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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 "medical

12 neglect", "safety plan"; and "sibling"; revising the

13 definition of "diligent efforts by a parent";

14 conforming cross-references; creating s. 39.2015,

15 F.S.; requiring the Department of Children and

16 Families to conduct specified investigations using

17 critical incident rapid response teams; providing

18 requirements for such investigations; providing

19 requirements for the team; authorizing the team to

20 access specified information; requiring the

21 cooperation of specified agencies and organizations;

22 providing for reimbursement of team members; requiring

23 a report of the investigation; requiring the secretary

24 to develop specified guidelines for investigations and

25 provide training to team members; requiring the

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26 secretary to appoint an advisory committee; requiring
 27 a report from the advisory committee to the Secretary
 28 of Children and Families; requiring the secretary to
 29 submit such report to the Governor and the
 30 Legislature; amending s. 39.202, F.S.; authorizing
 31 access to specified records in the event of the death
 32 of a child which was reported to the department's
 33 child abuse hotline; creating s. 39.2022, F.S.;
 34 providing legislative intent; requiring the department
 35 to publish specified information on its website if the
 36 death of a child is reported to the child abuse
 37 hotline; prohibiting specified information from being
 38 released; providing requirements for the release of
 39 information in the child's records; prohibiting
 40 release of information that identifies the person who
 41 reports an incident to the child abuse hotline;
 42 amending 39.301, F.S.; authorizing the use of safety
 43 plans; providing requirements for use of safety plans;
 44 amending s. 39.303, F.S.; revising legislative intent;
 45 providing requirements for a child protection team
 46 that evaluates a report of medical neglect and
 47 assesses the health care needs of a medically complex
 48 child; creating s. 39.3068, F.S.; providing
 49 requirements for an investigation of medical neglect;
 50 amending s. 39.402, F.S.; requiring the department to

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51 make a reasonable effort to keep siblings together
 52 when they are placed in out-of-home care under certain
 53 circumstances; providing for sibling visitation under
 54 certain circumstances; amending s. 39.501, F.S.;
 55 requiring compliance with a safety plan to be
 56 considered when deciding a petition for dependency;
 57 amending s. 39.701, F.S.; requiring the court to
 58 consider contact among siblings in judicial reviews;
 59 authorizing the court to remove specified disabilities
 60 of nonage at judicial reviews; amending s. 39.802,
 61 F.S.; requiring a petition for the termination of
 62 parental rights to be signed under oath stating the
 63 petitioner's good faith in filing the petition;
 64 amending s. 383.402, F.S.; requiring the review of all
 65 deaths of children which occur in the state and are
 66 reported to the department's child abuse hotline;
 67 revising the due date for a report; providing a
 68 directive to the Division of Law Revision and
 69 Information; amending s. 402.40, F.S.; providing for a
 70 specialization through the certification process;
 71 creating s. 402.402, F.S.; providing education
 72 requirements for child protective investigators and
 73 child protective investigation supervisors; creating
 74 s. 402.403, F.S.; establishing a tuition exemption
 75 program for child protective investigators and

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76 supervisors; providing eligibility requirements;
 77 creating s. 402.404, F.S.; establishing a student loan
 78 forgiveness program for child protective investigators
 79 and supervisors; providing eligibility requirements;
 80 providing requirements for the program; amending s.
 81 409.165; enhancing provision of care to medically
 82 complex children; amending s. 409.967; revising
 83 standards for Medicaid managed care plan
 84 accountability in regard to services for dependent
 85 children; creating part V of ch. 409, F.S.; creating
 86 s. 409.986, F.S.; providing legislative findings and
 87 intent; providing child protection and child welfare
 88 outcome goals; defining terms; creating s. 409.987,
 89 F.S.; providing for the procurement of community-based
 90 care lead agencies; providing requirements for
 91 contracting as a lead agency; creating s. 409.988,
 92 F.S.; providing the duties of a community-based care
 93 lead agency; providing licensure requirements for a
 94 lead agency; creating s. 409.998; providing for
 95 community based care oversight by community alliances;
 96 authorizing the establishment of direct-support
 97 organizations; creating s. 409.990, F.S.; providing
 98 general funding provisions; providing for a matching
 99 grant program and the maximum amount of funds that may
 100 be awarded; requiring the department to develop and

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101 | implement a community-based care risk pool initiative;
 102 | providing requirements for the risk pool;
 103 | transferring, renumbering, and amending s. 409.16713,
 104 | F.S.; transferring provisions relating to the
 105 | allocation of funds for community-based lead care
 106 | agencies; conforming a cross-reference; creating s.
 107 | 409.992, F.S.; providing requirements for community-
 108 | based care lead agency expenditures; creating s.
 109 | 409.993, F.S.; providing findings; providing for lead
 110 | agency and subcontractor liability; providing
 111 | limitations on damages; transferring, renumbering, and
 112 | amending s. 409.1675, F.S.; transferring provisions
 113 | relating to receivership from community-based
 114 | providers to lead agencies; conforming cross-
 115 | references and terminology; creating s. 409.996, F.S.;
 116 | providing duties of the department relating to
 117 | community-based care and lead agencies; creating s.
 118 | 409.997, F.S.; providing goals for the department and
 119 | specified entities; requiring the department to
 120 | maintain a comprehensive, results-oriented
 121 | accountability system; providing requirements;
 122 | requiring the department to establish a technical
 123 | advisory panel; providing requirements for the panel;
 124 | requiring the department to make the results of the
 125 | system public; requiring a report to the Governor and

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126 the Legislature; creating s. 827.10, F.S.; defining
 127 terms; establishing the criminal offense of unlawful
 128 abandonment of a child; providing criminal penalties;
 129 providing exceptions; creating s. 1004.615, F.S.;
 130 establishing the Florida Institute for Child Welfare;
 131 providing the purpose of the institute; requiring the
 132 institute to contract and work with specified
 133 entities; providing duties and responsibilities of the
 134 institute; providing for the administration of the
 135 institute; requiring a report to the Governor and the
 136 Legislature by a specified date; providing for a task
 137 force and report; amending s. 1009.25, F.S.; exempting
 138 tuition and fees for specified child protective
 139 investigators and child protective investigation
 140 supervisors; amending s. 39.01, F.S.; conforming a
 141 cross-reference; providing an effective date.

