

PCB HFS 14-03a

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to child protection and child welfare
 3 services; amending s. 20.19, F.S.; requiring the
 4 secretary of the department to appoint an Assistant
 5 Secretary for Child Welfare; providing requirements
 6 for such position; revising the duties, appointment,
 7 and membership of community alliances; amending s.
 8 39.001, F.S.; revising the purposes of ch. 39, F.S.;
 9 providing for the provision of services for medically
 10 complex children; conforming cross-references;
 11 amending s. 39.01, F.S.; defining the terms "impending
 12 danger", "medical neglect", "present danger", "safety
 13 plan", and "sibling"; revising the definition of
 14 "comprehensive assessment", "diligent efforts by a
 15 parent", "preventive services", and "reunification
 16 services"; deleting the term "district administrator";
 17 conforming cross-references; creating s. 39.2015,
 18 F.S.; requiring the Department of Children and
 19 Families to conduct specified investigations using
 20 critical incident rapid response teams; providing
 21 requirements for such investigations; providing
 22 requirements for the team; authorizing the team to
 23 access specified information; requiring the
 24 cooperation of specified agencies and organizations;
 25 providing for reimbursement of team members; requiring

PCB HFS 14-03a

ORIGINAL

YEAR

26 a report of the investigation; requiring the secretary
 27 to develop specified guidelines for investigations and
 28 provide training to team members; requiring the
 29 secretary to appoint an advisory committee; requiring
 30 a report from the advisory committee to the Secretary
 31 of Children and Families; requiring the secretary to
 32 submit such report to the Governor and the
 33 Legislature; amending s. 39.202, F.S.; authorizing
 34 access to specified records in the event of the death
 35 of a child which was reported to the department's
 36 child abuse hotline; creating s. 39.2022, F.S.;
 37 providing legislative intent; requiring the department
 38 to publish specified information on its website if the
 39 death of a child is reported to the child abuse
 40 hotline; prohibiting specified information from being
 41 released; providing requirements for the release of
 42 information in the child's records; prohibiting
 43 release of information that identifies the person who
 44 reports an incident to the child abuse hotline;
 45 amending 39.301, F.S.; authorizing the use of safety
 46 plans; providing requirements for use of safety plans;
 47 amending s. 39.303, F.S.; revising legislative intent;
 48 providing requirements for a child protection team
 49 that evaluates a report of medical neglect and
 50 assesses the health care needs of a medically complex

PCB HFS 14-03a

ORIGINAL

YEAR

51 child; creating s. 39.3068, F.S.; providing
 52 requirements for an investigation of medical neglect;
 53 amending s. 39.402, F.S.; requiring the department to
 54 make a reasonable effort to keep siblings together
 55 when they are placed in out-of-home care under certain
 56 circumstances; providing for sibling visitation under
 57 certain circumstances; amending s. 39.501, F.S.;
 58 requiring compliance with a safety plan to be
 59 considered when deciding a petition for dependency;
 60 amending s. 39.604, F.S.; requiring children age birth
 61 to 3 to attend for five days a week a licensed early
 62 education or child care program in which they are
 63 enrolled; requiring the inclusion of attendance at a
 64 licensed early education or child care program in a
 65 child's safety plan; amending s. 39.701, F.S.;
 66 requiring the court to consider contact among siblings
 67 in judicial reviews; authorizing the court to remove
 68 specified disabilities of nonage at judicial reviews;
 69 amending s. 39.802, F.S.; requiring a petition for the
 70 termination of parental rights to be signed under oath
 71 stating the petitioner's good faith in filing the
 72 petition; amending s. 383.402, F.S.; requiring the
 73 review of all deaths of children which occur in the
 74 state and are reported to the department's child abuse
 75 hotline; revising the due date for a report; providing

PCB HFS 14-03a

ORIGINAL

YEAR

76 a directive to the Division of Law Revision and
 77 Information; amending s. 402.40, F.S.; providing for a
 78 specialization through the certification process;
 79 creating s. 402.402, F.S.; providing definitions;
 80 providing education requirements for child protection
 81 and child welfare personnel; creating s. 402.403,
 82 F.S.; establishing a tuition exemption program for
 83 child protective investigators and supervisors;
 84 providing eligibility requirements; creating s.
 85 402.404, F.S.; establishing a student loan forgiveness
 86 program for child protective investigators and
 87 supervisors; providing eligibility requirements;
 88 providing requirements for the program; authorizing
 89 community-based care lead agencies to provide student
 90 loan forgiveness to case managers employed a
 91 community-based care lead agency or its subcontractor;
 92 amending s. 409.165; enhancing provision of care to
 93 medically complex children; amending s. 409.967;
 94 revising standards for Medicaid managed care plan
 95 accountability in regard to services for dependent
 96 children; creating part V of ch. 409, F.S.; creating
 97 s. 409.986, F.S.; providing legislative findings and
 98 intent; providing child protection and child welfare
 99 outcome goals; defining terms; creating s. 409.987,
 100 F.S.; providing for the procurement of community-based

PCB HFS 14-03a

ORIGINAL

YEAR

101 care lead agencies; providing requirements for
 102 contracting as a lead agency; creating s. 409.988,
 103 F.S.; providing the duties of a community-based care
 104 lead agency; providing licensure requirements for a
 105 lead agency; creating s. 409.998; providing for
 106 community based care oversight by community alliances;
 107 authorizing the establishment of direct-support
 108 organizations; creating s. 409.990, F.S.; providing
 109 general funding provisions; providing for a matching
 110 grant program and the maximum amount of funds that may
 111 be awarded; requiring the department to develop and
 112 implement a community-based care risk pool initiative;
 113 providing requirements for the risk pool;
 114 transferring, renumbering, and amending s. 409.16713,
 115 F.S.; transferring provisions relating to the
 116 allocation of funds for community-based lead care
 117 agencies; conforming a cross-reference; creating s.
 118 409.992, F.S.; providing requirements for community-
 119 based care lead agency expenditures; creating s.
 120 409.993, F.S.; providing findings; providing for lead
 121 agency and subcontractor liability; providing
 122 limitations on damages; transferring, renumbering, and
 123 amending s. 409.1675, F.S.; transferring provisions
 124 relating to receivership from community-based
 125 providers to lead agencies; conforming cross-

PCB HFS 14-03a

ORIGINAL

YEAR

126 | references and terminology; creating s. 409.996, F.S.;
 127 | providing duties of the department relating to
 128 | community-based care and lead agencies; creating s.
 129 | 409.997, F.S.; providing goals for the department and
 130 | specified entities; requiring the department to
 131 | maintain a comprehensive, results-oriented
 132 | accountability system; providing requirements;
 133 | requiring the department to establish a technical
 134 | advisory panel; providing requirements for the panel;
 135 | requiring the department to make the results of the
 136 | system public; requiring a report to the Governor and
 137 | the Legislature; creating s. 827.10, F.S.; defining
 138 | terms; establishing the criminal offense of unlawful
 139 | abandonment of a child; providing criminal penalties;
 140 | providing exceptions; creating s. 1004.615, F.S.;
 141 | establishing the Florida Institute for Child Welfare;
 142 | providing the purpose of the institute; requiring the
 143 | institute to contract and work with specified
 144 | entities; providing duties and responsibilities of the
 145 | institute; providing for the administration of the
 146 | institute; requiring a report to the Governor and the
 147 | Legislature by a specified date; providing for a task
 148 | force and report; requiring the task force to
 149 | establish workgroups on specified topics; amending s.
 150 | 1009.25, F.S.; exempting tuition and fees for

PCB HFS 14-03a

ORIGINAL

YEAR

151 specified child protective investigators and child
 152 protective investigation supervisors; amending s.
 153 39.01, F.S.; conforming a cross-reference; providing
 154 an effective date.

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

158 Section 1. Present subsections (3) through (5) of section
 159 20.19, Florida Statutes, are redesignated as subsections (4)
 160 through (6), respectively, a new subsection (3) is added to that
 161 section, and subsections (2) and (4) of that section are
 162 amended, to read:

163 20.19 Department of Children and Families.—There is
 164 created a Department of Children and Families.

165 (2) SECRETARY OF CHILDREN AND FAMILIES; DEPUTY SECRETARY.—

166 (a) The head of the department is the Secretary of
 167 Children and Families. The secretary is appointed by the
 168 Governor, subject to confirmation by the Senate. The secretary
 169 serves at the pleasure of the Governor.

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

175 (3) ASSISTANT SECRETARIES.—

PCB HFS 14-03a

ORIGINAL

YEAR

176 (a) Child Welfare.—
 177 1. The secretary shall appoint an Assistant Secretary for
 178 Child Welfare to lead the department in carrying out its duties
 179 and responsibilities for child protection and child welfare. The
 180 individual appointed to this position shall serve at the
 181 pleasure of the secretary.
 182 2. The assistant secretary must have at least 7 years of
 183 experience working in organizations delivering child protective
 184 or child welfare services.
 185 (b) Substance Abuse and Mental Health.—
 186 ~~(c)~~1. The secretary shall appoint an Assistant Secretary
 187 for Substance Abuse and Mental Health. The assistant secretary
 188 shall serve at the pleasure of the secretary and must have
 189 expertise in both areas of responsibility.
 190 2. The secretary shall appoint a Director for Substance
 191 Abuse and Mental Health who has the requisite expertise and
 192 experience to head the state's Substance Abuse and Mental Health
 193 Program Office.
 194 (5)~~(4)~~ COMMUNITY ALLIANCES.—
 195 (a) The department shall, in consultation with local
 196 communities, establish a community alliance or similar group of
 197 the stakeholders, community leaders, client representatives and
 198 funders of human services in each county to provide a focal
 199 point for community participation and governance of community-
 200 based services. An alliance may cover more than one county when

PCB HFS 14-03a

ORIGINAL

YEAR

201 such arrangement is determined to provide for more effective
 202 representation. The community alliance shall represent the
 203 diversity of the community.

204 (b) The duties of the community alliance include, but are
 205 not limited to:

206 1. Providing independent, community-focused, oversight of
 207 child protection and child welfare services and the local system
 208 of community-based care, as described in s. 409.998.

209 ~~2.1.~~ Joint planning for resource utilization in the
 210 community, including resources appropriated to the department
 211 and any funds that local funding sources choose to provide.

212 ~~3.2.~~ Needs assessment and establishment of community
 213 priorities for service delivery.

214 ~~4.3.~~ Determining community outcome goals to supplement
 215 state-required outcomes.

216 ~~5.4.~~ Serving as a catalyst for community resource
 217 development.

218 ~~6.5.~~ Providing for community education and advocacy on
 219 issues related to delivery of services.

220 ~~7.6.~~ Promoting prevention and early intervention services.

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

225 (d) The initial membership of the community alliance in a

PCB HFS 14-03a

ORIGINAL

YEAR

226 county shall be composed of the following, who shall be
 227 appointed by the entities they represent:

228 1. A representative from the department, who shall serve
 229 as an ex officio-member.

230 ~~1.2.~~ A representative from county government.

231 ~~2.3.~~ A representative from the school district.

232 ~~3.4.~~ A representative from the county United Way.

233 ~~4.5.~~ A representative from the county sheriff's office,
 234 unless the county sheriff's office is providing child protective
 235 services, in which case the representative shall serve as an ex
 236 officio member.

237 ~~5.6.~~ A representative from the circuit court corresponding
 238 to the county.

239 ~~6.7.~~ A representative from the county children's board, if
 240 one exists.

241 7. An advocate for persons receiving child protection and
 242 child welfare services chosen by the secretary.

243 8. A representative from the community-based care lead
 244 agency, who shall serve as an ex-officio member.

245 (e) At any time after the initial meeting of the community
 246 alliance, the community alliance shall adopt bylaws and may
 247 increase the membership of the alliance to include the state
 248 attorney for the judicial circuit in which the community
 249 alliance is located, or his or her designee, the public defender
 250 for the judicial circuit in which the community alliance is

PCB HFS 14-03a

ORIGINAL

YEAR

251 | located, or his or her designee, and other individuals and
 252 | organizations who represent funding organizations, are community
 253 | leaders, have knowledge of community-based service issues, or
 254 | otherwise represent perspectives that will enable them to
 255 | accomplish the duties listed in paragraph (b), if, in the
 256 | judgment of the alliance, such change is necessary to adequately
 257 | represent the diversity of the population within the community
 258 | alliance service circuits.

259 | (f) A member of the community alliance, other than a
 260 | member specified in paragraph (d), may not receive payment for
 261 | contractual services from the department or a community-based
 262 | care lead agency.

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

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

273 | (i) Actions taken by a community alliance must be
 274 | consistent with department policy and state and federal laws,
 275 | rules, and regulations.

PCB HFS 14-03a

ORIGINAL

YEAR

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

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

283 Section 2. Paragraphs (o) and (p) are added to subsection
 284 (1) of section 39.001, Florida Statutes, and paragraphs (b),
 285 (c), (g), and (k) of that subsection is amended, present
 286 paragraphs (f) through (h) of subsection (3) of that section are
 287 redesignated as paragraphs (g) through (i), respectively, and a
 288 new paragraph (f) is added to that subsection, and present
 289 subsections (4) through (11) of that section are redesignated as
 290 subsections (5) through (12), respectively, a new subsection (4)
 291 is added to that section, and paragraph (c) of present
 292 subsection (8) and paragraph (b) of present subsection (10) of
 293 that section are amended, to read:

294 39.001 Purposes and intent; personnel standards and
 295 screening.—

296 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

297 (b) To recognize that most families desire to be competent
 298 caregivers and providers for their children and that children
 299 achieve their greatest potential when families are able to
 300 support and nurture the growth and development of their

PCB HFS 14-03a

ORIGINAL

YEAR

301 children. Therefore, the Legislature finds that policies and
 302 procedures that provide for prevention and intervention through
 303 the department's child protection system should be based on the
 304 following principles:

305 1. The health and safety of the children served shall be
 306 of paramount concern.

307 2. The prevention and intervention should engage families
 308 in constructive, supportive, and nonadversarial relationships.

309 3. The prevention and intervention should intrude as
 310 little as possible into the life of the family, be focused on
 311 clearly defined objectives, and take the most parsimonious path
 312 to remedy a family's problems, keeping the safety of the child
 313 or children as the paramount concern.

314 4. The prevention and intervention should be based upon
 315 outcome evaluation results that demonstrate success in
 316 protecting children and supporting families.

317 (c) To provide a child protection system that reflects a
 318 partnership between the department, other agencies, the courts,
 319 law enforcement, service providers, and local communities.

320 (g) To ensure that the parent or legal custodian from
 321 whose custody the child has been taken assists the department to
 322 the fullest extent possible in locating relatives suitable to
 323 serve as caregivers for the child and providing all medical and
 324 educational information, or consent for access thereto, needed
 325 to help the child.

PCB HFS 14-03a

ORIGINAL

YEAR

326 (k) To make every possible effort, if ~~when~~ two or more
 327 children who are in the care or under the supervision of the
 328 department are siblings, to place the siblings in the same home;
 329 and in the event of permanent placement of the siblings, to
 330 place them in the same adoptive home or, if the siblings are
 331 separated while under the care or supervision of the department
 332 or in a permanent placement, to keep them in contact with each
 333 other.

334 (o) To preserve and strengthen families who are caring for
 335 medically complex children.

336 (p) To provide protective investigations that are
 337 conducted by trained persons in a complete and fair manner, are
 338 promptly concluded, and consider the above purposes and general
 339 protections provided in law.

340 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
 341 the Legislature that the children of this state be provided with
 342 the following protections:

343 (f) Access to sufficient home and community-based support
 344 for medically complex children to allow them to remain in the
 345 least restrictive and most nurturing environment, which includes
 346 sufficient home and community-based services in an amount and
 347 scope comparable to those the child would receive in out-of-home
 348 care placement.

349 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The
 350 department shall maintain a program of family-centered services

PCB HFS 14-03a

ORIGINAL

YEAR

351 and supports for medically complex children. The purpose of the
 352 program is to prevent abuse and neglect of medically complex
 353 children while enhancing the capacity of families to provide for
 354 their children's needs. Program services must include outreach,
 355 early intervention, and provision of home and community-based
 356 services such as care coordination, respite care, and direct
 357 home care. The department shall work with the Agency for Health
 358 Care Administration and the Department of Health to provide
 359 needed services.

360 (9)~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

361 (c) The office is authorized and directed to:

362 1. Oversee the preparation and implementation of the state
 363 plan established under subsection (10)~~(9)~~ and revise and update
 364 the state plan as necessary.

365 2. Provide for or make available continuing professional
 366 education and training in the prevention of child abuse and
 367 neglect.

368 3. Work to secure funding in the form of appropriations,
 369 gifts, and grants from the state, the Federal Government, and
 370 other public and private sources in order to ensure that
 371 sufficient funds are available for the promotion of adoption,
 372 support of adoptive families, and child abuse prevention
 373 efforts.

374 4. Make recommendations pertaining to agreements or
 375 contracts for the establishment and development of:

PCB HFS 14-03a

ORIGINAL

YEAR

- 376 a. Programs and services for the promotion of adoption,
 377 support of adoptive families, and prevention of child abuse and
 378 neglect.
- 379 b. Training programs for the prevention of child abuse and
 380 neglect.
- 381 c. Multidisciplinary and discipline-specific training
 382 programs for professionals with responsibilities affecting
 383 children, young adults, and families.
- 384 d. Efforts to promote adoption.
- 385 e. Postadoptive services to support adoptive families.
- 386 5. Monitor, evaluate, and review the development and
 387 quality of local and statewide services and programs for the
 388 promotion of adoption, support of adoptive families, and
 389 prevention of child abuse and neglect and shall publish and
 390 distribute an annual report of its findings on or before January
 391 1 of each year to the Governor, the Speaker of the House of
 392 Representatives, the President of the Senate, the head of each
 393 state agency affected by the report, and the appropriate
 394 substantive committees of the Legislature. The report shall
 395 include:
- 396 a. A summary of the activities of the office.
- 397 b. A summary of the adoption data collected and reported
 398 to the federal Adoption and Foster Care Analysis and Reporting
 399 System (AFCARS) and the federal Administration for Children and
 400 Families.

