

By the Committee on Budget

576-03641-11

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1 A bill to be entitled
2 An act relating to the welfare of children; repealing
3 s. 39.001(6), (7), (8), (9), and (12), F.S., relating
4 to the Office of Adoption and Child Protection within
5 the Executive Office of the Governor; amending s.
6 39.0014, F.S.; requiring all state, county, and local
7 agencies to cooperate, assist, and provide information
8 to the Department of Children and Family Services
9 rather than the Office of Adoption and Child
10 Protection; repealing s. 39.01(46), F.S., relating to
11 the definition of the term "office" as it relates to
12 the Office of Adoption and Child Protection; amending
13 s. 39.302, F.S.; conforming a cross-reference;
14 amending s. 402.56, F.S.; relocating the Children and
15 Youth Cabinet from the Executive Office of the
16 Governor to the Department of Children and Family
17 Services; revising the membership of the cabinet;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsections (6), (7), (8), (9), and (12) of
23 section 39.001, Florida Statutes, are repealed.

24 Section 2. Section 39.0014, Florida Statutes, is amended to
25 read:

26 39.0014 Responsibilities of public agencies.—All state,
27 county, and local agencies shall cooperate, assist, and provide
28 information to the ~~Office of Adoption and Child Protection and~~
29 ~~the~~ department as will enable them to fulfill their

576-03641-11

20112108__

responsibilities under this chapter.

Section 3. Subsection (46) of section 39.01, Florida Statutes, is repealed.

Section 4. 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 that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(33) or (46)~~(47)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.201(5) and orally notify the appropriate state attorney, law enforcement agency, and licensing agency, which 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, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If 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 is 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. The department shall

576-03641-11

20112108__

59 make a full written report to the state attorney within 3
60 working days after making the oral report. A criminal
61 investigation shall be coordinated, whenever possible, with the
62 child protective investigation of the department. Any interested
63 person who has information regarding the offenses described in
64 this subsection may forward a statement to the state attorney as
65 to whether prosecution is warranted and appropriate. Within 15
66 days after the completion of the investigation, the state
67 attorney shall report the findings to the department and shall
68 include in the report a determination of whether or not
69 prosecution is justified and appropriate in view of the
70 circumstances of the specific case.

71 Section 5. Subsections (3) and (4) of section 402.56,
72 Florida Statutes, are amended to read:

73 402.56 Children's cabinet; organization; responsibilities;
74 annual report.—

75 (3) ORGANIZATION.—There is created the Children and Youth
76 Cabinet, which is a coordinating council as defined in s. 20.03.

77 (a) The cabinet shall ensure that the public policy of this
78 state relating to children and youth is developed to promote
79 interdepartmental collaboration and program implementation in
80 order that services designed for children and youth are planned,
81 managed, and delivered in a holistic and integrated manner to
82 improve the children's self-sufficiency, safety, economic
83 stability, health, and quality of life.

84 (b) The cabinet shall be located ~~is created~~ in the
85 Department of Children and Family Services ~~Executive Office of~~
86 ~~the Governor~~, which shall provide administrative support and
87 service to the cabinet.

576-03641-11

20112108__

(c) The cabinet shall meet for its organizational session no later than October 1, 2007. Thereafter, the cabinet shall meet at least four ~~six~~ times each year in different regions of the state in order to solicit input from the public and any other individual offering testimony relevant to the issues considered. Each meeting must include a public comment session.

(4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members including the Secretary of Children and Family Services ~~Governor~~ and the following persons:

(a)1. The Governor or his or her designee ~~Secretary of Children and Family Services;~~

2. The Secretary of Juvenile Justice or his or her designee;

3. The director of the Agency for Persons with Disabilities or his or her designee;

4. The director of the Agency for Workforce Innovation or his or her designee;

5. The State Surgeon General or his or her designee;

6. The Secretary of Health Care Administration or his or her designee;

7. The Commissioner of Education or his or her designee;

8. The director of the Statewide Guardian Ad Litem Office or his or her designee; and

~~9. The director of the Office of Child Abuse Prevention;~~
~~and~~

~~9.10.~~ Five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.

(b) The President of the Senate, the Speaker of the House

576-03641-11

20112108__

117 of Representatives, the Chief Justice of the Supreme Court, the
118 Attorney General, and the Chief Financial Officer, or their
119 appointed designees, shall serve as ex officio members of the
120 cabinet.

121 (c) The Secretary of Children and Family Services or his or
122 her ~~Governor or the Governor's~~ designee shall serve as the chair
123 of the cabinet.

124 (d) Nongovernmental members of the cabinet shall serve
125 without compensation, but are entitled to receive per diem and
126 travel expenses in accordance with s. 112.061 while in
127 performance of their duties.

128 Section 6. This act shall take effect July 1, 2011.