142
 143 Be It Enacted by the Legislature of the State of Florida:

144
 145 Section 1. Present subsections (3) through (5) of section
 146 20.19, Florida Statutes, are redesignated as subsections (4)
 147 through (6), respectively, a new subsection (3) is added to that
 148 section, and subsections (2) and (4) of that section are
 149 amended, to read:

150 20.19 Department of Children and Families.—There is

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151 created a Department of Children and Families.

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

153 (a) The head of the department is the Secretary of
 154 Children and Families. The secretary is appointed by the
 155 Governor, subject to confirmation by the Senate. The secretary
 156 serves at the pleasure of the Governor.

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

162 (3) ASSISTANT SECRETARIES.—

163 (a) Child Welfare.—

164 1. The secretary shall appoint an Assistant Secretary for
 165 Child Welfare to lead the department in carrying out its duties
 166 and responsibilities for child protection and child welfare. The
 167 individual appointed to this position shall serve at the
 168 pleasure of the secretary.

169 2. The assistant secretary must have at least 7 years of
 170 experience working in organizations delivering child protective
 171 or child welfare services.

172 (b) Substance Abuse and Mental Health.—

173 ~~(e)~~1. The secretary shall appoint an Assistant Secretary
 174 for Substance Abuse and Mental Health. The assistant secretary
 175 shall serve at the pleasure of the secretary and must have

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176 expertise in both areas of responsibility.

177 2. The secretary shall appoint a Director for Substance
 178 Abuse and Mental Health who has the requisite expertise and
 179 experience to head the state's Substance Abuse and Mental Health
 180 Program Office.

181 (5)~~(4)~~ COMMUNITY ALLIANCES.—

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

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

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

196 ~~2.1-~~ Joint planning for resource utilization in the
 197 community, including resources appropriated to the department
 198 and any funds that local funding sources choose to provide.

199 ~~3.2-~~ Needs assessment and establishment of community
 200 priorities for service delivery.

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201 ~~4.3.~~ Determining community outcome goals to supplement
202 state-required outcomes.

203 ~~5.4.~~ Serving as a catalyst for community resource
204 development.

205 ~~6.5.~~ Providing for community education and advocacy on
206 issues related to delivery of services.

207 ~~7.6.~~ Promoting prevention and early intervention services.

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

212 (d) The initial membership of the community alliance in a
213 county shall be composed of the following, who shall be
214 appointed by the entities they represent:

215 ~~1. A representative from the department.~~

216 ~~1.2.~~ A representative from county government.

217 ~~2.3.~~ A representative from the school district.

218 ~~3.4.~~ A representative from the county United Way.

219 ~~4.5.~~ A representative from the county sheriff's office,
220 unless the county sheriff's office is providing child protective
221 services.

222 ~~5.6.~~ A representative from the circuit court corresponding
223 to the county.

224 ~~6.7.~~ A representative from the county children's board, if
225 one exists.

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

228 (e) At any time after the initial meeting of the community
 229 alliance, the community alliance shall adopt bylaws and may
 230 increase the membership of the alliance to include the state
 231 attorney for the judicial circuit in which the community
 232 alliance is located, or his or her designee, the public defender
 233 for the judicial circuit in which the community alliance is
 234 located, or his or her designee, and other individuals and
 235 organizations who represent funding organizations, are community
 236 leaders, have knowledge of community-based service issues, or
 237 otherwise represent perspectives that will enable them to
 238 accomplish the duties listed in paragraph (b), if, in the
 239 judgment of the alliance, such change is necessary to adequately
 240 represent the diversity of the population within the community
 241 alliance service circuits.

242 (f) A member of the community alliance, other than a
 243 member specified in paragraph (d), may not receive payment for
 244 contractual services from the department or a community-based
 245 care lead agency.

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

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251 and for preapproved child care expenses for other members who
 252 demonstrate hardship.

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

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

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

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

266 Section 2. Paragraph (o) is added to subsection (1) of
 267 section 39.001, Florida Statutes, and paragraph (k) of that
 268 subsection is amended, present paragraphs (f) through (h) of
 269 subsection (3) of that section are redesignated as paragraphs
 270 (g) through (i), respectively, and a new paragraph (f) is added
 271 to that subsection, and present subsections (4) through (11) of
 272 that section are redesignated as subsections (5) through (12),
 273 respectively, a new subsection (4) is added to that section, and
 274 paragraph (c) of present subsection (8) and paragraph (b) of
 275 present subsection (10) of that section are amended, to read:

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276 39.001 Purposes and intent; personnel standards and
277 screening.—

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

279 (k) To make every possible effort, if ~~when~~ two or more
280 children who are in the care or under the supervision of the
281 department are siblings, to place the siblings in the same home;
282 and in the event of permanent placement of the siblings, to
283 place them in the same adoptive home or, if the siblings are
284 separated while under the care or supervision of the department
285 or in a permanent placement, to keep them in contact with each
286 other.

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

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

292 (f) Access to sufficient home and community-based support
293 for medically complex children to allow them to remain in the
294 least restrictive and most nurturing environment, which includes
295 sufficient home and community-based services in an amount and
296 scope comparable to those the child would receive in out-of-home
297 care placement.

298 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The
299 department shall maintain a program of family-centered services
300 and supports for medically complex children. The purpose of the

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301 program is to prevent abuse and neglect of medically complex
 302 children while enhancing the capacity of families to provide for
 303 their children's needs. Program services must include outreach,
 304 early intervention, and provision of home and community-based
 305 services such as care coordination, respite care, and direct
 306 home care. The department shall work with the Agency for Health
 307 Care Administration and the Department of Health to provide
 308 needed services.

309 (9)~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

311 1. Oversee the preparation and implementation of the state
 312 plan established under subsection (10)~~(9)~~ and revise and update
 313 the state plan as necessary.

314 2. Provide for or make available continuing professional
 315 education and training in the prevention of child abuse and
 316 neglect.