PCB HFS 14-03a

ORIGINAL

YEAR

401 c. A summary of the child abuse prevention data collected
 402 and reported to the National Child Abuse and Neglect Data System
 403 (NCANDS) and the federal Administration for Children and
 404 Families.

405 d. A summary detailing the timeliness of the adoption
 406 process for children adopted from within the child welfare
 407 system.

408 e. Recommendations, by state agency, for the further
 409 development and improvement of services and programs for the
 410 promotion of adoption, support of adoptive families, and
 411 prevention of child abuse and neglect.

412 f. Budget requests, adoption promotion and support needs,
 413 and child abuse prevention program needs by state agency.

414 6. Work with the direct-support organization established
 415 under s. 39.0011 to receive financial assistance.

416 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—

417 (b) The office and the other agencies and organizations
 418 listed in paragraph (10)~~(9)~~~~(a)~~ shall readdress the state
 419 plan and make necessary revisions every 5 years, at a minimum.
 420 Such revisions shall be submitted to the Speaker of the House of
 421 Representatives and the President of the Senate no later than
 422 June 30 of each year divisible by 5. At least biennially, the
 423 office shall review the state plan and make any necessary
 424 revisions based on changing needs and program evaluation
 425 results. An annual progress report shall be submitted to update

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

426 the state plan in the years between the 5-year intervals. In
 427 order to avoid duplication of effort, these required plans may
 428 be made a part of or merged with other plans required by either
 429 the state or Federal Government, so long as the portions of the
 430 other state or Federal Government plan that constitute the state
 431 plan for the promotion of adoption, support of adoptive
 432 families, and prevention of child abuse, abandonment, and
 433 neglect are clearly identified as such and are provided to the
 434 Speaker of the House of Representatives and the President of the
 435 Senate as required above.

436 Section 3. Present subsections (42) through (76) of section
 437 39.01, Florida Statutes, are redesignated as subsections (43)
 438 through (79), respectively, new subsections (33), (42), (67) and
 439 (71) are added to that section, and subsections (10), (22), and
 440 (33) are amended, to read:

441 39.01 Definitions.—When used in this chapter, unless the
 442 context otherwise requires:

443 (10) "Caregiver" means the parent, legal custodian,
 444 permanent guardian, adult household member, or other person
 445 responsible for a child's welfare as defined in subsection (48)
 446 ~~(47)~~.

447 (18) "Comprehensive assessment" or "assessment" means the
 448 gathering of information for the evaluation of a child's and
 449 caregiver's physical, psychiatric, psychological or mental
 450 health, developmental delays or challenges, educational,

PCB HFS 14-03a

ORIGINAL

YEAR

451 vocational, and social condition and family environment as they
 452 relate to the child's and caregiver's need for rehabilitative
 453 and treatment services, including substance abuse treatment
 454 services, mental health services, developmental services,
 455 literacy services, medical services, family services, and other
 456 specialized services, as appropriate.

457 (22) "Diligent efforts by a parent" means a course of
 458 conduct which results in a meaningful change in the behavior of
 459 a parent which a reduction reduces in risk to the child in the
 460 child's home to the extent that ~~would allow~~ the child may ~~to~~ be
 461 safely placed permanently back in the home as set forth in the
 462 case plan.

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

468 (33) "Impending danger" means a situation in which family
 469 behaviors, attitudes, motives, emotions or situations pose a
 470 threat which may not be currently active but can be anticipated
 471 to become active and to have severe effects on a child at any
 472 time.

473 ~~(34)~~ (33) "Institutional child abuse or neglect" means
 474 situations of known or suspected child abuse or neglect in which
 475 the person allegedly perpetrating the child abuse or neglect is

PCB HFS 14-03a

ORIGINAL

YEAR

476 an employee of a private school, public or private day care
 477 center, residential home, institution, facility, or agency or
 478 any other person at such institution responsible for the child's
 479 care as defined in subsection (48) ~~(47)~~.

480 (43) "Medical neglect" means the failure to provide or the
 481 failure to allow needed care as recommended by a health care
 482 practitioner for a physical injury, illness, medical condition,
 483 or impairment, or the failure to seek timely and appropriate
 484 medical care for a serious health problem that a reasonable
 485 person would have recognized as requiring professional medical
 486 attention. Medical neglect does not occur if the parent or legal
 487 custodian of the child has made reasonable attempts to obtain
 488 necessary health care services or the immediate health condition
 489 giving rise to the allegation of neglect is a known and expected
 490 complication of the child's diagnosis or treatment and:

491 (a) The recommended care offers limited net benefit to the
 492 child and the morbidity or other side effects of the treatment
 493 may be considered to be greater than the anticipated benefit; or

494 (b) The parent received conflicting medical recommendations
 495 for treatment from multiple practitioners and did not follow all
 496 recommendations.

497 (59) "Present danger" means a significant and clearly
 498 observable family condition that is occurring at the current
 499 moment and is already endangering or threatening to endanger the
 500 child. Present danger threats are conspicuous and require an

PCB HFS 14-03a

ORIGINAL

YEAR

501 immediate protective action be taken to ensure the child's
 502 safety.

503 (60)~~(59)~~ "Preventive services" means social services and
 504 other supportive and rehabilitative services provided to the
 505 parent or legal custodian of the child and to the child for the
 506 purpose of averting the removal of the child from the home or
 507 disruption of a family which will or could result in the
 508 placement of a child in foster care. Social services and other
 509 supportive and rehabilitative services shall promote the child's
 510 developmental needs and need for physical, mental, and emotional
 511 health and a safe, stable, living environment, shall promote
 512 family autonomy, and shall strengthen family life, whenever
 513 possible.

514 (66)~~(65)~~ "Reunification services" means social services
 515 and other supportive and rehabilitative services provided to the
 516 parent of the child, to the child, and, where appropriate, to
 517 the relative placement, nonrelative placement, or foster parents
 518 of the child, for the purpose of enabling a child who has been
 519 placed in out-of-home care to safely return to his or her parent
 520 at the earliest possible time. The health and safety of the
 521 child shall be the paramount goal of social services and other
 522 supportive and rehabilitative services. The services shall
 523 promote the child's need for physical, developmental, mental,
 524 and emotional health and a safe, stable, living environment,
 525 shall promote family autonomy, and shall strengthen family life,

PCB HFS 14-03a

ORIGINAL

YEAR

526 whenever possible.

527 (67) "Safety plan" means a plan created to control present
 528 or impending danger using the least intrusive means appropriate
 529 to protect a child when a parent, caregiver, or legal custodian
 530 is unavailable, unwilling, or unable to do so.

531 (73) "Sibling" means:

532 (a) A child who shares a birth parent or legal parent with
 533 one or more other children; or

534 (b) A child who has lived together in a family with one or
 535 more other children whom he or she identifies as siblings.

536 Section 4. Section 39.2015, Florida Statutes, is created to
 537 read:

538 39.2015 Critical incident rapid response team.-

539 (1) The department shall conduct an immediate
 540 investigation of deaths or other serious incidents involving
 541 children using critical incident rapid response teams as
 542 provided in subsection (2). The purpose of such investigation is
 543 to identify root causes and rapidly determine the need to change
 544 policies and practices related to child protection and child
 545 welfare.

546 (2) An immediate onsite investigation conducted by a
 547 critical incident rapid response team is required for all child
 548 deaths reported to the department if the child or another child
 549 in his or her family was the subject of a verified report of
 550 suspected abuse or neglect in the previous 12 months. The

PCB HFS 14-03a

ORIGINAL

YEAR

551 secretary may direct an immediate investigation for other cases
 552 involving serious injury to a child.

553 (3) Each investigation shall be conducted by a team of at
 554 least five professionals with expertise in child protection,
 555 child welfare, and organizational management. The team may be
 556 selected from employees of the department, community-based care
 557 lead agencies, other provider organizations, faculty from the
 558 institute consisting of public and private universities offering
 559 degrees in social work established pursuant to s. 1004.615, or
 560 any other persons with the required expertise. The majority of
 561 the team must reside in judicial circuits outside the location
 562 of the incident. The secretary shall appoint a team leader for
 563 each group assigned to an investigation.

564 (4) An investigation shall be initiated as soon as
 565 possible, but not later than 2 business days after the case is
 566 reported to the department. A preliminary report on each case
 567 shall be provided to the secretary no later than 30 days after
 568 the investigation begins.

569 (5) Each member of the team is authorized to access all
 570 information in the case file.

571 (6) All employees of the department or other state
 572 agencies and all personnel from contracted provider
 573 organizations are required to cooperate with the investigation
 574 by participating in interviews and timely responding to any
 575 requests for information.

PCB HFS 14-03a

ORIGINAL

YEAR

576 (7) The secretary shall develop cooperative agreements
 577 with other entities and organizations as necessary to facilitate
 578 the work of the team.

579 (8) The members of the team may be reimbursed by the
 580 department for per diem, mileage, and other reasonable expenses
 581 as provided in s. 112.061. The department may also reimburse the
 582 team member's employer for the associated salary and benefits
 583 during the time the team member is fulfilling the duties
 584 required under this section.

585 (9) Upon completion of the investigation, a final report
 586 shall be made available to community-based care lead agencies,
 587 to other organizations involved in the child welfare system, and
 588 to the public through the department's website.

589 (10) The secretary, in conjunction with the institute
 590 established pursuant to s. 1004.615, shall develop guidelines
 591 for investigations conducted by critical incident rapid response
 592 teams and provide training to team members. Such guidelines must
 593 direct the teams in the conduct of a root-cause analysis that
 594 identifies, classifies, and attributes responsibility for both
 595 direct and latent causes for the death or other incident,
 596 including organizational factors, preconditions, and specific
 597 acts or omissions resulting from either error or a violation of
 598 procedures.

599 (11) The secretary shall appoint an advisory committee
 600 made up of experts in child protection and child welfare to make

PCB HFS 14-03a

ORIGINAL

YEAR

601 an independent review of investigative reports from the critical
 602 incident rapid response teams and make recommendations to
 603 improve policies and practices related to child protection and
 604 child welfare services. By October 1 of each year, the advisory
 605 committee shall make an annual report to the secretary,
 606 including findings and recommendations. The secretary shall
 607 submit the report to the Governor, the President of the Senate,
 608 and the Speaker of the House of Representatives.

609 Section 5. Section 39.2022, Florida Statutes, is created to
 610 read:

611 39.2022 Public disclosure of child deaths reported to the
 612 child abuse hotline.-

613 (1) It is the intent of the Legislature to provide prompt
 614 disclosure of the basic facts of all deaths of children from
 615 birth through 18 years of age which occur in this state and
 616 which are reported to the department's child abuse hotline.
 617 Disclosure shall be posted on the department's public website.
 618 This section does not limit the public access to records under
 619 any other provision of law.

620 (2) If a child death is reported to the child abuse
 621 hotline, the department shall post on its website all of the
 622 following:

- 623 (a) Age, race, and gender of the child.
- 624 (b) Date of the child's death.
- 625 (c) Allegations of the cause of death or the preliminary

PCB HFS 14-03a

ORIGINAL

YEAR

626 cause of death, until verified, at which time the verified cause
 627 of death will also be posted.

628 (d) County and placement of the child at the time of the
 629 incident leading to the child's death, if applicable.

630 (e) Name of the community-based care lead agency, case
 631 management agency, or out-of-home licensing agency involved with
 632 the child, family, or licensed caregiver, if applicable.

633 (f) Whether the child has been the subject of any prior
 634 verified reports to the department's child abuse hotline.

635 Section 6. Paragraph (a) of subsection (9) of section
 636 39.301, Florida Statutes, is amended to read:

637 39.301 Initiation of protective investigations.—

638 (9) (a) For each report received from the central abuse
 639 hotline and accepted for investigation, the department or the
 640 sheriff providing child protective investigative services under
 641 s. 39.3065, shall perform the following child protective
 642 investigation activities to determine child safety:

643 1. Conduct a review of all relevant, available information
 644 specific to the child and family and alleged maltreatment;
 645 family child welfare history; local, state, and federal criminal
 646 records checks; and requests for law enforcement assistance
 647 provided by the abuse hotline. Based on a review of available
 648 information, including the allegations in the current report, a
 649 determination shall be made as to whether immediate consultation
 650 should occur with law enforcement, the child protection team, a

PCB HFS 14-03a

ORIGINAL

YEAR

651 domestic violence shelter or advocate, or a substance abuse or
 652 mental health professional. Such consultations should include
 653 discussion as to whether a joint response is necessary and
 654 feasible. A determination shall be made as to whether the person
 655 making the report should be contacted before the face-to-face
 656 interviews with the child and family members.

657 2. Conduct face-to-face interviews with the child; other
 658 siblings, if any; and the parents, legal custodians, or
 659 caregivers.

660 3. Assess the child's residence, including a determination
 661 of the composition of the family and household, including the
 662 name, address, date of birth, social security number, sex, and
 663 race of each child named in the report; any siblings or other
 664 children in the same household or in the care of the same
 665 adults; the parents, legal custodians, or caregivers; and any
 666 other adults in the same household.

667 4. Determine whether there is any indication that any
 668 child in the family or household has been abused, abandoned, or
 669 neglected; the nature and extent of present or prior injuries,
 670 abuse, or neglect, and any evidence thereof; and a determination
 671 as to the person or persons apparently responsible for the
 672 abuse, abandonment, or neglect, including the name, address,
 673 date of birth, social security number, sex, and race of each
 674 such person.

675 5. Complete assessment of immediate child safety for each

PCB HFS 14-03a

ORIGINAL

YEAR

676 child based on available records, interviews, and observations
 677 with all persons named in subparagraph 2. and appropriate
 678 collateral contacts, which may include other professionals. The
 679 department's child protection investigators are hereby
 680 designated a criminal justice agency for the purpose of
 681 accessing criminal justice information to be used for enforcing
 682 this state's laws concerning the crimes of child abuse,
 683 abandonment, and neglect. This information shall be used solely
 684 for purposes supporting the detection, apprehension,
 685 prosecution, pretrial release, posttrial release, or
 686 rehabilitation of criminal offenders or persons accused of the
 687 crimes of child abuse, abandonment, or neglect and may not be
 688 further disseminated or used for any other purpose.

689 6. Document the present and impending dangers to each
 690 child based on the identification of inadequate protective
 691 capacity through utilization of a standardized safety assessment
 692 instrument. If present or impending danger is identified, the
 693 child protective investigator must implement a safety plan that
 694 is specific, sufficient, feasible, and sustainable in response
 695 to the realities of the present or impending danger. A safety
 696 plan may be exclusively an in-home plan, an out of home plan, or
 697 a combination of both. A safety plan may not rely on promissory
 698 commitments by the parent, caregiver, or legal custodian who is
 699 currently not able to protect the child or on services that will
 700 not result in safety. A safety plan may not be implemented if

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

701 for any reason the parents, guardian, or legal custodian lacks
 702 the capacity or ability to comply, or if a plan is not able to
 703 be developed that is specific, sufficient, feasible, and
 704 sustainable. The plan must include, at a minimum, the specific
 705 tasks or services, their frequency and duration, the persons
 706 responsible for each, and how implementation will be monitored,
 707 as well as parental responsibility for financial support of the
 708 child and for any services contained in the plan. The plan shall
 709 provide that individuals from outside the home shall observe the
 710 children for some period of time every day, which may be
 711 fulfilled through methods including, but not limited to, daily
 712 attendance at school or child care. A safety plan shall remain
 713 in effect as long as a parent or the parents, guardian, or legal
 714 custodian does not have the protective capacity necessary to
 715 protect the child from identified danger threats. The plan must
 716 be signed by all parties as an acknowledgement that they are in
 717 agreement with the plan, though signing the plan does not
 718 constitute an admission to any allegation of abuse, abandonment,
 719 or neglect and does not constitute consent to a finding of
 720 dependency or termination of parental rights. The child
 721 protective investigator shall transfer the case to the community
 722 based care lead agency for on-going safety management and on-
 723 going services prior to closure of the investigation.
 724 (a) If present danger is identified, the child protective
 725 investigator shall create and implement the plan before leaving

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

726 the home or the location where there is present danger.

727 ~~(b) Upon completion of the immediate safety assessment, the~~
 728 ~~department shall determine the additional activities necessary~~
 729 ~~to assess impending dangers, if any, and close the~~
 730 investigation. If impending danger is identified, the child
 731 protective investigator shall create and implement a safety plan
 732 as soon as necessary to protect the safety of the child. He or
 733 she may modify the plan if he or she identifies additional
 734 impending danger.

735 (14) (a) If the department or its agent determines that a
 736 child requires immediate or long-term protection through:

- 737 ~~1.~~ medical or other health care; or
- 738 ~~2.~~ homemaker care, day care, protective supervision, or
- 739 other services to stabilize the home environment, including
- 740 intensive family preservation services through the Intensive
- 741 Crisis Counseling Program,

742
 743 such services shall first be offered for voluntary acceptance
 744 unless:

- 745 1. There are high-risk factors that may impact the ability
- 746 of the parents or legal custodians to exercise judgment. Such
- 747 factors may include the parents' or legal custodians' young age
- 748 or history of substance abuse, mental illness, or domestic
- 749 violence; or

- 750 2. There is a high likelihood of lack of compliance with

PCB HFS 14-03a

ORIGINAL

YEAR

751 voluntary services, and such noncompliance would result in the
 752 child being unsafe.

