intermediate care facilities for persons with developmental
159 disabilities, boarding schools, civic or fraternal
160 organizations, bars and lounges, vending machines that dispense
161 potentially hazardous foods at facilities expressly named in
162 this paragraph, and facilities used as temporary food events or
163 mobile food units at any facility expressly named in this
164 paragraph, where food is prepared and intended for individual
165 portion service, including the site at which individual portions
166 are provided, regardless of whether consumption is on or off the
167 premises and regardless of whether there is a charge for the

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168 food. The term does not include any entity not expressly named
169 in this paragraph; nor does the term include a domestic violence
170 center certified and monitored by the Department of Children and
171 Family Services under part XII ~~XIII~~ of chapter 39 if the center
172 does not prepare and serve food to its residents and does not
173 advertise food or drink for public consumption.

174 Section 10. Paragraph (b) of subsection (2) of section
175 390.01114, Florida Statutes, is amended to read:

176 390.01114 Parental Notice of Abortion Act.—

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

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

182 Section 11. Section 409.1685, Florida Statutes, is amended
183 to read:

184 409.1685 Children in foster care; annual report to
185 Legislature.—The Department of Children and Family Services
186 shall submit a written report to the Governor and the
187 Legislature concerning the status of children in foster care and
188 the judicial review mandated by part IX ~~X~~ of chapter 39. The
189 report shall be submitted by May 1 of each year and must include
190 the following information for the prior calendar year:

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

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

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

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

200 (b) The total number of terminations of parental rights
201 ordered.

202 (4) The number of foster care children placed for
203 adoption.

204 Section 12. Paragraph (a) of subsection (3) of section
205 411.01013, Florida Statutes, is amended to read:

206 411.01013 Prevailing market rate schedule.—

207 (3) The prevailing market rate schedule, at a minimum,
208 must:

209 (a) Differentiate rates by type, including, but not
210 limited to, a child care provider that holds a Gold Seal Quality
211 Care designation under s. 402.281, a child care facility
212 licensed under s. 402.305, a public or nonpublic school exempt
213 from licensure under s. 402.3025, a faith-based child care
214 facility exempt from licensure under s. 402.316 that does not
215 hold a Gold Seal Quality Care designation, a large family child
216 care home licensed under s. 402.3131, or a family day care home
217 licensed or registered under s. 402.313, ~~or an after-school~~
218 ~~program that is not defined as child care under rules adopted~~
219 ~~pursuant to s. 402.3045.~~

220 Section 13. Paragraph (j) of subsection (2) of section
221 753.03, Florida Statutes, is redesignated as paragraph (i), and
222 present paragraph (i) of that subsection is amended to read:

223 753.03 Standards for supervised visitation and supervised

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exchange programs.—

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

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

Section 14. Subsection (4) of section 877.22, Florida Statutes, is amended to read:

877.22 Minors prohibited in public places and establishments during certain hours; penalty; procedure.—

(4) If a minor violates a curfew and is taken into custody, the minor shall be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor and shall release the minor to the parent. If the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to her or his residence or proceed as authorized under part IV ~~¶~~ of chapter 39.

Section 15. This act shall take effect July 1, 2011.