317 3. Work to secure funding in the form of appropriations,
 318 gifts, and grants from the state, the Federal Government, and
 319 other public and private sources in order to ensure that
 320 sufficient funds are available for the promotion of adoption,
 321 support of adoptive families, and child abuse prevention
 322 efforts.

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

325 a. Programs and services for the promotion of adoption,

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326 support of adoptive families, and prevention of child abuse and
 327 neglect.

328 b. Training programs for the prevention of child abuse and
 329 neglect.

330 c. Multidisciplinary and discipline-specific training
 331 programs for professionals with responsibilities affecting
 332 children, young adults, and families.

333 d. Efforts to promote adoption.

334 e. Postadoptive services to support adoptive families.

335 5. Monitor, evaluate, and review the development and
 336 quality of local and statewide services and programs for the
 337 promotion of adoption, support of adoptive families, and
 338 prevention of child abuse and neglect and shall publish and
 339 distribute an annual report of its findings on or before January
 340 1 of each year to the Governor, the Speaker of the House of
 341 Representatives, the President of the Senate, the head of each
 342 state agency affected by the report, and the appropriate
 343 substantive committees of the Legislature. The report shall
 344 include:

345 a. A summary of the activities of the office.

346 b. A summary of the adoption data collected and reported
 347 to the federal Adoption and Foster Care Analysis and Reporting
 348 System (AFCARS) and the federal Administration for Children and
 349 Families.

350 c. A summary of the child abuse prevention data collected

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351 and reported to the National Child Abuse and Neglect Data System
 352 (NCANDS) and the federal Administration for Children and
 353 Families.

354 d. A summary detailing the timeliness of the adoption
 355 process for children adopted from within the child welfare
 356 system.

357 e. Recommendations, by state agency, for the further
 358 development and improvement of services and programs for the
 359 promotion of adoption, support of adoptive families, and
 360 prevention of child abuse and neglect.

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

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

365 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—

366 (b) The office and the other agencies and organizations
 367 listed in paragraph (10) (a) ~~(9) (a)~~ shall readdress the state
 368 plan and make necessary revisions every 5 years, at a minimum.
 369 Such revisions shall be submitted to the Speaker of the House of
 370 Representatives and the President of the Senate no later than
 371 June 30 of each year divisible by 5. At least biennially, the
 372 office shall review the state plan and make any necessary
 373 revisions based on changing needs and program evaluation
 374 results. An annual progress report shall be submitted to update
 375 the state plan in the years between the 5-year intervals. In

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376 order to avoid duplication of effort, these required plans may
 377 be made a part of or merged with other plans required by either
 378 the state or Federal Government, so long as the portions of the
 379 other state or Federal Government plan that constitute the state
 380 plan for the promotion of adoption, support of adoptive
 381 families, and prevention of child abuse, abandonment, and
 382 neglect are clearly identified as such and are provided to the
 383 Speaker of the House of Representatives and the President of the
 384 Senate as required above.

385 Section 3. Present subsections (42) through (76) of section
 386 39.01, Florida Statutes, are redesignated as subsections (43)
 387 through (79), respectively, new subsections (42), (67) and (71)
 388 are added to that section, and subsections (10), (22), and (33)
 389 are amended, to read:

390 39.01 Definitions.—When used in this chapter, unless the
 391 context otherwise requires:

392 (10) "Caregiver" means the parent, legal custodian,
 393 permanent guardian, adult household member, or other person
 394 responsible for a child's welfare as defined in subsection (48)
 395 ~~(47)~~.

396 (22) "Diligent efforts by a parent" means a course of
 397 conduct which results in a meaningful change in the behavior of
 398 a parent which ~~a reduction~~ reduces ~~in~~ risk to the child in the
 399 child's home to the extent that ~~would allow~~ the child may ~~to~~ be
 400 safely placed permanently back in the home as set forth in the

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401 case plan.

402 (33) "Institutional child abuse or neglect" means
 403 situations of known or suspected child abuse or neglect in which
 404 the person allegedly perpetrating the child abuse or neglect is
 405 an employee of a private school, public or private day care
 406 center, residential home, institution, facility, or agency or
 407 any other person at such institution responsible for the child's
 408 care as defined in subsection (48) ~~(47)~~.

409 (43) "Medical neglect" means the failure to provide or the
 410 failure to allow needed care as recommended by a health care
 411 practitioner for a physical injury, illness, medical condition,
 412 or impairment, or the failure to seek timely and appropriate
 413 medical care for a serious health problem that a reasonable
 414 person would have recognized as requiring professional medical
 415 attention. Medical neglect does not occur if the parent or legal
 416 custodian of the child has made reasonable attempts to obtain
 417 necessary health care services or the immediate health condition
 418 giving rise to the allegation of neglect is a known and expected
 419 complication of the child's diagnosis or treatment and:

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

423 (b) The parent received conflicting medical recommendations
 424 for treatment from multiple practitioners and did not follow all
 425 recommendations.

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426 (66) "Safety plan" means a plan created to control present
 427 or impending danger using the least intrusive means appropriate
 428 to protect a child when a parent, caregiver, or legal custodian
 429 is unavailable, unwilling, or unable to do so.

430 (71) "Sibling" means:

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

433 (b) Children who have lived together in a family and
 434 identify themselves as siblings.

435 Section 4. Section 39.2015, Florida Statutes, is created to
 436 read:

437 39.2015 Critical incident rapid response team.-

438 (1) The department shall conduct an immediate
 439 investigation of deaths or other serious incidents involving
 440 children using critical incident rapid response teams as
 441 provided in subsection (2). The purpose of such investigation is
 442 to identify root causes and rapidly determine the need to change
 443 policies and practices related to child protection and child
 444 welfare.

445 (2) An immediate onsite investigation conducted by a
 446 critical incident rapid response team is required for all child
 447 deaths reported to the department if the child or another child
 448 in his or her family was the subject of a verified report of
 449 suspected abuse or neglect in the previous 12 months. The
 450 secretary may direct an immediate investigation for other cases

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451 involving serious injury to a child.