753 (b) The parents or legal custodians shall be informed of
 754 the right to refuse services, as well as the responsibility of
 755 the department to protect the child regardless of the acceptance
 756 or refusal of services. If the services are refused, a
 757 collateral contact shall include a relative, if the protective
 758 investigator has knowledge of and the ability to contact a
 759 relative. If the services are refused and the department deems
 760 that the child's need for protection ~~se~~ requires services, the
 761 department shall take the child into protective custody or
 762 petition the court as provided in this chapter. At any time
 763 after the commencement of a protective investigation, a relative
 764 may submit in writing to the protective investigator or case
 765 manager a request to receive notification of all proceedings and
 766 hearings in accordance with s. 39.502. The request shall include
 767 the relative's name, address, and phone number and the
 768 relative's relationship to the child. The protective
 769 investigator or case manager shall forward such request to the
 770 attorney for the department. The failure to provide notice to
 771 either a relative who requests it pursuant to this subsection or
 772 to a relative who is providing out-of-home care for a child may
 773 not result in any previous action of the court at any stage or
 774 proceeding in dependency or termination of parental rights under
 775 any part of this chapter being set aside, reversed, modified, or

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

776 in any way changed absent a finding by the court that a change
 777 is required in the child's best interests.

778 (c) The department, in consultation with the judiciary,
 779 shall adopt by rule:

780 1. Criteria that are factors requiring that the department
 781 take the child into custody, petition the court as provided in
 782 this chapter, or, if the child is not taken into custody or a
 783 petition is not filed with the court, conduct an administrative
 784 review. Such factors must include, but are not limited to,
 785 noncompliance with a safety plan or the case plan developed by
 786 the department, or its agent, and the family under this chapter,
 787 and prior abuse reports with findings that involve the child, a
 788 sibling, or caregiver.

789 2. Requirements that if after an administrative review the
 790 department determines not to take the child into custody or
 791 petition the court, the department shall document the reason for
 792 its decision in writing and include it in the investigative
 793 file. For all cases that were accepted by the local law
 794 enforcement agency for criminal investigation pursuant to
 795 subsection (2), the department must include in the file written
 796 documentation that the administrative review included input from
 797 law enforcement. In addition, for all cases that must be
 798 referred to child protection teams pursuant to s. 39.303(2) and
 799 (3), the file must include written documentation that the
 800 administrative review included the results of the team's

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

801 evaluation. ~~Factors that must be included in the development of~~
 802 ~~the rule include noncompliance with the case plan developed by~~
 803 ~~the department, or its agent, and the family under this chapter~~
 804 ~~and prior abuse reports with findings that involve the child or~~
 805 ~~caregiver.~~

806 Section 7. Section 39.303, Florida Statutes, is amended to
 807 read:

808 39.303 Child protection teams; services; eligible cases.-
 809 The Children's Medical Services Program in the Department of
 810 Health shall develop, maintain, and coordinate the services of
 811 one or more multidisciplinary child protection teams in each of
 812 the service districts of the Department of Children and Family
 813 Services. Such teams may be composed of appropriate
 814 representatives of school districts and appropriate health,
 815 mental health, social service, legal service, and law
 816 enforcement agencies. ~~The Legislature finds that optimal~~
 817 ~~coordination of child protection teams and sexual abuse~~
 818 ~~treatment programs requires collaboration between~~ The Department
 819 of Health and the Department of Children and Families ~~Family~~
 820 ~~Services.~~ The two departments shall maintain an interagency
 821 agreement that establishes protocols for oversight and
 822 operations of child protection teams and sexual abuse treatment
 823 programs. The State Surgeon General and the Deputy Secretary for
 824 Children's Medical Services, in consultation with the Secretary
 825 of Children and Family Services, shall maintain the

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

826 responsibility for the screening, employment, and, if necessary,
 827 the termination of child protection team medical directors, at
 828 headquarters and in the 15 districts. Child protection team
 829 medical directors shall be responsible for oversight of the
 830 teams in the districts.

831 (1) The Department of Health shall use ~~utilize~~ and convene
 832 the teams to supplement the assessment and protective
 833 supervision activities of the family safety and preservation
 834 program of the Department of Children and Families ~~Family~~
 835 ~~Services~~. ~~Nothing in This section~~ does not ~~shall be construed to~~
 836 remove or reduce the duty and responsibility of any person to
 837 report pursuant to this chapter all suspected or actual cases of
 838 child abuse, abandonment, or neglect or sexual abuse of a child.
 839 The role of the teams shall be to support activities of the
 840 program and to provide services deemed by the teams to be
 841 necessary and appropriate to abused, abandoned, and neglected
 842 children upon referral. The specialized diagnostic assessment,
 843 evaluation, coordination, consultation, and other supportive
 844 services that a child protection team shall be capable of
 845 providing include, but are not limited to, the following:

846 (a) Medical diagnosis and evaluation services, including
 847 provision or interpretation of X rays and laboratory tests, and
 848 related services, as needed, and documentation of related
 849 findings ~~relative thereto~~.

850 (b) Telephone consultation services in emergencies and in

PCB HFS 14-03a

ORIGINAL

YEAR

851 other situations.

852 (c) Medical evaluation related to abuse, abandonment, or
 853 neglect, as defined by policy or rule of the Department of
 854 Health.

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

860 (e) Expert medical, psychological, and related
 861 professional testimony in court cases.

862 (f) Case staffings to develop treatment plans for children
 863 whose cases have been referred to the team. A child protection
 864 team may provide consultation with respect to a child who is
 865 alleged or is shown to be abused, abandoned, or neglected, which
 866 consultation shall be provided at the request of a
 867 representative of the family safety and preservation program or
 868 at the request of any other professional involved with a child
 869 or the child's parent or parents, legal custodian or custodians,
 870 or other caregivers. In every such child protection team case
 871 staffing, consultation, or staff activity involving a child, a
 872 family safety and preservation program representative shall
 873 attend and participate.

874 (g) Case service coordination and assistance, including
 875 the location of services available from other public and private

PCB HFS 14-03a

ORIGINAL

YEAR

876 agencies in the community.

877 (h) Such training services for program and other employees
 878 of the Department of Children and Families ~~Family Services~~,
 879 employees of the Department of Health, and other medical
 880 professionals as is deemed appropriate to enable them to develop
 881 and maintain their professional skills and abilities in handling
 882 child abuse, abandonment, and neglect cases.

883 (i) Educational and community awareness campaigns on child
 884 abuse, abandonment, and neglect in an effort to enable citizens
 885 more successfully to prevent, identify, and treat child abuse,
 886 abandonment, and neglect in the community.

887 (j) Child protection team assessments that include, as
 888 appropriate, medical evaluations, medical consultations, family
 889 psychosocial interviews, specialized clinical interviews, or
 890 forensic interviews.

891
 892 All medical personnel participating on a child protection team
 893 must successfully complete the required child protection team
 894 training curriculum as set forth in protocols determined by the
 895 Deputy Secretary for Children's Medical Services and the
 896 Statewide Medical Director for Child Protection. A child
 897 protection team that is evaluating a report of medical neglect
 898 and assessing the health care needs of a medically complex child
 899 shall involve a physician who has experience in treating
 900 children with the same condition. Such physician may include

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

901 but not be limited to a child protection team participant, the
 902 child's treating physician, a physician within the Children's
 903 Medical Services network, or a specialist.

904 (2) The child abuse, abandonment, and neglect reports that
 905 must be referred by the department to child protection teams of
 906 the Department of Health for an assessment and other appropriate
 907 available support services as set forth in subsection (1) must
 908 include cases involving:

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

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

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

913 (d) Any sexually transmitted disease in a prepubescent
 914 child.

915 (e) Reported malnutrition of a child and failure of a
 916 child to thrive.

917 (f) Reported medical neglect of a child.

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

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

925 (3) All abuse and neglect cases transmitted for

PCB HFS 14-03a

ORIGINAL

YEAR

926 investigation to a district by the hotline must be
 927 simultaneously transmitted to the Department of Health child
 928 protection team for review. For the purpose of determining
 929 whether face-to-face medical evaluation by a child protection
 930 team is necessary, all cases transmitted to the child protection
 931 team which meet the criteria in subsection (2) must be timely
 932 reviewed by:

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

936 (b) A physician licensed under chapter 458 or chapter 459
 937 who holds board certification in a specialty other than
 938 pediatrics, who may complete the review only when working under
 939 the direction of a physician licensed under chapter 458 or
 940 chapter 459 who holds board certification in pediatrics and is a
 941 member of a child protection team;

942 (c) An advanced registered nurse practitioner licensed
 943 under chapter 464 who has a specialty ~~speciality~~ in pediatrics
 944 or family medicine and is a member of a child protection team;

945 (d) A physician assistant licensed under chapter 458 or
 946 chapter 459, who may complete the review only when working under
 947 the supervision of a physician licensed under chapter 458 or
 948 chapter 459 who holds board certification in pediatrics and is a
 949 member of a child protection team; or

950 (e) A registered nurse licensed under chapter 464, who may

PCB HFS 14-03a

ORIGINAL

YEAR

951 complete the review only when working under the direct
 952 supervision of a physician licensed under chapter 458 or chapter
 953 459 who holds certification in pediatrics and is a member of a
 954 child protection team.

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

957 (a) The child was examined for the alleged abuse or
 958 neglect by a physician who is not a member of the child
 959 protection team, and a consultation between the child protection
 960 team board-certified pediatrician, advanced registered nurse
 961 practitioner, physician assistant working under the supervision
 962 of a child protection team board-certified pediatrician, or
 963 registered nurse working under the direct supervision of a child
 964 protection team board-certified pediatrician, and the examining
 965 physician concludes that a further medical evaluation is
 966 unnecessary;

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

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

974
 975 Notwithstanding paragraphs (a), (b), and (c), a child protection

PCB HFS 14-03a

ORIGINAL

YEAR

976 team pediatrician, as authorized in subsection (3), may
 977 determine that a face-to-face medical evaluation is necessary.

978 (5) In all instances in which a child protection team is
 979 providing certain services to abused, abandoned, or neglected
 980 children, other offices and units of the Department of Health,
 981 and offices and units of the Department of Children and Families
 982 ~~Family Services~~, shall avoid duplicating the provision of those
 983 services.

984 (6) The Department of Health child protection team quality
 985 assurance program and the Department of Children and Families
 986 ~~Family Services~~' Family Safety Program Office quality assurance
 987 program shall collaborate to ensure referrals and responses to
 988 child abuse, abandonment, and neglect reports are appropriate.
 989 Each quality assurance program shall include a review of records
 990 in which there are no findings of abuse, abandonment, or
 991 neglect, and the findings of these reviews shall be included in
 992 each department's quality assurance reports.

993 Section 8. Section 39.3068, Florida Statutes, is created to
 994 read:

995 39.3068 Reports of Medical Neglect.-

996 (1) Upon receiving a report alleging medical neglect, the
 997 department or sheriff's office shall assign the case to a child
 998 protective investigator who has specialized training in
 999 addressing medical neglect or working with medically complex
 1000 children.

PCB HFS 14-03a

ORIGINAL

YEAR

1001 (2) The child protective investigator who has interacted
 1002 with the child and the child's family shall promptly contact and
 1003 provide information to the child protection team. The child
 1004 protection team shall assist the child protective investigator
 1005 in identifying immediate responses to address the medical needs
 1006 of the child with the priority of maintaining the child in the
 1007 home if the parents will be able to meet the needs of the child
 1008 with additional services. The child protective investigator and
 1009 the child protection team must use a family-centered approach to
 1010 assess the capacity of the family to meet those needs. A
 1011 family-centered approach is intended to increase independence on
 1012 the part of the family, accessibility to programs and services
 1013 within the community, and collaboration between families and
 1014 their service providers. The ethnic, cultural, economic, racial,
 1015 social, and religious diversity of families must be respected
 1016 and considered in the development and provision of services.
 1017 (3) The child shall be evaluated by the child protection
 1018 team as soon as practicable. After receipt of the report from
 1019 the child protection team, the department shall have a case
 1020 staffing which shall be attended, at a minimum, by the child
 1021 protective investigator, department legal staff, and
 1022 representatives from the child protection team which evaluated
 1023 the child, Children's Medical Services, the Agency for Health
 1024 Care Administration, the community-based care lead agency, and
 1025 any providers of services to the child. However, the Agency for

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1026 Health Care Administration is not required to attend the
 1027 staffing if the child is not Medicaid eligible. The staffing
 1028 shall, at a minimum, consider which services are available given
 1029 the family's eligibility for services, and effective in
 1030 addressing issues leading to medical neglect allegations that
 1031 would enable the child to safely remain at home. If such
 1032 services are available and effective, they shall be provided.

1033 Section 9. Paragraph (h) of subsection (8) and subsection
 1034 (9) of section 39.402, Florida Statutes, are amended to read:

1035 39.402 Placement in a shelter.—

1036 (8)

1037 (h) The order for placement of a child in shelter care
 1038 must identify the parties present at the hearing and must
 1039 contain written findings:

1040 1. That placement in shelter care is necessary based on
 1041 the criteria in subsections (1) and (2).

1042 2. That placement in shelter care is in the best interest
 1043 of the child.

1044 3. That continuation of the child in the home is contrary
 1045 to the welfare of the child because the home situation presents
 1046 a substantial and immediate danger to the child's physical,
 1047 mental, or emotional health or safety which cannot be mitigated
 1048 by the provision of preventive services.

1049 4. That based upon the allegations of the petition for
 1050 placement in shelter care, there is probable cause to believe

PCB HFS 14-03a

ORIGINAL

YEAR

1051 that the child is dependent or that the court needs additional
 1052 time, which may not exceed 72 hours, in which to obtain and
 1053 review documents pertaining to the family in order to
 1054 appropriately determine the risk to the child.

1055 5. That the department has made reasonable efforts to
 1056 prevent or eliminate the need for removal of the child from the
 1057 home. A finding of reasonable effort by the department to
 1058 prevent or eliminate the need for removal may be made and the
 1059 department is deemed to have made reasonable efforts to prevent
 1060 or eliminate the need for removal if:

1061 a. The first contact of the department with the family
 1062 occurs during an emergency;

1063 b. The appraisal of the home situation by the department
 1064 indicates that the home situation presents a substantial and
 1065 immediate danger to the child's physical, mental, or emotional
 1066 health or safety which cannot be mitigated by the provision of
 1067 preventive services;

1068 c. The child cannot safely remain at home, either because
 1069 there are no preventive services that can ensure the health and
 1070 safety of the child or because, even with appropriate and
 1071 available services being provided, the health and safety of the
 1072 child cannot be ensured; or

1073 d. The parent or legal custodian is alleged to have
 1074 committed any of the acts listed as grounds for expedited
 1075 termination of parental rights in s. 39.806(1)(f)-(i).

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1076 6. That the department has made reasonable efforts to keep
 1077 siblings together if they are removed and placed in out-of-home
 1078 care unless such a placement is not in the best interest of each
 1079 child. The department shall report to the court its efforts to
 1080 place siblings together unless the court finds that such
 1081 placement is not in the best interest of a child or his or her
 1082 sibling.

1083 ~~7.6.~~ That the court notified the parents, relatives that
 1084 are providing out-of-home care for the child, or legal
 1085 custodians of the time, date, and location of the next
 1086 dependency hearing and of the importance of the active
 1087 participation of the parents, relatives that are providing out-
 1088 of-home care for the child, or legal custodians in all
 1089 proceedings and hearings.

1090 ~~8.7.~~ That the court notified the parents or legal
 1091 custodians of their right to counsel to represent them at the
 1092 shelter hearing and at each subsequent hearing or proceeding,
 1093 and the right of the parents to appointed counsel, pursuant to
 1094 the procedures set forth in s. 39.013.

1095 ~~9.8.~~ That the court notified relatives who are providing
 1096 out-of-home care for a child as a result of the shelter petition
 1097 being granted that they have the right to attend all subsequent
 1098 hearings, to submit reports to the court, and to speak to the
 1099 court regarding the child, if they so desire.

1100 (9) (a) At any shelter hearing, the department shall

PCB HFS 14-03a

ORIGINAL

YEAR

1101 provide to the court a recommendation for scheduled contact
 1102 between the child and parents, if appropriate. The court shall
 1103 determine visitation rights absent a clear and convincing
 1104 showing that visitation is not in the best interest of the
 1105 child. Any order for visitation or other contact must conform to
 1106 ~~the provisions of~~ s. 39.0139. If visitation is ordered but will
 1107 not commence within 72 hours of the shelter hearing, the
 1108 department shall provide justification to the court.

1109 (b) If siblings who are removed from the home cannot be
 1110 placed together, the department shall provide to the court a
 1111 recommendation for frequent visitation or other ongoing
 1112 interaction between the siblings unless this interaction would
 1113 be contrary to a sibling's safety or well-being. If visitation
 1114 among siblings is ordered but will not commence within 72 hours
 1115 of the shelter hearing, the department shall provide
 1116 justification to the court for the delay.

1117 Section 10. Paragraph (d) of subsection (3) of section
 1118 39.501, Florida Statutes, is amended to read:

1119 39.501 Petition for dependency.—

1120 (3)

1121 (d) The petitioner must state in the petition, if known,
 1122 whether:

1123 1. A parent or legal custodian named in the petition has
 1124 previously unsuccessfully participated in voluntary services
 1125 offered by the department;

PCB HFS 14-03a

ORIGINAL

YEAR

1126 2. A parent or legal custodian named in the petition has
 1127 participated in mediation and whether a mediation agreement
 1128 exists;

1129 3. A parent or legal custodian has rejected the voluntary
 1130 services offered by the department;

1131 4. A parent or legal custodian named in the petition has
 1132 not fully complied with a safety plan; or

1133 5. ~~4.~~ The department has determined that voluntary services
 1134 are not appropriate for the parent or legal custodian and the
 1135 reasons for such determination.