452 (3) Each investigation shall be conducted by a team of at
 453 least five professionals with expertise in child protection,
 454 child welfare, and organizational management. The team may be
 455 selected from employees of the department, community-based care
 456 lead agencies, other provider organizations, faculty from the
 457 institute consisting of public and private universities offering
 458 degrees in social work established pursuant to s. 1004.615, or
 459 any other persons with the required expertise. The majority of
 460 the team must reside in judicial circuits outside the location
 461 of the incident. The secretary shall appoint a team leader for
 462 each group assigned to an investigation.

463 (4) An investigation shall be initiated as soon as
 464 possible, but not later than 2 business days after the case is
 465 reported to the department. A preliminary report on each case
 466 shall be provided to the secretary no later than 30 days after
 467 the investigation begins.

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

470 (6) All employees of the department or other state
 471 agencies and all personnel from contracted provider
 472 organizations are required to cooperate with the investigation
 473 by participating in interviews and timely responding to any
 474 requests for information.

475 (7) The secretary shall develop cooperative agreements

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476 with other entities and organizations as necessary to facilitate
 477 the work of the team.

478 (8) The members of the team may be reimbursed by the
 479 department for per diem, mileage, and other reasonable expenses
 480 as provided in s. 112.061. The department may also reimburse the
 481 team member's employer for the associated salary and benefits
 482 during the time the team member is fulfilling the duties
 483 required under this section.

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

488 (10) The secretary, in conjunction with the institute
 489 established pursuant to s. 1004.615, shall develop guidelines
 490 for investigations conducted by critical incident rapid response
 491 teams and provide training to team members. Such guidelines must
 492 direct the teams in the conduct of a root-cause analysis that
 493 identifies, classifies, and attributes responsibility for both
 494 direct and latent causes for the death or other incident,
 495 including organizational factors, preconditions, and specific
 496 acts or omissions resulting from either error or a violation of
 497 procedures.

498 (11) The secretary shall appoint an advisory committee
 499 made up of experts in child protection and child welfare to make
 500 an independent review of investigative reports from the critical

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501 incident rapid response teams and make recommendations to
 502 improve policies and practices related to child protection and
 503 child welfare services. By October 1 of each year, the advisory
 504 committee shall make an annual report to the secretary,
 505 including findings and recommendations. The secretary shall
 506 submit the report to the Governor, the President of the Senate,
 507 and the Speaker of the House of Representatives.

508 Section 5. Section 39.2022, Florida Statutes, is created to
 509 read:

510 39.2022 Public disclosure of child deaths reported to the
 511 child abuse hotline.-

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

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

522 (a) Age, race, and gender of the child.

523 (b) Date of the child's death.

524 (c) Allegations of the cause of death or the preliminary
 525 cause of death, until verified, at which time the verified cause

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526 of death will also be posted.

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

529 (e) Name of the community-based care lead agency, case
 530 management agency, or out-of-home licensing agency involved with
 531 the child, family, or licensed caregiver, if applicable. (f)
 532 Whether the child has been the subject of any prior verified
 533 reports to the department's child abuse hotline.

534 Section 6. Paragraph (a) of subsection (9) of section
 535 39.301, Florida Statutes, is amended to read:

536 39.301 Initiation of protective investigations.—

537 (9) (a) For each report received from the central abuse
 538 hotline and accepted for investigation, the department or the
 539 sheriff providing child protective investigative services under
 540 s. 39.3065, shall perform the following child protective
 541 investigation activities to determine child safety:

542 1. Conduct a review of all relevant, available information
 543 specific to the child and family and alleged maltreatment;
 544 family child welfare history; local, state, and federal criminal
 545 records checks; and requests for law enforcement assistance
 546 provided by the abuse hotline. Based on a review of available
 547 information, including the allegations in the current report, a
 548 determination shall be made as to whether immediate consultation
 549 should occur with law enforcement, the child protection team, a
 550 domestic violence shelter or advocate, or a substance abuse or

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551 mental health professional. Such consultations should include
 552 discussion as to whether a joint response is necessary and
 553 feasible. A determination shall be made as to whether the person
 554 making the report should be contacted before the face-to-face
 555 interviews with the child and family members.

556 2. Conduct face-to-face interviews with the child; other
 557 siblings, if any; and the parents, legal custodians, or
 558 caregivers.

559 3. Assess the child's residence, including a determination
 560 of the composition of the family and household, including the
 561 name, address, date of birth, social security number, sex, and
 562 race of each child named in the report; any siblings or other
 563 children in the same household or in the care of the same
 564 adults; the parents, legal custodians, or caregivers; and any
 565 other adults in the same household.

566 4. Determine whether there is any indication that any
 567 child in the family or household has been abused, abandoned, or
 568 neglected; the nature and extent of present or prior injuries,
 569 abuse, or neglect, and any evidence thereof; and a determination
 570 as to the person or persons apparently responsible for the
 571 abuse, abandonment, or neglect, including the name, address,
 572 date of birth, social security number, sex, and race of each
 573 such person.

574 5. Complete assessment of immediate child safety for each
 575 child based on available records, interviews, and observations

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576 with all persons named in subparagraph 2. and appropriate
 577 collateral contacts, which may include other professionals. The
 578 department's child protection investigators are hereby
 579 designated a criminal justice agency for the purpose of
 580 accessing criminal justice information to be used for enforcing
 581 this state's laws concerning the crimes of child abuse,
 582 abandonment, and neglect. This information shall be used solely
 583 for purposes supporting the detection, apprehension,
 584 prosecution, pretrial release, posttrial release, or
 585 rehabilitation of criminal offenders or persons accused of the
 586 crimes of child abuse, abandonment, or neglect and may not be
 587 further disseminated or used for any other purpose.