1136
 1137 If the petitioner is the department, it shall provide all safety
 1138 assessments and safety plans involving the parent or legal
 1139 custodian to the court.

1140 Section 11. Sections (3) and (4) of section 39.604,
 1141 Florida Statutes, are amended to read:

1142 39.604 Rilya Wilson Act; short title; legislative intent;
 1143 requirements; attendance and reporting responsibilities.—

1144 (1) SHORT TITLE.—This section may be cited as the "Rilya
 1145 Wilson Act."

1146 (2) LEGISLATIVE INTENT.—The Legislature recognizes that
 1147 children who are in the care of the state due to abuse, neglect,
 1148 or abandonment are at increased risk of poor school performance
 1149 and other behavioral and social problems. It is the intent of
 1150 the Legislature that children who are currently in the care of

PCB HFS 14-03a

ORIGINAL

YEAR

1151 the state be provided with an age-appropriate education program
 1152 to help ameliorate the negative consequences of abuse, neglect,
 1153 or abandonment.

1154
 1155

1156 (3) REQUIREMENTS.—A child who is age birth ~~3-years~~ to school
 1157 entry, under court ordered protective supervision or in the
 1158 custody of the Family Safety Program Office of the Department of
 1159 Children and Families ~~Family Services~~ or a community-based lead
 1160 agency, and enrolled in a licensed early education or child care
 1161 program must attend ~~be enrolled to participate~~ in the program 5
 1162 days a week. Notwithstanding ~~the requirements of~~ s. 39.202, the
 1163 Department of Children and Families ~~Family Services~~ must notify
 1164 operators of the licensed early education or child care program,
 1165 subject to the reporting requirements of this act, of the
 1166 enrollment of any child age ~~3-years~~ birth to school entry, under
 1167 court ordered protective supervision or in the custody of the
 1168 Family Safety Program Office of the Department of Children and
 1169 Families ~~Family Services~~ or a community-based lead agency. When
 1170 a child is enrolled in an early education or child care program
 1171 regulated by the department, the child's attendance in the
 1172 program must be a required action in the safety plan or the case
 1173 plan developed for the a child pursuant to this chapter ~~who is~~
 1174 ~~enrolled in a licensed early education or child care program~~
 1175 ~~must contain the participation in this program as a required~~

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1176 ~~action~~. An exemption to participating in the licensed early
 1177 education or child care program 5 days a week may be granted by
 1178 the court.

1179 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1180 (a) A child enrolled in a licensed early education or
 1181 child care program who meets the requirements of subsection (3)
 1182 may not be withdrawn from the program without the prior written
 1183 approval of the Family Safety Program Office of the Department
 1184 of Children and Family Services or the community-based lead
 1185 agency.

1186 (b)1. If a child covered by this section is absent from
 1187 the program on a day when he or she is supposed to be present,
 1188 the person with whom the child resides must report the absence
 1189 to the program by the end of the business day. If the person
 1190 with whom the child resides, whether the parent or caregiver,
 1191 fails to timely report the absence, the absence is considered to
 1192 be unexcused. The program shall report any unexcused absence or
 1193 seven consecutive excused absences of a child who is enrolled in
 1194 the program and covered by this act to the local designated
 1195 staff of the Family Safety Program Office of the Department of
 1196 Children and Family Services or the community-based lead agency
 1197 by the end of the business day following the unexcused absence
 1198 or seventh consecutive excused absence.

1199 2. The department or community-based lead agency shall
 1200 conduct a site visit to the residence of the child upon

PCB HFS 14-03a

ORIGINAL

YEAR

1201 receiving a report of two consecutive unexcused absences or
 1202 seven consecutive excused absences.

1203 3. If the site visit results in a determination that the
 1204 child is missing, the department or community-based lead agency
 1205 shall report the child as missing to a law enforcement agency
 1206 and proceed with the necessary actions to locate the child
 1207 pursuant to procedures for locating missing children.

1208 4. If the site visit results in a determination that the
 1209 child is not missing, the parent or caregiver shall be notified
 1210 that failure to ensure that the child attends the licensed early
 1211 education or child care program is a violation of the safety
 1212 plan or case plan. If more than two site visits are conducted
 1213 pursuant to this subsection, staff shall initiate action to
 1214 notify the court of the parent or caregiver's noncompliance with
 1215 the case plan.

1216 Section 12. Paragraph (c) of subsection (2) and
 1217 paragraph (a) of subsection (3) of section 39.701, Florida
 1218 Statutes, is amended to read:

1219 39.701 Judicial review.—

1220 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 1221 AGE.—

1222 (c) Review determinations.—The court and any citizen
 1223 review panel shall take into consideration the information
 1224 contained in the social services study and investigation and all
 1225 medical, psychological, and educational records that support the

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1226 terms of the case plan; testimony by the social services agency,
 1227 the parent, the foster parent or legal custodian, the guardian
 1228 ad litem or surrogate parent for educational decisionmaking if
 1229 one has been appointed for the child, and any other person
 1230 deemed appropriate; and any relevant and material evidence
 1231 submitted to the court, including written and oral reports to
 1232 the extent of their probative value. These reports and evidence
 1233 may be received by the court in its effort to determine the
 1234 action to be taken with regard to the child and may be relied
 1235 upon to the extent of their probative value, even though not
 1236 competent in an adjudicatory hearing. In its deliberations, the
 1237 court and any citizen review panel shall seek to determine:

1238 1. If the parent was advised of the right to receive
 1239 assistance from any person or social service agency in the
 1240 preparation of the case plan.

1241 2. If the parent has been advised of the right to have
 1242 counsel present at the judicial review or citizen review
 1243 hearings. If not so advised, the court or citizen review panel
 1244 shall advise the parent of such right.

1245 3. If a guardian ad litem needs to be appointed for the
 1246 child in a case in which a guardian ad litem has not previously
 1247 been appointed or if there is a need to continue a guardian ad
 1248 litem in a case in which a guardian ad litem has been appointed.

1249 4. Who holds the rights to make educational decisions for
 1250 the child. If appropriate, the court may refer the child to the

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1251 district school superintendent for appointment of a surrogate
 1252 parent or may itself appoint a surrogate parent under the
 1253 Individuals with Disabilities Education Act and s. 39.0016.

1254 5. The compliance or lack of compliance of all parties
 1255 with applicable items of the case plan, including the parents'
 1256 compliance with child support orders.

1257 6. The compliance or lack of compliance with a visitation
 1258 contract between the parent and the social service agency for
 1259 contact with the child, including the frequency, duration, and
 1260 results of the parent-child visitation and the reason for any
 1261 noncompliance.

1262 7. The frequency, kind, and duration of sibling contacts
 1263 among siblings who have been separated during placement, as well
 1264 as any efforts undertaken to reunite separated siblings if doing
 1265 so is in the best interest of the child.

1266 8.7. The compliance or lack of compliance of the parent in
 1267 meeting specified financial obligations pertaining to the care
 1268 of the child, including the reason for failure to comply, if
 1269 applicable ~~such is the case.~~

1270 ~~9.8.~~ Whether the child is receiving safe and proper care
 1271 according to s. 39.6012, including, but not limited to, the
 1272 appropriateness of the child's current placement, including
 1273 whether the child is in a setting that is as family-like and as
 1274 close to the parent's home as possible, consistent with the
 1275 child's best interests and special needs, and including

PCB HFS 14-03a

ORIGINAL

YEAR

1276 maintaining stability in the child's educational placement, as
 1277 documented by assurances from the community-based care provider
 1278 that:

1279 a. The placement of the child takes into account the
 1280 appropriateness of the current educational setting and the
 1281 proximity to the school in which the child is enrolled at the
 1282 time of placement.

1283 b. The community-based care agency has coordinated with
 1284 appropriate local educational agencies to ensure that the child
 1285 remains in the school in which the child is enrolled at the time
 1286 of placement.

1287 9. A projected date likely for the child's return home or
 1288 other permanent placement.

1289 ~~11.10.~~ When appropriate, the basis for the unwillingness
 1290 or inability of the parent to become a party to a case plan. The
 1291 court and the citizen review panel shall determine if the
 1292 efforts of the social service agency to secure party
 1293 participation in a case plan were sufficient.

1294 ~~12.11.~~ For a child who has reached 13 years of age but is
 1295 not yet 18 years of age, the adequacy of the child's preparation
 1296 for adulthood and independent living.

1297 ~~13.12.~~ If amendments to the case plan are required.
 1298 Amendments to the case plan must be made under s. 39.6013.

1299 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1300 (a) In addition to the review and report required under

PCB HFS 14-03a

ORIGINAL

YEAR

1301 paragraphs (1) (a) and (2) (a), respectively, the court shall hold
 1302 a judicial review hearing within 90 days after a child's 17th
 1303 birthday. The court shall also issue an order, separate from the
 1304 order on judicial review, that the disability of nonage of the
 1305 child has been removed pursuant to ss. 743.044, 743.045, and
 1306 743.046, and for any of these disabilities that the court finds
 1307 is in the child's best interest to remove. The court ~~s. 743.045~~
 1308 ~~and~~ shall continue to hold timely judicial review hearings. If
 1309 necessary, the court may review the status of the child more
 1310 frequently during the year before the child's 18th birthday. At
 1311 each review hearing held under this subsection, in addition to
 1312 any information or report provided to the court by the foster
 1313 parent, legal custodian, or guardian ad litem, the child shall
 1314 be given the opportunity to address the court with any
 1315 information relevant to the child's best interest, particularly
 1316 in relation to independent living transition services. The
 1317 department shall include in the social study report for judicial
 1318 review written verification that the child has:

1319 1. A current Medicaid card and all necessary information
 1320 concerning the Medicaid program sufficient to prepare the child
 1321 to apply for coverage upon reaching the age of 18, if such
 1322 application is appropriate.

1323 2. A certified copy of the child's birth certificate and,
 1324 if the child does not have a valid driver license, a Florida
 1325 identification card issued under s. 322.051.

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1326 3. A social security card and information relating to
 1327 social security insurance benefits if the child is eligible for
 1328 those benefits. If the child has received such benefits and they
 1329 are being held in trust for the child, a full accounting of
 1330 these funds must be provided and the child must be informed as
 1331 to how to access those funds.

1332 4. All relevant information related to the Road-to-
 1333 Independence Program, including, but not limited to, eligibility
 1334 requirements, information on participation, and assistance in
 1335 gaining admission to the program. If the child is eligible for
 1336 the Road-to-Independence Program, he or she must be advised that
 1337 he or she may continue to reside with the licensed family home
 1338 or group care provider with whom the child was residing at the
 1339 time the child attained his or her 18th birthday, in another
 1340 licensed family home, or with a group care provider arranged by
 1341 the department.

1342 5. An open bank account or the identification necessary to
 1343 open a bank account and to acquire essential banking and
 1344 budgeting skills.

1345 6. Information on public assistance and how to apply for
 1346 public assistance.

1347 7. A clear understanding of where he or she will be living
 1348 on his or her 18th birthday, how living expenses will be paid,
 1349 and the educational program or school in which he or she will be
 1350 enrolled.

PCB HFS 14-03a

ORIGINAL

YEAR

1351 8. Information related to the ability of the child to
 1352 remain in care until he or she reaches 21 years of age under s.
 1353 39.013.

1354 9. A letter providing the dates that the child is under
 1355 the jurisdiction of the court.

1356 10. A letter stating that the child is in compliance with
 1357 financial aid documentation requirements.

1358 11. The child's educational records.

1359 12. The child's entire health and mental health records.

1360 13. The process for accessing his or her case file.

1361 14. A statement encouraging the child to attend all
 1362 judicial review hearings occurring after the child's 17th
 1363 birthday.

1364 Section 13. Subsection (2) of section 39.802, Florida
 1365 Statutes, is amended to read:

1366 39.802 Petition for termination of parental rights;
 1367 filing; elements.—

1368 (2) The form of the petition is governed by the Florida
 1369 Rules of Juvenile Procedure. The petition must be in writing and
 1370 signed by the petitioner ~~or, if the department is the~~
 1371 ~~petitioner, by an employee of the department,~~ under oath stating
 1372 the petitioner's good faith in filing the petition.

1373 Section 14. Subsection (1) and paragraph (c) of subsection
 1374 (3) of section 383.402, Florida Statutes, are amended to read:

1375 383.402 Child abuse death review; State Child Abuse Death

PCB HFS 14-03a

ORIGINAL

YEAR

1376 Review Committee; local child abuse death review committees.—
 1377 (1) It is the intent of the Legislature to establish a
 1378 statewide multidisciplinary, multiagency child abuse death
 1379 assessment and prevention system that consists of state and
 1380 local review committees. The state and local review committees
 1381 shall review the facts and circumstances of all deaths of
 1382 children from birth through age 18 which occur in this state and
 1383 are reported to the child abuse hotline of the Department of
 1384 Children and Families ~~as the result of verified child abuse or~~
 1385 ~~neglect~~. The purpose of the review shall be to:
 1386 (a) Achieve a greater understanding of the causes and
 1387 contributing factors of deaths resulting from child abuse.
 1388 (b) Whenever possible, develop a communitywide approach to
 1389 address such cases and contributing factors.
 1390 (c) Identify any gaps, deficiencies, or problems in the
 1391 delivery of services to children and their families by public
 1392 and private agencies which may be related to deaths that are the
 1393 result of child abuse.
 1394 (d) Make and implement recommendations for changes in law,
 1395 rules, and policies, as well as develop practice standards that
 1396 support the safe and healthy development of children and reduce
 1397 preventable child abuse deaths.
 1398 (3) The State Child Abuse Death Review Committee shall:
 1399 (c) Prepare an annual statistical report on the incidence
 1400 and causes of death resulting from reported child abuse in the

PCB HFS 14-03a

ORIGINAL

YEAR

1401 state during the prior calendar year. The state committee shall
 1402 submit a copy of the report by October 1 ~~December 31~~ of each
 1403 year to the Governor, the President of the Senate, and the
 1404 Speaker of the House of Representatives. The report must include
 1405 recommendations for state and local action, including specific
 1406 policy, procedural, regulatory, or statutory changes, and any
 1407 other recommended preventive action.

1408 Section 15. Subsection (5) of section 402.40, Florida
 1409 Statutes, is amended to read:

1410 402.40 Child welfare training and certification.—

1411 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

1412 (a) The Department of Children and Families ~~Family~~
 1413 ~~Services~~ shall approve the core competencies and related
 1414 preservice curricula that ensures that each person delivering
 1415 child welfare services obtains the knowledge, skills, and
 1416 abilities to competently carry out his or her work
 1417 responsibilities.

1418 (b) The identification of these core competencies and
 1419 development of preservice curricula shall be a collaborative
 1420 effort that includes professionals who have expertise in child
 1421 welfare services, department-approved third-party credentialing
 1422 entities, and providers that will be affected by the curriculum,
 1423 including, but not limited to, representatives from the
 1424 community-based care lead agencies, sheriffs' offices conducting
 1425 child protection investigations, and child welfare legal

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1426 services providers.

1427 (c) Community-based care agencies, sheriffs' offices, and
 1428 the department may contract for the delivery of preservice and
 1429 any additional training for persons delivering child welfare
 1430 services if the curriculum satisfies the department-approved
 1431 core competencies.

1432 (d) The department may also approve certifications
 1433 involving specializations in serving specific populations or in
 1434 skills relevant to child protection to be awarded by a third-
 1435 party credentialing entity approved pursuant to 2. 402.40(3).

1436 (e) ~~(d)~~ Department-approved credentialing entities shall,
 1437 for a period of at least 12 months after implementation of the
 1438 third-party child welfare certification programs, grant
 1439 reciprocity and award a child welfare certification to
 1440 individuals who hold current department-issued child welfare
 1441 certification in good standing, at no cost to the department or
 1442 the certificateholder.

1443 Section 16. Section 402.402, Florida Statutes, is created
 1444 to read:

1445 402.402 Child protective investigators; child protection
 1446 investigation supervisors; case managers; case manager
 1447 supervisors; department attorneys handling child welfare cases.-

1448 (1) As used in this section, the term:

1449 (a) "Human services related field" means social work,
 1450 psychology, sociology, counseling, special education, human

PCB HFS 14-03a

ORIGINAL

YEAR

1451 development, child development, family development, marriage and
 1452 family therapy, and nursing.

1453 (b) "Relevant coursework" means coursework that imparts
 1454 knowledge and leads to the development of skills with direct
 1455 application to the child protection and child welfare field from
 1456 a college or university social work program accredited by the
 1457 Council on Social Work Education.

1458 (c) "Child protection and child welfare personnel" includes
 1459 child protective investigators and child protective investigator
 1460 supervisors employed by the department or a sheriff's office and
 1461 case managers and case manager supervisors employed by a
 1462 community-based care lead agency or a subcontractor of a
 1463 community-based care lead agency.

1464 (2) CHILD PROTECTION AND CHILD WELFARE PERSONNEL
 1465 REQUIREMENTS.—

1466 (a) Child protection and child welfare personnel hired on
 1467 or after July 1, 2014, must have one of the following:

1468 1. A bachelor's or a master's degree in social work from a
 1469 college or university social work program accredited by the
 1470 Council on Social Work Education. The individual shall have had
 1471 at least 12 credit hours of relevant coursework.

1472 2. A bachelor's degree or a master's degree in a human-
 1473 services related field and at least 12 credit hours of relevant
 1474 coursework.

1475 3. A bachelor's degree or a master's degree in a human-

PCB HFS 14-03a

ORIGINAL

YEAR

1476 services related field. Within three years of hire, such
 1477 individuals shall complete 12 credit hours of relevant
 1478 coursework. The sequence of courses may be designed to provide
 1479 in-depth knowledge in serving a specific subpopulation or
 1480 developing a specific set of skills relevant to child
 1481 protection. The department shall consult with the institute
 1482 authorized in s. 1004.615 to identify courses available through
 1483 the consortium of public and private universities in the state
 1484 offering degrees in social work that fulfills this requirement.
 1485 (b) All child protective investigators and child
 1486 protective investigation supervisors employed by the department
 1487 or a sheriff's office shall complete specialized training either
 1488 focused in serving a specific population, including but not
 1489 limited to medically fragile children, sexually exploited
 1490 children, children under the age of three, or families with
 1491 issues of domestic violence, mental illness, or substance abuse,
 1492 or in performing certain aspects of child protection practice,
 1493 such as investigation techniques and analysis of family
 1494 dynamics. The specialized training may be used to fulfill
 1495 continuing education requirements pursuant to s. 402.40(2)(e).
 1496 Individuals hired before July 1, 2014, shall complete the
 1497 specialized training by June 30, 2016, and those hired on or
 1498 after July 1, 2014, shall complete the specialized training
 1499 within two years of hire. An individual may receive specialized
 1500 training in multiple areas.

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1501 (2) ATTORNEYS EMPLOYED BY THE DEPARTMENT HANDLING CHILD
 1502 WELFARE CASES.—

1503 (a) Attorneys employed by the department handling child
 1504 welfare cases hired on or after July 1, 2014, shall:

1505 1. Receive, at a minimum, the same core pre-service
 1506 training provided to child protective investigators.

1507 2. Within 60 days of hiring, shadow an experienced child
 1508 protective investigator and an experienced case manager for at
 1509 least 8 hours each.

1510 Section 17. Section 402.403, Florida Statutes, is created
 1511 to read:

1512 402.403 Child Protective Investigator and Supervisor
 1513 Tuition Exemption Program.—

1514 (1) There is established within the department the Child
 1515 Protective Investigator and Supervisor Tuition Exemption Program
 1516 for the purpose of recruiting and retaining high-performing
 1517 individuals who are employed as child protective investigators
 1518 or child protective investigation supervisors with the
 1519 department or a sheriff's office and who do not have a
 1520 bachelor's degree or master's degree in social work. The
 1521 department or sheriff's office may approve the exemption from
 1522 tuition and fees for a state university for an employee who:

1523 (a) Has been employed as a child protective investigator
 1524 or child protective investigation supervisor by the department
 1525 or sheriff's office for at least two years and who is determined

PCB HFS 14-03a

ORIGINAL

YEAR

1526 by the department or sheriff's office to have a high level of
 1527 performance; and

1528 (b) Is accepted in an upper-division undergraduate or
 1529 graduate level college or university social work program
 1530 accredited by the Council on Social Work Education which leads
 1531 to either a bachelor's degree or a master's degree in social
 1532 work, or is completing 12 credit hours of relevant coursework as
 1533 required under s. 402.403(2) (a)3.

1534 Section 18. Section 402.404, Florida Statutes, is created
 1535 to read:

1536 402.404 Child Protective Investigator and Supervisor
 1537 Student Loan Forgiveness Program.—

1538 (1) There is established within the department the Florida
 1539 Child Protective Investigator and Supervisor Student Loan
 1540 Forgiveness Program. The purpose of the program is to increase
 1541 employment and retention of high-performing individuals who have
 1542 either a bachelor's degree or a master's degree in social work
 1543 as child protective investigators or child protective
 1544 investigation supervisors with the department or sheriff's
 1545 office by making payments toward loans received by students from
 1546 federal or state programs or commercial lending institutions for
 1547 the support of prior postsecondary study in accredited social
 1548 work programs.

1549 (2) In order to be eligible for the program, a candidate
 1550 must be employed as a child protective investigator or child

PCB HFS 14-03a

ORIGINAL

YEAR

1551 protective investigation supervisor by the department or a
 1552 sheriff's office for at least two years, must be determined by
 1553 the department or sheriff's office to have a high level of
 1554 performance, and must have graduated from an accredited social
 1555 work program with either a bachelor's degree or a master's
 1556 degree in social work.

1557 (3) Only loans to pay the costs of tuition, books, fees,
 1558 and living expenses shall be covered.

1559 (4) The department may make loan payments of up to \$3,000
 1560 each year for up to 4 years on behalf of selected graduates of
 1561 an accredited social work program from the funds appropriated
 1562 for this purpose. All payments are contingent upon continued
 1563 proof of employment as a child protective investigator or a
 1564 child protective investigation supervisor with the department or
 1565 sheriff's office and made directly to the holder of the loan.

1566 (5) A student who receives a tuition exemption pursuant to
 1567 s. 402.403 is not eligible to participate in the Child
 1568 Protective Investigator Student Loan Forgiveness Program.

1569 (6) A community based-care lead agency may provide loan
 1570 forgiveness for case managers and case manager supervisors that
 1571 it employs or who are employed by its subcontractors.

1572 Section 19. Section 409.165, Florida Statutes, is amended
 1573 to read:

1574 409.165 Alternate care for children.-

1575 (1) Within funds appropriated, the department shall

PCB HFS 14-03a

ORIGINAL

YEAR

1576 establish and supervise a program of emergency shelters, runaway
 1577 shelters, foster homes, group homes, agency-operated group
 1578 treatment homes, nonpsychiatric residential group care
 1579 facilities, psychiatric residential treatment facilities, and
 1580 other appropriate facilities to provide shelter and care for
 1581 dependent children who must be placed away from their families.
 1582 The department, in accordance with outcome ~~established~~ goals
 1583 established in s. 409.986, shall contract for the provision of
 1584 such shelter and care by counties, municipalities, nonprofit
 1585 corporations, and other entities capable of providing needed
 1586 services if:

1587 (a) The services so provided comply with all department
 1588 standards, policies, and procedures ~~are available~~;

1589 (b) The services can be ~~so~~ provided at a reasonable cost
 1590 ~~are more cost-effective than those provided by the department~~;
 1591 and

1592 (c) Unless otherwise provided by law, such providers of
 1593 shelter and care are licensed by the department.

1594
 1595 ~~It is the legislative intent that the~~

1596 (2) Funds appropriated for the alternate care of children
 1597 as described in this section may be used to meet the needs of
 1598 children in their own homes or those of relatives if the
 1599 children can be safely served in such settings ~~their own homes,~~
 1600 ~~or the homes of relatives~~, and the expenditure of funds in such

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1601 manner is equal to or less than the cost of out-of-home
 1602 placement ~~calculated by the department to be an eventual cost~~
 1603 ~~savings over placement of children.~~

1604 (3)-(2) The department shall ~~may~~ cooperate with all child
 1605 service institutions or agencies within the state which meet the
 1606 department's standards in order to maintain a comprehensive,
 1607 coordinated, and inclusive system for promoting and protecting
 1608 the well-being of children, consistent with the goals
 1609 established in s. 409.986 ~~rules for proper care and supervision~~
 1610 ~~prescribed by the department for the well-being of children.~~

1611 (a) The department shall work with the Department of
 1612 Health in the development, utilization, and monitoring of
 1613 medical foster homes for medically complex children.

1614 (b) The department shall work with the Agency for Health
 1615 Care Administration and the Agency for Persons with Disabilities
 1616 to provide such home and community-based services as may be
 1617 necessary to maintain medically complex children in the least
 1618 restrictive and most nurturing environment.

1619 (4)-(3) With the written consent of parents, custodians, or
 1620 guardians, or in accordance with those provisions in chapter 39
 1621 that relate to dependent children, the department, under rules
 1622 properly adopted, may place a child:

1623 (a) With a relative;

1624 (b) With an adult nonrelative approved by the court for
 1625 long-term custody;

PCB HFS 14-03a

ORIGINAL

YEAR

1626 (c) With a person who is considering the adoption of a
 1627 child in the manner provided for by law;
 1628 (d) When limited, except as provided in paragraph (b), to
 1629 temporary emergency situations, with a responsible adult
 1630 approved by the court;
 1631 (e) With a person or family approved by the department to
 1632 serve as a medical foster home;
 1633 (f)~~(e)~~ With a person or agency licensed by the department
 1634 in accordance with s. 409.175; or
 1635 (g)~~(f)~~ In a subsidized independent living situation,
 1636 subject to the provisions of s. 409.1451(4)(c),
 1637
 1638 under such conditions as are determined to be for the best
 1639 interests or the welfare of the child. Any child placed in an
 1640 institution or in a family home by the department or its agency
 1641 may be removed by the department or its agency, and such other
 1642 disposition may be made as is for the best interest of the
 1643 child, including transfer of the child to another institution,
 1644 another home, or the home of the child. Expenditure of funds
 1645 appropriated for out-of-home care can be used to meet the needs
 1646 of a child in the child's own home or the home of a relative if
 1647 the child can be safely served in the child's own home or that
 1648 of a relative if placement can be avoided by the expenditure of
 1649 such funds, and if the expenditure of such funds in this manner
 1650 is equal to or less than the cost of out-of-home placement

PCB HFS 14-03a

ORIGINAL

YEAR

1651 ~~calculated by the department to be a potential cost savings.~~

1652 Section 20. Paragraph (c) of subsection (2) of section
 1653 409.967, Florida Statutes, is amended to read:

1654 409.967 Managed care plan accountability.—

1655 (2) The agency shall establish such contract requirements
 1656 as are necessary for the operation of the statewide managed care
 1657 program. In addition to any other provisions the agency may deem
 1658 necessary, the contract must require:

1659 (c) Access.—

1660 1. The agency shall establish specific standards for the
 1661 number, type, and regional distribution of providers in managed
 1662 care plan networks to ensure access to care for both adults and
 1663 children. Each plan must maintain a regionwide network of
 1664 providers in sufficient numbers to meet the access standards for
 1665 specific medical services for all recipients enrolled in the
 1666 plan. The exclusive use of mail-order pharmacies may not be
 1667 sufficient to meet network access standards. Consistent with the
 1668 standards established by the agency, provider networks may
 1669 include providers located outside the region. A plan may
 1670 contract with a new hospital facility before the date the
 1671 hospital becomes operational if the hospital has commenced
 1672 construction, will be licensed and operational by January 1,
 1673 2013, and a final order has issued in any civil or
 1674 administrative challenge. Each plan shall establish and maintain
 1675 an accurate and complete electronic database of contracted

PCB HFS 14-03a

ORIGINAL

YEAR

1676 providers, including information about licensure or
 1677 registration, locations and hours of operation, specialty
 1678 credentials and other certifications, specific performance
 1679 indicators, and such other information as the agency deems
 1680 necessary. The database must be available online to both the
 1681 agency and the public and have the capability to compare the
 1682 availability of providers to network adequacy standards and to
 1683 accept and display feedback from each provider's patients. Each
 1684 plan shall submit quarterly reports to the agency identifying
 1685 the number of enrollees assigned to each primary care provider.

1686 2. Each managed care plan must publish any prescribed drug
 1687 formulary or preferred drug list on the plan's website in a
 1688 manner that is accessible to and searchable by enrollees and
 1689 providers. The plan must update the list within 24 hours after
 1690 making a change. Each plan must ensure that the prior
 1691 authorization process for prescribed drugs is readily accessible
 1692 to health care providers, including posting appropriate contact
 1693 information on its website and providing timely responses to
 1694 providers. For Medicaid recipients diagnosed with hemophilia who
 1695 have been prescribed anti-hemophilic-factor replacement
 1696 products, the agency shall provide for those products and
 1697 hemophilia overlay services through the agency's hemophilia
 1698 disease management program.

1699 3. Managed care plans, and their fiscal agents or
 1700 intermediaries, must accept prior authorization requests for any

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

1701 service electronically.

1702 4. Managed care plans serving children in the care and
 1703 custody of the Department of Children and Families must maintain
 1704 complete medical, dental, and behavioral health information and
 1705 provide such information to the department for inclusion in the
 1706 state's child welfare data system. Using such documentation, the
 1707 agency and the department shall determine the plan's compliance
 1708 with standards for access to medical, dental, and behavioral
 1709 health services, the use of psychotropic medications, and
 1710 followup on all medically necessary services recommended as a
 1711 result of early and periodic screening diagnosis and treatment.

1712 Section 21. The Division of Law Revision and Information is
 1713 directed to create part V of chapter 409, Florida Statutes,
 1714 consisting of ss. 409.986-409.998, Florida Statutes, to be
 1715 titled "Community-Based Child Welfare."

1716 Section 22. Section 409.986, Florida Statutes, is created
 1717 to read:

1718 409.986 Legislative findings, intent, and definitions.—

1719 (1) LEGISLATIVE FINDINGS AND INTENT.—

1720 (a) It is the intent of the Legislature that the
 1721 Department of Children and Families provide child protection and
 1722 child welfare services to children through contracting with
 1723 community-based care lead agencies. It is further the
 1724 Legislature's intent that communities and other stakeholders in
 1725 the well-being of children participate in assuring safety,

PCB HFS 14-03a

ORIGINAL

YEAR

1726 permanence, and well-being for all children in the state.
 1727 (b) The Legislature finds that, when private entities
 1728 assume responsibility for the care of children in the child
 1729 protection and child welfare system, adequate oversight of the
 1730 programmatic, administrative, and fiscal operation of those
 1731 entities is essential. The Legislature finds that, ultimately,
 1732 the appropriate care of children is the responsibility of the
 1733 state and outsourcing the provision of such care does not
 1734 relieve the state of its responsibility to ensure that
 1735 appropriate care is provided.
 1736 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the
 1737 goal of the department to achieve the following outcomes in
 1738 conjunction with the community-based care lead agency,
 1739 community-based subcontractors, and the community-based care
 1740 alliance:
 1741 (a) Children are first and foremost protected from abuse
 1742 and neglect.
 1743 (b) Children are safely maintained in their homes if
 1744 possible and appropriate.
 1745 (c) Services are provided to protect children and prevent
 1746 removal from the home.
 1747 (d) Children have permanency and stability in their living
 1748 arrangements.
 1749 (e) Family relationships and connections are preserved for
 1750 children.

PCB HFS 14-03a

ORIGINAL

YEAR

1751 (f) Families have enhanced capacity to provide for their
 1752 children's needs.

1753 (g) Children receive appropriate services to meet their
 1754 educational needs.

1755 (h) Children receive adequate services to meet their
 1756 physical and mental health needs.

1757 (i) Children develop capacity for independent living and
 1758 competence as an adult.

1759 (3) DEFINITIONS.—As used in this part, except as otherwise
 1760 specially provided, the term:

1761 (a) "Child" or "children" means has the same meaning as
 1762 the term "child" as defined in s. 39.01.

1763 (b) "Dependent child" means a child who has been
 1764 determined by the court to be in need of care due to allegations
 1765 of abuse, neglect, or abandonment.

1766 (c) "Care" means services of any kind which are designed
 1767 to facilitate a child remaining safely in his or her own home,
 1768 returning safely to his or her own home if he or she is removed,
 1769 or obtaining an alternative permanent home if he or she cannot
 1770 remain home or be returned home.

1771 (d) "Community-based care lead agency" or "lead agency"
 1772 means a single entity with which the department has a contract
 1773 for the provision of care for children in the child protection
 1774 and child welfare system in a community that is no smaller than
 1775 a county and no larger than two contiguous judicial circuits.

PCB HFS 14-03a

ORIGINAL

YEAR

1776 The secretary of the department may authorize more than one
 1777 eligible lead agency within a single county if doing so will
 1778 result in more effective delivery of services to children.

1779 (e) "Community-based care alliance" or "alliance" means
 1780 the group of stakeholders, community leaders, client
 1781 representatives, and funders of human services established
 1782 pursuant to s. 20.09(5) to provide a focal point for community
 1783 participation and oversight of community-based services.

1784 (f) "Related services" includes, but is not limited to,
 1785 family preservation, independent living, emergency shelter,
 1786 residential group care, foster care, therapeutic foster care,
 1787 intensive residential treatment, foster care supervision, case
 1788 management, coordination of mental health services,
 1789 postplacement supervision, permanent foster care, and family
 1790 reunification.

1791 Section 23. Section 409.987, Florida Statutes, is created
 1792 to read:

1793 409.987 Lead agency procurement.-

1794 (1) Community-based care lead agencies shall be procured
 1795 by the department through a competitive process as required by
 1796 chapter 287.

1797 (2) The department shall produce a schedule for the
 1798 procurement of community-based care lead agencies and provide
 1799 the schedule to the community-based care alliances established
 1800 pursuant to s. 409.998 and post it on the department's website.

PCB HFS 14-03a

ORIGINAL

YEAR

1801 (3) Notwithstanding s. 287.057, the department shall use
 1802 5-year contracts with lead agencies.

1803 (4) In order to serve as a lead agency, an entity must:

1804 (a) Be organized as a Florida corporation or a
 1805 governmental entity.

1806 (b) Be governed by a board of directors. The membership
 1807 of the board of directors must be described in the bylaws or
 1808 articles of incorporation of each lead agency, which must
 1809 provide that at least 75 percent of the membership of the board
 1810 of directors must be composed of persons residing in this state,
 1811 and at least 51 percent of the state residents on the board of
 1812 directors must reside within the service area of the lead
 1813 agency. However, for procurements of lead agency contracts
 1814 initiated on or after July 1, 2014:

1815 1. At least 75 percent of the membership of the board of
 1816 directors must be persons residing in this state, and at least
 1817 51 percent of the membership of the board of directors must be
 1818 persons residing within the service area of the lead agency.

1819 2. The board of directors' powers must include hiring the
 1820 lead agency's executive director, approving the lead agency's
 1821 budget, and setting the lead agency's operational policy and
 1822 procedures.

1823 3. The membership of the board of directors must be
 1824 described in the bylaws or articles of incorporation of each
 1825 lead agency and require representation from throughout the

PCB HFS 14-03a

ORIGINAL

YEAR

1826 service area of the lead agency and, at a minimum, from local
 1827 government, law enforcement, a school district, a children's
 1828 services council if one operates in the service area, and the
 1829 United Way or other local funding organization.