588 6. Document the present and impending dangers to each
 589 child based on the identification of inadequate protective
 590 capacity through utilization of a standardized safety assessment
 591 instrument. If present or impending danger is identified, the
 592 child protective investigator must implement a safety plan that
 593 is specific, sufficient, feasible, and sustainable in response
 594 to the realities of the present or impending danger. A safety
 595 plan may be exclusively an in-home plan, an out of home plan, or
 596 a combination of both. A safety plan may not rely on promissory
 597 commitments by the parent, caregiver, or legal custodian who is
 598 currently not able to protect the child or on services that will
 599 not result in safety. A safety plan may not be implemented if
 600 for any reason the parents, guardian, or legal custodian lacks

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601 the capacity or ability to comply, or if a plan is not able to
 602 be developed that is sufficient, feasible, and sustainable. The
 603 plan must include, at a minimum, the specific tasks or services,
 604 their frequency and duration, the persons responsible for each,
 605 and how implementation will be monitored, as well as parental
 606 responsibility for financial support of the child and for any
 607 services contained in the plan. The plan shall provide that
 608 individuals from outside the home shall observe the children for
 609 some period of time every day, which may be fulfilled through
 610 methods including, but not limited to, daily attendance at
 611 school or child care. A safety plan shall remain in effect as
 612 long as a parent or the parents, guardian, or legal custodian
 613 does not have the protective capacity necessary to protect the
 614 child from identified danger threats. The plan must be signed by
 615 all parties as an acknowledgement that they are in agreement
 616 with the plan, though signing the plan does not constitute an
 617 admission to any allegation of abuse, abandonment, or neglect
 618 and does not constitute consent to a finding of dependency or
 619 termination of parental rights. The child protective
 620 investigator shall transfer the case to the community based care
 621 lead agency for on-going safety management and on-going services
 622 prior to closure of the investigation.

623 *a) If present danger is identified, the child protective
 624 investigator shall create and implement the plan before leaving
 625 the home or the location where there is present danger.

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626 ~~(b) Upon completion of the immediate safety assessment, the~~
 627 ~~department shall determine the additional activities necessary~~
 628 ~~to assess impending dangers, if any, and close the~~
 629 ~~investigation. If impending danger is identified, the child~~
 630 ~~protective investigator shall work with the lead agency~~
 631 ~~community-based care case manager to create and implement a~~
 632 ~~safety plan in response to the impending danger.~~

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

- 635 ~~1.~~ medical or other health care; or
- 636 ~~2.~~ homemaker care, day care, protective supervision, or
- 637 other services to stabilize the home environment, including
- 638 intensive family preservation services through the Intensive
- 639 Crisis Counseling Program,

640
 641 such services shall first be offered for voluntary acceptance
 642 unless:

- 643 1. There are high-risk factors that may impact the ability
- 644 of the parents or legal custodians to exercise judgment. Such
- 645 factors may include the parents' or legal custodians' young age
- 646 or history of substance abuse, mental illness, or domestic
- 647 violence; or

- 648 2. There is a high likelihood of lack of compliance with
- 649 voluntary services, and such noncompliance would result in the
- 650 child being unsafe.

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651 (b) The parents or legal custodians shall be informed of
 652 the right to refuse services, as well as the responsibility of
 653 the department to protect the child regardless of the acceptance
 654 or refusal of services. If the services are refused, a
 655 collateral contact shall include a relative, if the protective
 656 investigator has knowledge of and the ability to contact a
 657 relative. If the services are refused and the department deems
 658 that the child's need for protection ~~se~~ requires services, the
 659 department shall take the child into protective custody or
 660 petition the court as provided in this chapter. At any time
 661 after the commencement of a protective investigation, a relative
 662 may submit in writing to the protective investigator or case
 663 manager a request to receive notification of all proceedings and
 664 hearings in accordance with s. 39.502. The request shall include
 665 the relative's name, address, and phone number and the
 666 relative's relationship to the child. The protective
 667 investigator or case manager shall forward such request to the
 668 attorney for the department. The failure to provide notice to
 669 either a relative who requests it pursuant to this subsection or
 670 to a relative who is providing out-of-home care for a child may
 671 not result in any previous action of the court at any stage or
 672 proceeding in dependency or termination of parental rights under
 673 any part of this chapter being set aside, reversed, modified, or
 674 in any way changed absent a finding by the court that a change
 675 is required in the child's best interests.

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

678 1. Criteria that are factors requiring that the department
679 take the child into custody, petition the court as provided in
680 this chapter, or, if the child is not taken into custody or a
681 petition is not filed with the court, conduct an administrative
682 review. Such factors must include, but are not limited to,
683 noncompliance with a safety plan or the case plan developed by
684 the department, or its agent, and the family under this chapter,
685 and prior abuse reports with findings that involve the child, a
686 sibling, or caregiver.

687 2. Requirements that if after an administrative review the
688 department determines not to take the child into custody or
689 petition the court, the department shall document the reason for
690 its decision in writing and include it in the investigative
691 file. For all cases that were accepted by the local law
692 enforcement agency for criminal investigation pursuant to
693 subsection (2), the department must include in the file written
694 documentation that the administrative review included input from
695 law enforcement. In addition, for all cases that must be
696 referred to child protection teams pursuant to s. 39.303(2) and
697 (3), the file must include written documentation that the
698 administrative review included the results of the team's
699 evaluation. ~~Factors that must be included in the development of~~
700 ~~the rule include noncompliance with the case plan developed by~~

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701 ~~the department, or its agent, and the family under this chapter~~
 702 ~~and prior abuse reports with findings that involve the child or~~
 703 ~~caregiver.~~

704 Section 7. Section 39.303, Florida Statutes, is amended to
 705 read:

706 39.303 Child protection teams; services; eligible cases.-
 707 The Children's Medical Services Program in the Department of
 708 Health shall develop, maintain, and coordinate the services of
 709 one or more multidisciplinary child protection teams in each of
 710 the service districts of the Department of Children and Family
 711 Services. Such teams may be composed of appropriate
 712 representatives of school districts and appropriate health,
 713 mental health, social service, legal service, and law
 714 enforcement agencies. ~~The Legislature finds that optimal~~
 715 ~~coordination of child protection teams and sexual abuse~~
 716 ~~treatment programs requires collaboration between~~ The Department
 717 of Health and the Department of Children and Families ~~Family~~
 718 ~~Services.~~ The two departments shall maintain an interagency
 719 agreement that establishes protocols for oversight and
 720 operations of child protection teams and sexual abuse treatment
 721 programs. The State Surgeon General and the Deputy Secretary for
 722 Children's Medical Services, in consultation with the Secretary
 723 of Children and Family Services, shall maintain the
 724 responsibility for the screening, employment, and, if necessary,
 725 the termination of child protection team medical directors, at

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726 headquarters and in the 15 districts. Child protection team
 727 medical directors shall be responsible for oversight of the
 728 teams in the districts.