1830 (c) Demonstrate financial responsibility through an
 1831 organized plan for regular fiscal audits and the posting of a
 1832 performance bond.

1833 (5) The department's procurement team procuring any lead
 1834 agencies' contracts must include individuals from the community
 1835 alliance in the area to be served under the contract. All
 1836 meetings at which vendors make presentations to or negotiate
 1837 with the procurement team shall be held in the area to be served
 1838 by the contract.

1839 Section 24. Section 409.988, Florida Statutes, is created
 1840 to read:

1841 409.988 Lead agency duties; general provisions.—

1842 (1) DUTIES.—A lead agency:

1843 (a) Shall serve all children referred as a result of a
 1844 report of abuse, neglect, or abandonment to the department's
 1845 child abuse hotline regardless of the level of funding allocated
 1846 to the lead agency by the state if all related funding is
 1847 transferred.

1848 (b) Shall provide accurate and timely information
 1849 necessary for oversight by the department pursuant to the child
 1850 welfare results-oriented accountability system required by s.

PCB HFS 14-03a

ORIGINAL

YEAR

1851 409.997.

1852 (c) Shall follow the financial guidelines developed by the

1853 department and provide for a regular independent auditing of its

1854 financial activities. Such financial information shall be

1855 provided to the community-based care alliance established under

1856 s. 409.998.

1857 (d) Shall prepare all judicial reviews, case plans, and

1858 other reports necessary for court hearings for dependent

1859 children, except those related to the investigation of a

1860 referral from the department's child abuse hotline, and shall

1861 provide testimony as required for dependency court proceedings.

1862 This duty does not include the preparation of legal pleadings or

1863 other legal documents, which remain the responsibility of the

1864 department.

1865 (e) Shall ensure that all individuals providing care for

1866 dependent children receive appropriate training and meet the

1867 minimum employment standards established by the department.

1868 (f) Shall maintain eligibility to receive all available

1869 federal child welfare funds.

1870 (g) Shall maintain written agreements with Healthy

1871 Families Florida lead entities in its service area pursuant to

1872 s. 409.153 to promote cooperative planning for the provision of

1873 prevention and intervention services.

1874 (h) Shall comply with federal and state statutory

1875 requirements and agency rules in the provision of contractual

PCB HFS 14-03a

ORIGINAL

YEAR

1876 services.
 1877 (i) May subcontract for the provision of services required
 1878 by the contract with the lead agency and the department;
 1879 however, the subcontracts must specify how the provider will
 1880 contribute to the lead agency meeting the performance standards
 1881 established pursuant to the child welfare results-oriented
 1882 accountability system required by s. 409.997.
 1883 (2) LICENSURE.—
 1884 (a) A lead agency must be licensed as a child-caring or
 1885 child-placing agency by the department under this chapter.
 1886 (b) Each foster home, therapeutic foster home, emergency
 1887 shelter, or other placement facility operated by the lead agency
 1888 must be licensed by the department under chapter 402 or this
 1889 chapter.
 1890 (c) Substitute care providers who are licensed under s.
 1891 409.175 and who have contracted with a lead agency are also
 1892 authorized to provide registered or licensed family day care
 1893 under s. 402.313 if such care is consistent with federal law and
 1894 if the home has met the requirements of s. 402.313.
 1895 (d) In order to eliminate or reduce the number of
 1896 duplicate inspections by various program offices, the department
 1897 shall coordinate inspections required for licensure of agencies
 1898 under this subsection.
 1899 (e) The department may adopt rules to administer this
 1900 subsection.

PCB HFS 14-03a

ORIGINAL

YEAR

1901 (3) SERVICES.—A lead agency must serve dependent children
 1902 through services that are supported by research or are best
 1903 child welfare practices. The agency may also provide innovative
 1904 services including but not limited to family-centered,
 1905 cognitive-behavioral, trauma informed interventions designed to
 1906 mitigate out-of-home placements.

1907 (4) LEAD AGENCY ACTING AS GUARDIAN.—

1908 (a) If a lead agency or other provider has accepted case
 1909 management responsibilities for a child who is sheltered or
 1910 found to be dependent and who is assigned to the care of the
 1911 lead agency or other provider, the agency or provider may act as
 1912 the child's guardian for the purpose of registering the child in
 1913 school if a parent or guardian of the child is unavailable and
 1914 his or her whereabouts cannot reasonably be ascertained.

1915 (b) The lead agency or other provider may also seek
 1916 emergency medical attention for the child, but only if a parent
 1917 or guardian of the child is unavailable, the parent's
 1918 whereabouts cannot reasonably be ascertained, and a court order
 1919 for such emergency medical services cannot be obtained because
 1920 of the severity of the emergency or because it is after normal
 1921 working hours.

1922 (c) A lead agency or other provider may not consent to
 1923 sterilization, abortion, or termination of life support.

1924 (d) If a child's parents' rights have been terminated, the
 1925 lead agency shall act as guardian of the child in all

PCB HFS 14-03a

ORIGINAL

YEAR

1926 circumstances.
 1927 Section 25. Section 409.990, Florida Statutes, is created
 1928 to read:
 1929 409.990 Funding for lead agencies.—A contract established
 1930 between the department and a lead agency must be funded by a
 1931 grant of general revenue, other applicable state funds, or
 1932 applicable federal funding sources.
 1933 (1) The method of payment for a fixed-price contract with
 1934 a lead agency must provide for a 2-month advance payment at the
 1935 beginning of each fiscal year and equal monthly payments
 1936 thereafter.
 1937 (2) Notwithstanding s. 215.425, all documented federal
 1938 funds earned for the current fiscal year by the department and
 1939 lead agencies which exceed the amount appropriated by the
 1940 Legislature shall be distributed to all entities that
 1941 contributed to the excess earnings based on a schedule and
 1942 methodology developed by the department and approved by the
 1943 Executive Office of the Governor.
 1944 (a) Distribution shall be pro rata based on total earnings
 1945 and shall be made only to those entities that contributed to
 1946 excess earnings.
 1947 (b) Excess earnings of lead agencies shall be used only in
 1948 the service district in which they were earned.
 1949 (c) Additional state funds appropriated by the Legislature
 1950 for lead agencies or made available pursuant to the budgetary

PCB HFS 14-03a

ORIGINAL

YEAR

1951 amendment process described in s. 216.177 shall be transferred
 1952 to the lead agencies.

1953 (d) The department shall amend a lead agency's contract to
 1954 permit expenditure of the funds.

1955 (3) Notwithstanding other provisions in this section, the
 1956 amount of the annual contract for a lead agency may be increased
 1957 by excess federal funds earned in accordance with s.
 1958 216.181(11).

1959 (4) Each contract with a lead agency shall provide for the
 1960 payment by the department to the lead agency of a reasonable
 1961 administrative cost in addition to funding for the provision of
 1962 services.

1963 (5) A lead agency may carry forward documented unexpended
 1964 state funds from one fiscal year to the next; however, the
 1965 cumulative amount carried forward may not exceed 8 percent of
 1966 the total contract. Any unexpended state funds in excess of that
 1967 percentage must be returned to the department.

1968 (a) The funds carried forward may not be used in any way
 1969 that would create increased recurring future obligations, and
 1970 such funds may not be used for any type of program or service
 1971 that is not currently authorized by the existing contract with
 1972 the department.

1973 (b) Expenditures of funds carried forward must be
 1974 separately reported to the department.

1975 (c) Any unexpended funds that remain at the end of the

PCB HFS 14-03a

ORIGINAL

YEAR

1976 contract period shall be returned to the department.

1977 (d) Funds carried forward may be retained through any

1978 contract renewals and any new procurements as long as the same

1979 lead agency is retained by the department.

1980 (6) It is the intent of the Legislature to improve

1981 services and local participation in community-based care

1982 initiatives by fostering community support and providing

1983 enhanced prevention and in-home services, thereby reducing the

1984 risk otherwise faced by lead agencies. There is established a

1985 community partnership matching grant program to be operated by

1986 the department for the purpose of encouraging local

1987 participation in community-based care for child welfare. A

1988 community-based care alliance direct-support organization, a

1989 children's services council, or another local entity that makes

1990 a financial commitment to a community-based care lead agency may

1991 be eligible for a matching grant. The total amount of the local

1992 contribution may be matched on a one-to-one basis up to a

1993 maximum annual amount of \$500,000 per lead agency. Awarded

1994 matching grant funds may be used for any prevention or in-home

1995 services that can be reasonably expected to reduce the number of

1996 children entering the child welfare system. Funding available

1997 for the matching grant program is subject to legislative

1998 appropriation of nonrecurring funds provided for this purpose.

1999 (7) (a) The department, in consultation with the Florida

2000 Coalition for Children, Inc., shall develop and implement a

PCB HFS 14-03a

ORIGINAL

YEAR

2001 community-based care risk pool initiative to mitigate the
 2002 financial risk to eligible lead agencies. This initiative must
 2003 include:

2004 1. A risk pool application and protocol developed by the
 2005 department which outlines submission criteria, including, but
 2006 not limited to, financial and program management, descriptive
 2007 data requirements, and timeframes for submission of
 2008 applications. Requests for funding from risk pool applicants
 2009 shall be based on relevant and verifiable service trends and
 2010 changes that have occurred during the current fiscal year. The
 2011 application shall confirm that expenditure of approved risk pool
 2012 funds by the lead agency shall be completed within the current
 2013 fiscal year.

2014 2. A risk pool peer review committee, appointed by the
 2015 secretary and consisting of department staff and representatives
 2016 from at least three nonapplicant lead agencies, which reviews
 2017 and assesses all risk pool applications. Upon completion of each
 2018 application review, the peer review committee shall report its
 2019 findings and recommendations to the secretary providing, at a
 2020 minimum, the following information:

2021 a. Justification for the specific funding amount required
 2022 by the risk pool applicant based on current year service trend
 2023 data, including validation that the applicant's financial need
 2024 was caused by circumstances beyond the control of the lead
 2025 agency management;

PCB HFS 14-03a

ORIGINAL

YEAR

2026 b. Verification that the proposed use of risk pool funds
 2027 meets at least one of the criteria in paragraph (c); and
 2028 c. Evidence of technical assistance provided in an effort
 2029 to avoid the need to access the risk pool and recommendations
 2030 for technical assistance to the lead agency to ensure that risk
 2031 pool funds are expended effectively and that the agency's need
 2032 for future risk pool funding is diminished.
 2033 (b) Upon approval by the secretary of a risk pool
 2034 application, the department may request funds from the risk pool
 2035 in accordance with s. 216.181(6) (a).
 2036 (c) The purposes for which the community-based care risk
 2037 pool shall be used include:
 2038 1. Significant changes in the number or composition of
 2039 clients eligible to receive services.
 2040 2. Significant changes in the services that are eligible
 2041 for reimbursement.
 2042 3. Continuity of care in the event of failure,
 2043 discontinuance of service, or financial misconduct by a lead
 2044 agency.
 2045 4. Significant changes in the mix of available funds.
 2046 (d) The department may also request in its annual
 2047 legislative budget request, and the Governor may recommend, that
 2048 the funding necessary to carry out paragraph (c) be appropriated
 2049 to the department. In addition, the department may request the
 2050 allocation of funds from the community-based care risk pool in

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2051 accordance with s. 216.181(6) (a). Funds from the pool may be
 2052 used to match available federal dollars.

2053 1. Such funds shall constitute partial security for
 2054 contract performance by lead agencies and shall be used to
 2055 offset the need for a performance bond.

2056 2. The department may separately require a bond to
 2057 mitigate the financial consequences of potential acts of
 2058 malfeasance or misfeasance or criminal violations by the
 2059 provider.

2060 Section 26. Section 409.16713, Florida Statutes, is
 2061 transferred, renumbered as section 409.991, Florida Statutes,
 2062 and paragraph (a) of subsection (1) of that section is amended,
 2063 to read:

2064 409.991 ~~409.16713~~ Allocation of funds for community-based
 2065 care lead agencies.—

2066 (1) As used in this section, the term:

2067 (a) "Core services funding" means all funds allocated to
 2068 community-based care lead agencies operating under contract with
 2069 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
 2070 following exceptions:

- 2071 1. Funds appropriated for independent living;
- 2072 2. Funds appropriated for maintenance adoption subsidies;
- 2073 3. Funds allocated by the department for protective
 2074 investigations training;
- 2075 4. Nonrecurring funds;

PCB HFS 14-03a

ORIGINAL

YEAR

2076 5. Designated mental health wrap-around services funds;
 2077 and

2078 6. Funds for special projects for a designated community-
 2079 based care lead agency.

2080 Section 27. Section 409.992, Florida Statutes, is created
 2081 to read:

2082 409.992 Lead agency expenditures.—

2083 (1) The procurement of commodities or contractual services
 2084 by lead agencies shall be governed by the financial guidelines
 2085 developed by the department which comply with applicable state
 2086 and federal law and follow good business practices. Pursuant to
 2087 s. 11.45, the Auditor General may provide technical advice in
 2088 the development of the financial guidelines.

2089 (2) Notwithstanding any other provision of law, a
 2090 community-based care lead agency may make expenditures for staff
 2091 cellular telephone allowances, contracts requiring deferred
 2092 payments and maintenance agreements, security deposits for
 2093 office leases, related agency professional membership dues other
 2094 than personal professional membership dues, promotional
 2095 materials, and grant writing services. Expenditures for food and
 2096 refreshments, other than those provided to clients in the care
 2097 of the agency or to foster parents, adoptive parents, and
 2098 caseworkers during training sessions, are not allowable.

2099 (3) A lead community-based care agency and its
 2100 subcontractors are exempt from state travel policies as provided

PCB HFS 14-03a

ORIGINAL

YEAR

2101 in s. 112.061(3)(a) for their travel expenses incurred in order
 2102 to comply with the requirements of this section.

2103 Section 28. Section 409.993, Florida Statutes, is created
 2104 to read:

2105 409.993 Lead agencies and subcontractor liability.—

2106 (1) FINDINGS.—

2107 (a) The Legislature finds that the state has traditionally
 2108 provided foster care services to children who have been the
 2109 responsibility of the state. As such, foster children have not
 2110 had the right to recover for injuries beyond the limitations
 2111 specified in s. 768.28. The Legislature has determined that
 2112 foster care and related services need to be outsourced pursuant
 2113 to this section and that the provision of such services is of
 2114 paramount importance to the state. The purpose for such
 2115 outsourcing is to increase the level of safety, security, and
 2116 stability of children who are or become the responsibility of
 2117 the state. One of the components necessary to secure a safe and
 2118 stable environment for such children is that private providers
 2119 maintain liability insurance. As such, insurance needs to be
 2120 available and remain available to nongovernmental foster care
 2121 and related services providers without the resources of such
 2122 providers being significantly reduced by the cost of maintaining
 2123 such insurance.

2124 (b) The Legislature further finds that, by requiring the
 2125 following minimum levels of insurance, children in outsourced

PCB HFS 14-03a

ORIGINAL

YEAR

2126 foster care and related services will gain increased protection
 2127 and rights of recovery in the event of injury than provided for
 2128 in s. 768.28.

2129 (2) LEAD AGENCY LIABILITY.-

2130 (a) Other than an entity to which s. 768.28 applies, an
 2131 eligible community-based care lead agency, or its employees or
 2132 officers, except as otherwise provided in paragraph (b), must,
 2133 as a part of its contract, obtain a minimum of \$1 million per
 2134 claim/\$3 million per incident in general liability insurance
 2135 coverage. The eligible community-based care lead agency must
 2136 also require that staff who transport client children and
 2137 families in their personal automobiles in order to carry out
 2138 their job responsibilities obtain minimum bodily injury
 2139 liability insurance in the amount of \$100,000 per claim,
 2140 \$300,000 per incident, on their personal automobiles. In lieu of
 2141 personal motor vehicle insurance, the lead agency's casualty,
 2142 liability, or motor vehicle insurance carrier may provide
 2143 nonowned automobile liability coverage. Such insurance provides
 2144 liability insurance for automobiles that the provider uses in
 2145 connection with the agency's business but does not own, lease,
 2146 rent, or borrow. Such coverage includes automobiles owned by the
 2147 employees of the lead agency or a member of the employee's
 2148 household but only while the automobiles are used in connection
 2149 with the agency's business. The nonowned automobile coverage for
 2150 the lead agency applies as excess coverage over any other

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2151 collectible insurance. The personal automobile policy for the
 2152 employee of the lead agency must be primary insurance, and the
 2153 nonowned automobile coverage of the agency acts as excess
 2154 insurance to the primary insurance. The lead agency shall
 2155 provide a minimum limit of \$1 million in nonowned automobile
 2156 coverage. In a tort action brought against such an eligible
 2157 community-based care lead agency or employee, net economic
 2158 damages shall be limited to \$1 million per liability claim and
 2159 \$100,000 per automobile claim, including, but not limited to,
 2160 past and future medical expenses, wage loss, and loss of earning
 2161 capacity, offset by any collateral source payment paid or
 2162 payable. In any tort action brought against such an eligible
 2163 community-based care lead agency, noneconomic damages shall be
 2164 limited to \$200,000 per claim. A claims bill may be brought on
 2165 behalf of a claimant pursuant to s. 768.28 for any amount
 2166 exceeding the limits specified in this paragraph. Any offset of
 2167 collateral source payments made as of the date of the settlement
 2168 or judgment shall be in accordance with s. 768.76. The
 2169 community-based care lead agency is not liable in tort for the
 2170 acts or omissions of its subcontractors or the officers, agents,
 2171 or employees of its subcontractors.