729 (1) The Department of Health shall use ~~utilize~~ and convene
 730 the teams to supplement the assessment and protective
 731 supervision activities of the family safety and preservation
 732 program of the Department of Children and Families ~~Family~~
 733 ~~Services~~. ~~Nothing in This section~~ does not ~~shall be construed to~~
 734 remove or reduce the duty and responsibility of any person to
 735 report pursuant to this chapter all suspected or actual cases of
 736 child abuse, abandonment, or neglect or sexual abuse of a child.
 737 The role of the teams shall be to support activities of the
 738 program and to provide services deemed by the teams to be
 739 necessary and appropriate to abused, abandoned, and neglected
 740 children upon referral. The specialized diagnostic assessment,
 741 evaluation, coordination, consultation, and other supportive
 742 services that a child protection team shall be capable of
 743 providing include, but are not limited to, the following:

744 (a) Medical diagnosis and evaluation services, including
 745 provision or interpretation of X rays and laboratory tests, and
 746 related services, as needed, and documentation of related
 747 findings ~~relative thereto~~.

748 (b) Telephone consultation services in emergencies and in
 749 other situations.

750 (c) Medical evaluation related to abuse, abandonment, or

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751 neglect, as defined by policy or rule of the Department of
752 Health.

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

758 (e) Expert medical, psychological, and related
759 professional testimony in court cases.

760 (f) Case staffings to develop treatment plans for children
761 whose cases have been referred to the team. A child protection
762 team may provide consultation with respect to a child who is
763 alleged or is shown to be abused, abandoned, or neglected, which
764 consultation shall be provided at the request of a
765 representative of the family safety and preservation program or
766 at the request of any other professional involved with a child
767 or the child's parent or parents, legal custodian or custodians,
768 or other caregivers. In every such child protection team case
769 staffing, consultation, or staff activity involving a child, a
770 family safety and preservation program representative shall
771 attend and participate.

772 (g) Case service coordination and assistance, including
773 the location of services available from other public and private
774 agencies in the community.

775 (h) Such training services for program and other employees

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776 of the Department of Children and ~~Families~~ Family Services,
 777 employees of the Department of Health, and other medical
 778 professionals as is deemed appropriate to enable them to develop
 779 and maintain their professional skills and abilities in handling
 780 child abuse, abandonment, and neglect cases.

781 (i) Educational and community awareness campaigns on child
 782 abuse, abandonment, and neglect in an effort to enable citizens
 783 more successfully to prevent, identify, and treat child abuse,
 784 abandonment, and neglect in the community.

785 (j) Child protection team assessments that include, as
 786 appropriate, medical evaluations, medical consultations, family
 787 psychosocial interviews, specialized clinical interviews, or
 788 forensic interviews.

789
 790 All medical personnel participating on a child protection team
 791 must successfully complete the required child protection team
 792 training curriculum as set forth in protocols determined by the
 793 Deputy Secretary for Children's Medical Services and the
 794 Statewide Medical Director for Child Protection. A child
 795 protection team that is evaluating a report of medical neglect
 796 and assessing the health care needs of a medically complex child
 797 shall consult with a physician who has experience in treating
 798 children with the same condition.

799 (2) The child abuse, abandonment, and neglect reports that
 800 must be referred by the department to child protection teams of

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801 the Department of Health for an assessment and other appropriate
 802 available support services as set forth in subsection (1) must
 803 include cases involving:

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

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

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

808 (d) Any sexually transmitted disease in a prepubescent
 809 child.

810 (e) Reported malnutrition of a child and failure of a
 811 child to thrive.

812 (f) Reported medical neglect of a child.

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

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

820 (3) All abuse and neglect cases transmitted for
 821 investigation to a district by the hotline must be
 822 simultaneously transmitted to the Department of Health child
 823 protection team for review. For the purpose of determining
 824 whether face-to-face medical evaluation by a child protection
 825 team is necessary, all cases transmitted to the child protection

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826 | team which meet the criteria in subsection (2) must be timely
 827 | reviewed by:

828 | (a) A physician licensed under chapter 458 or chapter 459
 829 | who holds board certification in pediatrics and is a member of a
 830 | child protection team;

831 | (b) A physician licensed under chapter 458 or chapter 459
 832 | who holds board certification in a specialty other than
 833 | pediatrics, who may complete the review only when working under
 834 | the direction of a physician licensed under chapter 458 or
 835 | chapter 459 who holds board certification in pediatrics and is a
 836 | member of a child protection team;

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

840 | (d) A physician assistant licensed under chapter 458 or
 841 | chapter 459, who may complete the review only when working under
 842 | the supervision of a physician licensed under chapter 458 or
 843 | chapter 459 who holds board certification in pediatrics and is a
 844 | member of a child protection team; or

845 | (e) A registered nurse licensed under chapter 464, who may
 846 | complete the review only when working under the direct
 847 | supervision of a physician licensed under chapter 458 or chapter
 848 | 459 who holds certification in pediatrics and is a member of a
 849 | child protection team.

850 | (4) A face-to-face medical evaluation by a child

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851 protection team is not necessary when:

852 (a) The child was examined for the alleged abuse or
 853 neglect by a physician who is not a member of the child
 854 protection team, and a consultation between the child protection
 855 team board-certified pediatrician, advanced registered nurse
 856 practitioner, physician assistant working under the supervision
 857 of a child protection team board-certified pediatrician, or
 858 registered nurse working under the direct supervision of a child
 859 protection team board-certified pediatrician, and the examining
 860 physician concludes that a further medical evaluation is
 861 unnecessary;

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

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

869
 870 Notwithstanding paragraphs (a), (b), and (c), a child protection
 871 team pediatrician, as authorized in subsection (3), may
 872 determine that a face-to-face medical evaluation is necessary.

873 (5) In all instances in which a child protection team is
 874 providing certain services to abused, abandoned, or neglected
 875 children, other offices and units of the Department of Health,

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876 and offices and units of the Department of Children and Families
 877 ~~Family Services~~, shall avoid duplicating the provision of those
 878 services.

879 (6) The Department of Health child protection team quality
 880 assurance program and the Department of Children and Families
 881 ~~Family Services~~' Family Safety Program Office quality assurance
 882 program shall collaborate to ensure referrals and responses to
 883 child abuse, abandonment, and neglect reports are appropriate.
 884 Each quality assurance program shall include a review of records
 885 in which there are no findings of abuse, abandonment, or
 886 neglect, and the findings of these reviews shall be included in
 887 each department's quality assurance reports.

888 Section 8. Section 39.3068, Florida Statutes, is created to
 889 read:

890 39.3068 Reports of Medical Neglect.-

891 (1) Upon receiving a report alleging medical neglect as
 892 defined in s. 39.01, the department or sheriff's office shall
 893 assign the case to a child protective investigator who has
 894 specialized training in addressing medical neglect or working
 895 with medically complex children.

896 (2) The child protective investigator who has interacted
 897 with the child and the child's family shall promptly contact and
 898 provide information to the child protection team. The child
 899 protection team shall assist the child protective investigator
 900 in identifying immediate responses to address the medical needs

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901 of the child with the priority of maintaining the child in the
 902 home if the parents will be able to meet the needs of the child
 903 with additional services. The child protective investigator and
 904 the child protection team must use a family-centered approach to
 905 assess the capacity of the family to meet those needs. A
 906 family-centered approach is intended to increase independence on
 907 the part of the family, accessibility to programs and services
 908 within the community, and collaboration between families and
 909 their service providers. The ethnic, cultural, economic, racial,
 910 social, and religious diversity of families must be respected
 911 and considered in the development and provision of services.

912 (3) The child shall be evaluated by the child protection
 913 team as soon as practicable. After receipt of the report from
 914 the child protection team, the department shall have a case
 915 staffing which shall be attended, at a minimum, by the child
 916 protective investigator, department legal staff, and
 917 representatives from the child protection team which evaluated
 918 the child, Children's Medical Services, the Agency for Health
 919 Care Administration, the community-based care lead agency, and
 920 any providers of services to the child. However, the Agency for
 921 Health Care Administration is not required to attend the
 922 staffing if the child is not Medicaid eligible. The staffing
 923 shall, at a minimum, consider which services are available given
 924 the family's eligibility for services, and effective in
 925 addressing issues leading to medical neglect allegations that

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926 would enable the child to safely remain at home. If such
 927 services are available and effective, they shall be provided.

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

930 39.402 Placement in a shelter.—

931 (8)

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

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

937 2. That placement in shelter care is in the best interest
 938 of the child.

939 3. That continuation of the child in the home is contrary
 940 to the welfare of the child because the home situation presents
 941 a substantial and immediate danger to the child's physical,
 942 mental, or emotional health or safety which cannot be mitigated
 943 by the provision of preventive services.

944 4. That based upon the allegations of the petition for
 945 placement in shelter care, there is probable cause to believe
 946 that the child is dependent or that the court needs additional
 947 time, which may not exceed 72 hours, in which to obtain and
 948 review documents pertaining to the family in order to
 949 appropriately determine the risk to the child.

950 5. That the department has made reasonable efforts to

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951 prevent or eliminate the need for removal of the child from the
 952 home. A finding of reasonable effort by the department to
 953 prevent or eliminate the need for removal may be made and the
 954 department is deemed to have made reasonable efforts to prevent
 955 or eliminate the need for removal if:

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

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

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

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

971 6. That the department has made reasonable efforts to keep
 972 siblings together if they are removed and placed in out-of-home
 973 care unless such a placement is not in the best interest of each
 974 child. The department shall report to the court its efforts to
 975 place siblings together unless the court finds that such

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976 placement is not in the best interest of a child or his or her
 977 sibling.

978 ~~7.6.~~ That the court notified the parents, relatives that
 979 are providing out-of-home care for the child, or legal
 980 custodians of the time, date, and location of the next
 981 dependency hearing and of the importance of the active
 982 participation of the parents, relatives that are providing out-
 983 of-home care for the child, or legal custodians in all
 984 proceedings and hearings.

985 ~~8.7.~~ That the court notified the parents or legal
 986 custodians of their right to counsel to represent them at the
 987 shelter hearing and at each subsequent hearing or proceeding,
 988 and the right of the parents to appointed counsel, pursuant to
 989 the procedures set forth in s. 39.013.

990 ~~9.8.~~ That the court notified relatives who are providing
 991 out-of-home care for a child as a result of the shelter petition
 992 being granted that they have the right to attend all subsequent
 993 hearings, to submit reports to the court, and to speak to the
 994 court regarding the child, if they so desire.

995 (9) (a) At any shelter hearing, the department shall
 996 provide to the court a recommendation for scheduled contact
 997 between the child and parents, if appropriate. The court shall
 998 determine visitation rights absent a clear and convincing
 999 showing that visitation is not in the best interest of the
 1000 child. Any order for visitation or other contact must conform to

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1001 ~~the provisions of~~ s. 39.0139. If visitation is ordered but will
 1002 not commence within 72 hours of the shelter hearing, the
 1003 department shall provide justification to the court.

1004 (b) If siblings who are removed from the home cannot be
 1005 placed together, the department shall provide to the court a
 1006 recommendation for frequent visitation or other ongoing
 1007 interaction between the siblings unless this interaction would
 1008 be contrary to a sibling's safety or well-being. If visitation
 1009 among siblings is ordered but will not commence within 72 hours
 1010 of the shelter hearing, the department shall provide
 1011 justification to the court for the delay.