2172 (b) The liability of an eligible community-based care lead
 2173 agency described in this section shall be exclusive and in place
 2174 of all other liability of such lead agency. The same immunities
 2175 from liability enjoyed by such lead agencies shall extend as

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2176 well to each employee of the lead agency when such employee is
 2177 acting in furtherance of the agency's business, including the
 2178 transportation of clients served, as described in this
 2179 subsection, in privately owned vehicles. Such immunities are not
 2180 applicable to a lead agency or an employee who acts in a
 2181 culpably negligent manner or with willful and wanton disregard
 2182 or unprovoked physical aggression if such acts result in injury
 2183 or death or such acts proximately cause such injury or death.
 2184 Such immunities are not applicable to employees of the same lead
 2185 agency when each is operating in the furtherance of the agency's
 2186 business, but they are assigned primarily to unrelated work
 2187 within private or public employment. The same immunity
 2188 provisions enjoyed by a lead agency also apply to any sole
 2189 proprietor, partner, corporate officer or director, supervisor,
 2190 or other person who in the course and scope of his or her duties
 2191 acts in a managerial or policymaking capacity and the conduct
 2192 that caused the alleged injury arose within the course and scope
 2193 of those managerial or policymaking duties. As used in this
 2194 subsection and subsection (3), the term "culpable negligence"
 2195 means reckless indifference or grossly careless disregard of
 2196 human life.

2197 (3) SUBCONTRACTOR LIABILITY.—

2198 (a) A subcontractor of an eligible community-based care
 2199 lead agency which is a direct provider of foster care and
 2200 related services to children and families, and its employees or

PCB HFS 14-03a

ORIGINAL

YEAR

2201 officers, except as otherwise provided in paragraph (b), must,
 2202 as a part of its contract, obtain a minimum of \$1 million per
 2203 claim/\$3 million per incident in general liability insurance
 2204 coverage. The subcontractor of an eligible community-based care
 2205 lead agency must also require that staff who transport client
 2206 children and families in their personal automobiles in order to
 2207 carry out their job responsibilities obtain minimum bodily
 2208 injury liability insurance in the amount of \$100,000 per claim,
 2209 \$300,000 per incident, on their personal automobiles. In lieu of
 2210 personal motor vehicle insurance, the subcontractor's casualty,
 2211 liability, or motor vehicle insurance carrier may provide
 2212 nonowned automobile liability coverage. Such insurance provides
 2213 liability insurance for automobiles that the subcontractor uses
 2214 in connection with the subcontractor's business but does not
 2215 own, lease, rent, or borrow. Such coverage includes automobiles
 2216 owned by the employees of the subcontractor or a member of the
 2217 employee's household but only while the automobiles are used in
 2218 connection with the subcontractor's business. The nonowned
 2219 automobile coverage for the subcontractor applies as excess
 2220 coverage over any other collectible insurance. The personal
 2221 automobile policy for the employee of the subcontractor shall be
 2222 primary insurance, and the nonowned automobile coverage of the
 2223 subcontractor acts as excess insurance to the primary insurance.
 2224 The subcontractor shall provide a minimum limit of \$1 million in
 2225 nonowned automobile coverage. In a tort action brought against

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2226 such subcontractor or employee, net economic damages shall be
 2227 limited to \$1 million per liability claim and \$100,000 per
 2228 automobile claim, including, but not limited to, past and future
 2229 medical expenses, wage loss, and loss of earning capacity,
 2230 offset by any collateral source payment paid or payable. In a
 2231 tort action brought against such subcontractor, noneconomic
 2232 damages shall be limited to \$200,000 per claim. A claims bill
 2233 may be brought on behalf of a claimant pursuant to s. 768.28 for
 2234 any amount exceeding the limits specified in this paragraph. Any
 2235 offset of collateral source payments made as of the date of the
 2236 settlement or judgment shall be in accordance with s. 768.76.

2237 (b) The liability of a subcontractor of an eligible
 2238 community-based care lead agency that is a direct provider of
 2239 foster care and related services as described in this section
 2240 shall be exclusive and in place of all other liability of such
 2241 provider. The same immunities from liability enjoyed by such
 2242 subcontractor provider shall extend as well to each employee of
 2243 the subcontractor when such employee is acting in furtherance of
 2244 the subcontractor's business, including the transportation of
 2245 clients served, as described in this subsection, in privately
 2246 owned vehicles. Such immunities are not applicable to a
 2247 subcontractor or an employee who acts in a culpably negligent
 2248 manner or with willful and wanton disregard or unprovoked
 2249 physical aggression when such acts result in injury or death or
 2250 such acts proximately cause such injury or death. Such

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2251 immunities are not applicable to employees of the same
 2252 subcontractor when each is operating in the furtherance of the
 2253 subcontractor's business, but they are assigned primarily to
 2254 unrelated works within private or public employment. The same
 2255 immunity provisions enjoyed by a subcontractor also apply to any
 2256 sole proprietor, partner, corporate officer or director,
 2257 supervisor, or other person who in the course and scope of his
 2258 or her duties acts in a managerial or policymaking capacity and
 2259 the conduct that caused the alleged injury arose within the
 2260 course and scope of those managerial or policymaking duties.

2261 Section 29. Section 409.1675, Florida Statutes, is
 2262 transferred and renumbered as section 409.994, Florida Statutes,
 2263 and amended to read:

2264 409.994 ~~409.1675~~ ~~Lead~~ Community-based care lead agencies
 2265 ~~providers~~; receivership.—

2266 (1) The Department of Children and Families ~~Family~~
 2267 ~~Services~~ may petition a court of competent jurisdiction for the
 2268 appointment of a receiver for a ~~lead~~ community-based care lead
 2269 agency provider established pursuant to s. 409.987 if ~~s.~~
 2270 ~~409.1671~~ when any of the following conditions exist:

2271 (a) The lead agency ~~community-based provider~~ is operating
 2272 without a license as a child-placing agency.

2273 (b) The lead agency ~~community-based provider~~ has given
 2274 less than 120 days' notice of its intent to cease operations,
 2275 and arrangements have not been made for another lead agency

PCB HFS 14-03a

ORIGINAL

YEAR

2276 ~~community-based provider~~ or for the department to continue the
 2277 uninterrupted provision of services.

2278 (c) The department determines that conditions exist in the
 2279 lead agency ~~community-based provider~~ which present an imminent
 2280 danger to the health, safety, or welfare of the dependent
 2281 children under that agency's ~~provider's~~ care or supervision.
 2282 Whenever possible, the department shall make a reasonable effort
 2283 to facilitate the continued operation of the program.

2284 (d) The lead agency ~~community-based provider~~ cannot meet
 2285 its current financial obligations to its employees, contractors,
 2286 or foster parents. Issuance of bad checks or the existence of
 2287 delinquent obligations for payment of salaries, utilities, or
 2288 invoices for essential services or commodities shall constitute
 2289 prima facie evidence that the lead agency ~~community-based~~
 2290 ~~provider~~ lacks the financial ability to meet its financial
 2291 obligations.

2292 (2) (a) The petition for receivership shall take precedence
 2293 over other court business unless the court determines that some
 2294 other pending proceeding, having statutory precedence, has
 2295 priority.

2296 (b) A hearing shall be conducted within 5 days after the
 2297 filing of the petition, at which time interested parties shall
 2298 have the opportunity to present evidence as to whether a
 2299 receiver should be appointed. The department shall give
 2300 reasonable notice of the hearing on the petition to the lead

PCB HFS 14-03a

ORIGINAL

YEAR

2301 agency ~~community-based provider~~.

2302 (c) The court shall grant the petition upon finding that
 2303 one or more of the conditions in subsection (1) exists and the
 2304 continued existence of the condition or conditions jeopardizes
 2305 the health, safety, or welfare of dependent children. A receiver
 2306 may be appointed ex parte when the court determines that one or
 2307 more of the conditions in subsection (1) exists. After such
 2308 finding, the court may appoint any person, including an employee
 2309 of the department who is qualified by education, training, or
 2310 experience to carry out the duties of the receiver pursuant to
 2311 this section, except that the court may ~~shall~~ not appoint any
 2312 member of the governing board or any officer of the lead agency
 2313 ~~community-based provider~~. The receiver may be selected from a
 2314 list of persons qualified to act as receivers which is developed
 2315 by the department and presented to the court with each petition
 2316 of receivership.

2317 (d) A receiver may be appointed for up to 90 days, and the
 2318 department may petition the court for additional 30-day
 2319 extensions. Sixty days after appointment of a receiver and every
 2320 30 days thereafter until the receivership is terminated, the
 2321 department shall submit to the court an assessment of the lead
 2322 agency's ~~community-based provider's~~ ability to ensure the
 2323 health, safety, and welfare of the dependent children under its
 2324 supervision.

2325 (3) The receiver shall take such steps as are reasonably

PCB HFS 14-03a

ORIGINAL

YEAR

2326 necessary to ensure the continued health, safety, and welfare of
 2327 the dependent children under the supervision of the lead agency
 2328 ~~community-based provider~~ and shall exercise those powers and
 2329 perform those duties set out by the court, including, but not
 2330 limited to:

2331 (a) Taking such action as is reasonably necessary to
 2332 protect or conserve the assets or property of the lead agency
 2333 ~~community-based provider~~. The receiver may use the assets and
 2334 property and any proceeds from any transfer thereof only in the
 2335 performance of the powers and duties provided ~~set forth~~ in this
 2336 section and by order of the court.

2337 (b) Using the assets of the lead agency ~~community-based~~
 2338 ~~provider~~ in the provision of care and services to dependent
 2339 children.

2340 (c) Entering into contracts and hiring agents and
 2341 employees to carry out the powers and duties of the receiver
 2342 under this section.

2343 (d) Having full power to direct, manage, hire, and
 2344 discharge employees of the lead agency ~~community-based provider~~.
 2345 The receiver shall hire and pay new employees at the rate of
 2346 compensation, including benefits, approved by the court.

2347 (e) Honoring all leases, mortgages, and contractual
 2348 obligations of the lead agency ~~community-based provider~~, but
 2349 only to the extent of payments that become due during the period
 2350 of the receivership.

PCB HFS 14-03a

ORIGINAL

YEAR

2351 (4) (a) The receiver shall deposit funds received in a
 2352 separate account and shall use this account for all
 2353 disbursements.

2354 (b) A payment to the receiver of any sum owing to the lead
 2355 agency ~~community-based provider~~ shall discharge any obligation
 2356 to the provider to the extent of the payment.

2357 (5) A receiver may petition the court for temporary relief
 2358 from obligations entered into by the lead agency ~~community-based~~
 2359 ~~provider~~ if the rent, price, or rate of interest required to be
 2360 paid under the agreement was substantially in excess of a
 2361 reasonable rent, price, or rate of interest at the time the
 2362 contract was entered into, or if any material provision of the
 2363 agreement was unreasonable when compared to contracts negotiated
 2364 under similar conditions. Any relief in this form provided by
 2365 the court shall be limited to the life of the receivership,
 2366 unless otherwise determined by the court.

2367 (6) The court shall set the compensation of the receiver,
 2368 which shall be considered a necessary expense of a receivership
 2369 and may grant to the receiver such other authority necessary to
 2370 ensure the health, safety, and welfare of the children served.

2371 (7) A receiver may be held liable in a personal capacity
 2372 only for the receiver's own gross negligence, intentional acts,
 2373 or breaches of fiduciary duty. This section may ~~shall~~ not be
 2374 interpreted to be a waiver of sovereign immunity should the
 2375 department be appointed receiver.

PCB HFS 14-03a

ORIGINAL

YEAR

2376 (8) If the receiver is not the department, the court may
 2377 require a receiver to post a bond to ensure the faithful
 2378 performance of these duties.

2379 (9) The court may terminate a receivership when:

2380 (a) The court determines that the receivership is no
 2381 longer necessary because the conditions that gave rise to the
 2382 receivership no longer exist; or

2383 (b) The department has entered into a contract with a new
 2384 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~
 2385 ~~409.1671~~, and that contractor is ready and able to assume the
 2386 duties of the previous lead agency ~~provider~~.

2387 (10) Within 30 days after the termination, unless this
 2388 time period is extended by the court, the receiver shall give
 2389 the court a complete accounting of all property of which the
 2390 receiver has taken possession, of all funds collected and
 2391 disbursed, and of the expenses of the receivership.

2392 (11) ~~Nothing in This section does not shall be construed~~
 2393 ~~to~~ relieve any employee of the lead agency ~~community-based~~
 2394 ~~provider~~ placed in receivership of any civil or criminal
 2395 liability incurred, or any duty imposed by law, by reason of
 2396 acts or omissions of the employee before ~~prior to~~ the
 2397 appointment of a receiver, ~~and; nor shall anything contained in~~
 2398 this section does not ~~be construed to~~ suspend during the
 2399 receivership any obligation of the employee for payment of taxes
 2400 or other operating or maintenance expenses of the lead agency

PCB HFS 14-03a

ORIGINAL

YEAR

2401 ~~community-based provider~~ or for the payment of mortgages or
 2402 liens. The lead agency ~~community-based provider~~ shall retain the
 2403 right to sell or mortgage any facility under receivership,
 2404 subject to the prior approval of the court that ordered the
 2405 receivership.

2406 Section 30. Section 409.996, Florida Statutes, is created
 2407 to read:

2408 409.996 Duties of the Department of Children and
 2409 Families.—The department shall contract for the delivery,
 2410 administration, or management of care for children in the child
 2411 protection and child welfare system. In doing so, the department
 2412 retains responsibility for the quality of contracted services
 2413 and programs and shall ensure that services are delivered in
 2414 accordance with applicable federal and state statutes and
 2415 regulations.

2416 (1) The department shall enter into contracts with lead
 2417 agencies to perform the duties of a lead agency pursuant to s.
 2418 409.988. At a minimum, the contracts must:

2419 (a) Provide for the services needed to accomplish the
 2420 duties established in s. 409.988 and provide information to the
 2421 department which is necessary to meet the requirements for a
 2422 quality assurance program pursuant to subsection (18) and the
 2423 child welfare results-oriented accountability system pursuant to
 2424 s. 409.997.

2425 (b) Provide for graduated penalties for failure to comply

PCB HFS 14-03a

ORIGINAL

YEAR

2426 with contract terms. Such penalties may include financial
 2427 penalties, enhanced monitoring and reporting, corrective action
 2428 plans, and early termination of contracts or other appropriate
 2429 action to ensure contract compliance.

2430 (c) Ensure that the lead agency shall furnish current and
 2431 accurate information on its activities in all cases in client
 2432 case records in the state's statewide automated child welfare
 2433 information system.

2434 (d) Specify the procedures to be used by the parties to
 2435 resolve differences in interpreting the contract or to resolve
 2436 disputes as to the adequacy of the parties' compliance with
 2437 their respective obligations under the contract.

2438 (2) The department must adopt written policies and
 2439 procedures for monitoring the contract for delivery of services
 2440 by lead agencies which must be posted on the department's
 2441 website. These policies and procedures must, at a minimum,
 2442 address the evaluation of fiscal accountability and program
 2443 operations, including provider achievement of performance
 2444 standards, provider monitoring of subcontractors, and timely
 2445 follow up of corrective actions for significant monitoring
 2446 findings related to providers and subcontractors. These policies
 2447 and procedures must also include provisions for reducing the
 2448 duplication of the department's program monitoring activities
 2449 both internally and with other agencies, to the extent possible.
 2450 The department's written procedures must ensure that the written

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2451 findings, conclusions, and recommendations from monitoring the
 2452 contract for services of lead agencies are communicated to the
 2453 director of the provider agency and the community-based care
 2454 alliance as expeditiously as possible.

2455 (3) The department shall receive federal and state funds
 2456 as appropriated for the operation of the child welfare system
 2457 and shall transmit these funds to the lead agencies as agreed.
 2458 The department retains responsibility for the appropriate
 2459 spending of these funds. The department shall monitor lead
 2460 agencies to assess compliance with the financial guidelines
 2461 established pursuant to s. 409.992 and other applicable state
 2462 and federal laws.

2463 (4) The department shall provide technical assistance and
 2464 consultation to lead agencies in the provision of care to
 2465 children in the child protection and child welfare system.

2466 (5) The department retains the responsibility for the
 2467 review, approval or denial, and issuances of all foster home
 2468 licenses.

2469 (6) The department shall process all applications
 2470 submitted by lead agencies for the Interstate Compact for
 2471 Placement of Children and the Interstate Compact for Adoption
 2472 and Medical Assistance.

2473 (7) The department shall assist lead agencies with access
 2474 to and coordination with other service programs within the
 2475 department.

PCB HFS 14-03a

ORIGINAL

YEAR

2476 (8) The department shall determine Medicaid eligibility
 2477 for all referred children and will coordinate services with the
 2478 Agency for Health Care Administration.

2479 (9) The department shall develop, in cooperation with the
 2480 lead agencies, a standardized competency-based curriculum for
 2481 certification training for child protection staff.

2482 (10) The department shall maintain the statewide adoptions
 2483 website and provide information and training to the lead
 2484 agencies relating to the website.

2485 (11) The department shall provide training and assistance
 2486 to lead agencies regarding the responsibility of lead agencies
 2487 relating to children receiving supplemental security income,
 2488 social security, railroad retirement, or veterans' benefits.

2489 (12) With the assistance of a lead agency, the department
 2490 shall develop and implement statewide and local interagency
 2491 agreements needed to coordinate services for children and
 2492 parents involved in the child welfare system who are also
 2493 involved with the Agency for Persons with Disabilities, the
 2494 Department of Juvenile Justice, the Department of Education, the
 2495 Department of Health, and other governmental organizations that
 2496 share responsibilities for children or parents in the child
 2497 welfare system.

2498 (13) With the assistance of a lead agency, the department
 2499 shall develop and implement a working agreement between the lead
 2500 agency and the substance abuse and mental health managing entity

PCB HFS 14-03a

ORIGINAL

YEAR

2501 to integrate services and supports for children and parents
 2502 serviced in the child welfare system.

2503 (14) The department shall work with the Agency for Health
 2504 Care Administration to provide each child Medicaid early and
 2505 periodic screening, diagnosis, and treatment, including 72-hour
 2506 screening, periodic child health checkups, and prescribed follow
 2507 up for ordered services, including but not limited to medical,
 2508 dental, and vision care.

2509 (15) The department shall assist lead agencies in
 2510 developing an array of services in compliance with the Title IV-
 2511 E Waiver and shall monitor the provision of those services.

2512 (16) The department shall provide a mechanism to allow
 2513 lead agencies to request a waiver of department policies and
 2514 procedures that create inefficiencies or inhibit the performance
 2515 of the lead agency duties.

2516 (17) The department shall directly or through contract
 2517 provide attorneys to prepare and present cases in dependency
 2518 court and shall ensure that the court is provided with adequate
 2519 information for informed decisionmaking in dependency cases,
 2520 including a fact sheet for each case which lists the names and
 2521 contact information for any child protective investigator, child
 2522 protective investigation supervisor, case manager, case manager
 2523 supervisor, and the regional department official responsible for
 2524 the lead agency contract. For the Sixth Judicial Circuit, the
 2525 department shall contract with the state attorney for the

PCB HFS 14-03a

ORIGINAL

YEAR

2526 provision of these services.

2527 (18) The department, in consultation with lead agencies,
 2528 shall establish a quality assurance program for contracted
 2529 services to dependent children. The quality assurance program
 2530 shall be based on standards established by federal and state law
 2531 and national accrediting organizations.

2532 (a) The department must evaluate each lead agency under
 2533 contract at least annually. These evaluations shall cover the
 2534 programmatic, operational, and fiscal operations of the lead
 2535 agency and be consistent with the child welfare results-oriented
 2536 accountability system pursuant to s. 409.997. The department
 2537 must consult with the chief judge on the performance of the lead
 2538 agency.

2539 (b) The department shall, to the extent possible, use
 2540 independent financial audits provided by the lead agency to
 2541 eliminate or reduce the ongoing contract and administrative
 2542 reviews conducted by the department. If the department
 2543 determines that such independent financial audits are
 2544 inadequate, other audits, as necessary, may be conducted by the
 2545 department. This paragraph does not abrogate the requirements of
 2546 s. 215.97.

2547 (c) The department may suggest additional items to be
 2548 included in such independent financial audits to meet the
 2549 department's needs.

2550 (d) The department may outsource programmatic,

PCB HFS 14-03a

ORIGINAL

YEAR

2551 administrative, or fiscal monitoring oversight of lead agencies.

2552 (e) A lead agency must assure that all subcontractors are
 2553 subject to the same quality assurance activities as the lead
 2554 agency.

2555 Section 31. Section 409.997, Florida Statutes, is created
 2556 to read:

2557 409.997 Child welfare results-oriented accountability
 2558 system.—

2559 (1) The department and its contract providers, including
 2560 lead agencies, community-based care providers, and other
 2561 community partners participating in the state's child protection
 2562 and child welfare system, share the responsibility for achieving
 2563 the outcome goals specified in s. 409.986(2).

2564 (2) In order to assess the achievement of the goals
 2565 specified in s. 409.986(2), the department shall maintain a
 2566 comprehensive, results-oriented accountability system that
 2567 monitors the use of resources, the quality and amount of
 2568 services provided, and child and family outcomes through data
 2569 analysis, research review, evaluation, and quality improvement.

2570 The system shall provide information about individual entities'
 2571 performance as well as the performance of groups of entities
 2572 working together as an integrated system of care on a local,
 2573 regional, and statewide basis. In maintaining the
 2574 accountability system, the department shall:

2575 (a) Identify valid and reliable outcome measures for each

PCB HFS 14-03a

ORIGINAL

YEAR

2576 of the goals specified in this subsection. The outcome data set
 2577 must consist of a limited number of understandable measures
 2578 using available data to quantify outcomes as children move
 2579 through the system of care. Such measures may aggregate multiple
 2580 variables that affect the overall achievement of the outcome
 2581 goal. Valid and reliable measures must be based on adequate
 2582 sample sizes, be gathered over suitable time periods, reflect
 2583 authentic rather than spurious results, and may not be
 2584 susceptible to manipulation.

2585 (b) Implement a monitoring system to track the identified
 2586 outcome measures on a statewide, regional, and provider-specific
 2587 basis. The monitoring system must identify trends and chart
 2588 progress toward achievement of the goals specified in this
 2589 section. The requirements of the monitoring system may be
 2590 incorporated into the quality assurance system required under s.
 2591 409.996(18).

2592 (c) Develop and maintain an analytical system that builds
 2593 on the outcomes monitoring system to assess the statistical
 2594 validity of observed associations between child welfare
 2595 interventions and the measured outcomes. The analysis must use
 2596 quantitative methods to adjust for variations in demographic or
 2597 other conditions. The analysis must include longitudinal studies
 2598 to evaluate longer term outcomes such as continued safety,
 2599 family permanence, and transition to self-sufficiency. The
 2600 analysis may also include qualitative research methods to

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2601 provide insight into statistical patterns.

2602 (d) Develop and maintain a program of research review to

2603 identify interventions that are supported by evidence as

2604 causally linked to improved outcomes.

2605 (e) Support an ongoing process of evaluation to determine

2606 the efficacy and effectiveness of various interventions.

2607 Efficacy evaluation is intended to determine the validity of a

2608 causal relationship between an intervention and an outcome.

2609 Effectiveness evaluation is intended to determine the extent to

2610 which the results can be generalized.

2611 (f) Develop and maintain an inclusive, interactive, and

2612 evidence-supported program of quality improvement which promotes

2613 individual skill building as well as organizational learning.

2614 (g) Develop and implement a method for making the results

2615 of the accountability system transparent for all parties

2616 involved in the child welfare system as well as policymakers and

2617 the public. The presentation shall provide a comprehensible,

2618 visual report card for the state and each community-based care

2619 region, indicating the current status relative to each goal and

2620 trends in that status over time. The presentation shall

2621 identify and report outcome measures which assess the

2622 performance of the department, community-based care lead agency,

2623 and its subcontractors working together as an integrated system

2624 of care.

2625 (3) The department shall establish a technical advisory

PCB HFS 14-03a

ORIGINAL

YEAR

2626 panel consisting of representatives from the Florida Institute
 2627 for Child Welfare established pursuant to s. 1004.615, lead
 2628 agencies, community-based care providers, other contract
 2629 providers, community-based care alliances, and family
 2630 representatives. The President of the Senate and the Speaker of
 2631 the House of Representatives shall each appoint a member to
 2632 serve as a legislative liaison to the panel. The technical
 2633 advisory panel shall advise the department on meeting the
 2634 requirements of this section.

2635 (4) The accountability system may not rank or compare
 2636 performance among community-based care regions unless adequate
 2637 and specific adjustments are adopted which account for the
 2638 diversity in regions' demographics, resources, and other
 2639 relevant characteristics.

2640 (5) The results of the accountability system must provide
 2641 the basis for performance incentives if funds for such payments
 2642 are made available through the General Appropriations Act.

2643 (6) At least quarterly, the department shall make the
 2644 results of the accountability system available to the public
 2645 through publication on its website. The website must allow for
 2646 custom searches of the performance data.

2647 (7) The department shall report by October 1 of each year
 2648 the statewide and individual community-based care lead agency
 2649 results for child protection and child welfare systems. The
 2650 department shall use the accountability system and consult with

PCB HFS 14-03a

ORIGINAL

YEAR

2651 the community-based care alliance and the chief judge or judges
 2652 in the community-based care service area to prepare the report
 2653 to the Governor, the President of the Senate, and the Speaker of
 2654 the House of Representatives.

2655 Section 32. Section 409.998, Florida Statutes, is created
 2656 to read:

2657 409.998 Community-based care oversight by community
 2658 alliances.-

2659 (1) To provide independent, community-focused oversight of
 2660 child protection and child welfare services and the local system
 2661 of community-based care, community alliances created in s.
 2662 20.19(5), shall, with the assistance of the department, perform
 2663 the following duties:

2664 (a) Conduct a needs assessment and establishment of
 2665 community priorities for child protection and child welfare
 2666 services.

2667 (b) Review the performance of the department, sheriff's
 2668 office if the office provides child protective services, and
 2669 lead agency individually and as an integrated system of care,
 2670 and advise the department, sheriff's office if applicable, and
 2671 lead agency regarding concerns and suggested areas of
 2672 improvement.

2673 (c) Recommend a competitive procurement for the lead
 2674 agency if programmatic or financial performance is poor. The
 2675 community alliance shall make recommendations on the development

PCB HFS 14-03a

ORIGINAL

YEAR

2676 of the procurement document for such competitive procurement and
 2677 may suggest specific requirements relating to local needs and
 2678 services.

2679 (d) Recommend a contract extension for the lead agency if
 2680 programmatic or financial performance is superior.

2681 (e) In partnership with the Florida Institute for Child
 2682 Welfare established under s. 1004.615, develop recommendations
 2683 to the department and the community-based care lead agency to
 2684 improve child protection and child welfare policies and
 2685 practices.

2686 (f) Promote greater community involvement in community-
 2687 based care through participation in community-based care lead
 2688 agency services and activities, ~~solicitation of local financial~~
 2689 and in-kind resources, recruitment and retention of community
 2690 volunteers, and public awareness efforts.

2691 Section 33. Section 827.10, Florida Statutes, is created to
 2692 read:

2693 827.10 Unlawful abandonment of a child.-

2694 (1) As used in this section, the term:

2695 (a) "Abandons" or "abandonment" means to leave a child in
 2696 a place or with a person other than a relative with the intent
 2697 not to return to the child and with the intent not to provide
 2698 for the care of the child.

2699 (b) "Care" means support and services necessary to
 2700 maintain the child's physical and mental health, including, but

PCB HFS 14-03a

ORIGINAL

YEAR

2701 not limited to, food, nutrition, clothing, shelter, supervision,
 2702 medicine, and medical services that a prudent person would
 2703 consider essential for the well-being of the child.

2704 (c) "Caregiver" has the same meaning as provided in s.
 2705 39.01(10).

2706 (d) "Child" means a child for whose care the caregiver is
 2707 legally responsible.

2708 (e) "Relative" has the same meaning as provided in s.
 2709 39.01(64).

2710 (2) A caregiver who abandons a child under circumstances
 2711 in which the caregiver knew or should have known that the
 2712 abandonment exposes the child to unreasonable risk of harm
 2713 commits a felony of the third degree, punishable as provided in
 2714 s. 775.082, s. 775.083, or s. 775.084.

2715 (3) This section does not apply to a person who surrenders
 2716 a newborn infant in compliance with s. 383.50.

2717 (4) This section does not preclude prosecution for a
 2718 criminal act under any other law, including, but not limited to,
 2719 prosecution of child abuse or neglect of a child under s.
 2720 827.03.

2721 Section 34. Section 1004.615, Florida Statutes, is created
 2722 to read:

2723 1004.615 Florida Institute for Child Welfare.—

2724 (1) There is established the Florida Institute for Child
 2725 Safety within the Florida State University College of Social

PCB HFS 14-03a

ORIGINAL

YEAR

2726 Work. The purpose of the institute is to advance the well-being
 2727 of children and families by improving the performance of child
 2728 protection and child welfare services through research, policy
 2729 analysis, evaluation, and leadership development. The institute
 2730 shall consist of a consortium of public and private universities
 2731 offering degrees in social work and shall be housed within the
 2732 College of Social Work of the Florida State University.

2733 (2) Using such resources as authorized in the General
 2734 Appropriations Act, the Department of Children and Families
 2735 shall contract with the institute for performance of the duties
 2736 described in subsection (4).

2737 (3) The institute shall work with the department, sheriffs
 2738 providing child protective investigative services, community-
 2739 based care lead agencies, community-based care provider
 2740 organizations, the court system, the Department of Juvenile
 2741 Justice, domestic violence advocates, and other partners who
 2742 contribute to and participate in providing child protection and
 2743 child welfare services.

2744 (4) The duties and responsibilities of the institute
 2745 include the following:

2746 (a) Maintain a program of research that contributes to
 2747 scientific knowledge and informs both policy and practice
 2748 related to child safety, permanency, and child and family well-
 2749 being.

2750 (b) Advise the department and other organizations

PCB HFS 14-03a

ORIGINAL

YEAR

2751 participating in the child protection and child welfare system
 2752 regarding scientific evidence on policy and practice related to
 2753 child safety, permanency, and child and family well-being.

2754 (c) Advising about the management practices and
 2755 administrative processes used by the department and other
 2756 organizations participating in the child protection and child
 2757 welfare system and recommend improvements that reduce
 2758 burdensome, ineffective requirements for frontline staff and
 2759 their supervisors while enhancing their ability to effectively
 2760 investigate, analyze, problem-solve, and supervise.

2761 (d) Assess the performance of child protection and child
 2762 welfare services based on specific outcome measures.

2763 (e) Evaluate the scope and effectiveness of preservice and
 2764 inservice training for child protection and child welfare
 2765 workers and advise and assist the department in efforts to
 2766 improve these trainings.

2767 (f) Assess the readiness of social work graduates to
 2768 assume job responsibilities in the child protection and child
 2769 welfare system and identify gaps in education that can be
 2770 addressed through the modification of curricula or the
 2771 establishment of industry certifications.

2772 (g) Develop and maintain a program of professional support
 2773 including training courses and consulting services that assist
 2774 both individuals and organizations in implementing adaptive and
 2775 resilient responses to workplace stress.

PCB HFS 14-03a

ORIGINAL

YEAR

2776 (h) Participate in the department's critical incident
 2777 response team, assist in the preparation of reports about such
 2778 incidents, and support the committee review of reports and
 2779 development of recommendations.

2780 (i) Identify effective policies and promising practices,
 2781 including but not limited to innovations in coordination between
 2782 entities participating in the child protection and child welfare
 2783 system, data analytics, working with the local community, and
 2784 management of human service organizations and communicate these
 2785 findings to the department and other organizations participating
 2786 in the child protection and child welfare system.

2787 (5) The President of the Florida State University shall
 2788 appoint a director to the institute. The director must be a
 2789 child welfare professional with a doctoral degree in social work
 2790 and hold a faculty appointment in the Florida State University
 2791 College of Social Work. The institute shall be administered by
 2792 the director, and the director's office shall be located at the
 2793 Florida State University. The director is responsible for
 2794 overall management of the institute and for developing and
 2795 executing the work of the institute consistent with the
 2796 responsibilities in subsection (4). The director shall engage
 2797 individuals in other state universities with accredited colleges
 2798 of social work to participate in the institute. Individuals from
 2799 other university programs relevant to the institute's work,
 2800 including but not limited to economics, management, law,

PCB HFS 14-03a

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

PCB HFS 14-03a

ORIGINAL

YEAR

2801 medicine, and education, may also be invited by the director to
 2802 contribute to the institute. The universities involved in the
 2803 institute shall provide facilities, staff, and other resources
 2804 to the institute to establish statewide access to institute
 2805 programs and services.

2806 (6) By October 1 of each year, the institute shall provide
 2807 a written report to the Governor, the President of the Senate,
 2808 and the Speaker of the House of Representatives which outlines
 2809 its activities in the preceding year, reports significant
 2810 research findings as well as results of other programs, and
 2811 provides specific recommendations for improving child protection
 2812 and child welfare services.

2813 (7) (a) The institute, or the Florida State University
 2814 College of Social Work until the institute is operational, shall
 2815 convene a task force to make recommendations for improving the
 2816 state's child welfare system. The task force shall include but
 2817 not be limited to representatives of the department, the
 2818 Department of Juvenile Justice, community-based care lead
 2819 agencies, the Florida Coalition for Children, child welfare
 2820 services providers, including case management providers, the
 2821 court system, the federally recognized statewide association for
 2822 Florida's certified domestic violence centers, and advocates.
 2823 The task force shall include individuals working directly with
 2824 children and families, administrators, and experts. Individual
 2825 members of the task force shall be responsible for their own

PCB HFS 14-03a

ORIGINAL

YEAR

2826 travel expenses. The task force may meet in person,
 2827 telephonically, through web-based technology, or any combination
 2828 thereof.

2829 (b) The task force shall establish individual workgroups on
 2830 the following topics which may include additional members with
 2831 directly relevant experience and expertise to make specific
 2832 recommendations:

2833 1. Reducing paperwork and increasing the retention of case
 2834 managers, and

2835 2. Care of medically complex children within the child
 2836 welfare system.

2837 (c) The institute or university shall submit interim
 2838 reports from the task force and workgroups by February 1, 2015,
 2839 and final reports by November 1, 2015, to the Governor, the
 2840 President of the Senate, and the Speaker of the House of
 2841 Representatives.

2842 Section 35. Paragraph (h) is added to subsection (1) of
 2843 section 1009.25, Florida Statutes, to read:

2844 1009.25 Fee exemptions.—

2845 (1) The following students are exempt from the payment of
 2846 tuition and fees, including lab fees, at a school district that
 2847 provides workforce education programs, Florida College System
 2848 institution, or state university:

2849 (h) Pursuant to s. 402.403, a child protective
 2850 investigator or a child protective investigation supervisor

PCB HFS 14-03a

ORIGINAL

YEAR

2851 employed by the Department of Children and Families or a
 2852 sheriff's office who is enrolled in an accredited bachelor's
 2853 degree or master's degree in social work program or completing
 2854 coursework required pursuant to s. 402.402(2)(a)2., provided
 2855 that the student attains at least a grade of "B" in all courses
 2856 for which tuition and fees are exempted.

2857 Section 36. This act shall take effect July 1, 2014.