1012 Section 10. Paragraph (d) of subsection (3) of section
 1013 39.501, Florida Statutes, is amended to read:

1014 39.501 Petition for dependency.-

1015 (3)

1016 (d) The petitioner must state in the petition, if known,
 1017 whether:

1018 1. A parent or legal custodian named in the petition has
 1019 previously unsuccessfully participated in voluntary services
 1020 offered by the department;

1021 2. A parent or legal custodian named in the petition has
 1022 participated in mediation and whether a mediation agreement
 1023 exists;

1024 3. A parent or legal custodian has rejected the voluntary
 1025 services offered by the department;

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1026 4. A parent or legal custodian named in the petition has
 1027 not fully complied with a safety plan; or

1028 5. ~~4.~~ The department has determined that voluntary services
 1029 are not appropriate for the parent or legal custodian and the
 1030 reasons for such determination.

1031
 1032 If the petitioner is the department, it shall provide all safety
 1033 assessments and safety plans involving the parent or legal
 1034 custodian to the court.

1035 Section 11. Paragraph (c) of subsection (2) and
 1036 paragraph (a) of subsection (3) of section 39.701, Florida
 1037 Statutes, is amended to read:

1038 39.701 Judicial review.—

1039 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 1040 AGE.—

1041 (c) Review determinations.—The court and any citizen
 1042 review panel shall take into consideration the information
 1043 contained in the social services study and investigation and all
 1044 medical, psychological, and educational records that support the
 1045 terms of the case plan; testimony by the social services agency,
 1046 the parent, the foster parent or legal custodian, the guardian
 1047 ad litem or surrogate parent for educational decisionmaking if
 1048 one has been appointed for the child, and any other person
 1049 deemed appropriate; and any relevant and material evidence
 1050 submitted to the court, including written and oral reports to

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1051 the extent of their probative value. These reports and evidence
 1052 may be received by the court in its effort to determine the
 1053 action to be taken with regard to the child and may be relied
 1054 upon to the extent of their probative value, even though not
 1055 competent in an adjudicatory hearing. In its deliberations, the
 1056 court and any citizen review panel shall seek to determine:

1057 1. If the parent was advised of the right to receive
 1058 assistance from any person or social service agency in the
 1059 preparation of the case plan.

1060 2. If the parent has been advised of the right to have
 1061 counsel present at the judicial review or citizen review
 1062 hearings. If not so advised, the court or citizen review panel
 1063 shall advise the parent of such right.

1064 3. If a guardian ad litem needs to be appointed for the
 1065 child in a case in which a guardian ad litem has not previously
 1066 been appointed or if there is a need to continue a guardian ad
 1067 litem in a case in which a guardian ad litem has been appointed.

1068 4. Who holds the rights to make educational decisions for
 1069 the child. If appropriate, the court may refer the child to the
 1070 district school superintendent for appointment of a surrogate
 1071 parent or may itself appoint a surrogate parent under the
 1072 Individuals with Disabilities Education Act and s. 39.0016.

1073 5. The compliance or lack of compliance of all parties
 1074 with applicable items of the case plan, including the parents'
 1075 compliance with child support orders.

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1076 6. The compliance or lack of compliance with a visitation
 1077 contract between the parent and the social service agency for
 1078 contact with the child, including the frequency, duration, and
 1079 results of the parent-child visitation and the reason for any
 1080 noncompliance.

1081 7. The frequency, kind, and duration of sibling contacts
 1082 among siblings who have been separated during placement, as well
 1083 as any efforts undertaken to reunite separated siblings if doing
 1084 so is in the best interest of the child.

1085 8.7. The compliance or lack of compliance of the parent in
 1086 meeting specified financial obligations pertaining to the care
 1087 of the child, including the reason for failure to comply, if
 1088 applicable ~~such is the case.~~

1089 9.8. Whether the child is receiving safe and proper care
 1090 according to s. 39.6012, including, but not limited to, the
 1091 appropriateness of the child's current placement, including
 1092 whether the child is in a setting that is as family-like and as
 1093 close to the parent's home as possible, consistent with the
 1094 child's best interests and special needs, and including
 1095 maintaining stability in the child's educational placement, as
 1096 documented by assurances from the community-based care provider
 1097 that:

1098 a. The placement of the child takes into account the
 1099 appropriateness of the current educational setting and the
 1100 proximity to the school in which the child is enrolled at the

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1101 time of placement.

1102 b. The community-based care agency has coordinated with
 1103 appropriate local educational agencies to ensure that the child
 1104 remains in the school in which the child is enrolled at the time
 1105 of placement.

1106 9. A projected date likely for the child's return home or
 1107 other permanent placement.

1108 ~~11.10.~~ When appropriate, the basis for the unwillingness
 1109 or inability of the parent to become a party to a case plan. The
 1110 court and the citizen review panel shall determine if the
 1111 efforts of the social service agency to secure party
 1112 participation in a case plan were sufficient.

1113 ~~12.11.~~ For a child who has reached 13 years of age but is
 1114 not yet 18 years of age, the adequacy of the child's preparation
 1115 for adulthood and independent living.

1116 ~~13.12.~~ If amendments to the case plan are required.
 1117 Amendments to the case plan must be made under s. 39.6013.

1118 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1119 (a) In addition to the review and report required under
 1120 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
 1121 a judicial review hearing within 90 days after a child's 17th
 1122 birthday. The court shall also issue an order, separate from the
 1123 order on judicial review, that the disability of nonage of the
 1124 child has been removed pursuant to ss. 743.044, 743.045, and
 1125 743.046, and for any of these disabilities that the court finds

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1126 is in the child's best interest to remove. The court s. 743.045
 1127 ~~and~~ shall continue to hold timely judicial review hearings. If
 1128 necessary, the court may review the status of the child more
 1129 frequently during the year before the child's 18th birthday. At
 1130 each review hearing held under this subsection, in addition to
 1131 any information or report provided to the court by the foster
 1132 parent, legal custodian, or guardian ad litem, the child shall
 1133 be given the opportunity to address the court with any
 1134 information relevant to the child's best interest, particularly
 1135 in relation to independent living transition services. The
 1136 department shall include in the social study report for judicial
 1137 review written verification that the child has:

1138 1. A current Medicaid card and all necessary information
 1139 concerning the Medicaid program sufficient to prepare the child
 1140 to apply for coverage upon reaching the age of 18, if such
 1141 application is appropriate.

1142 2. A certified copy of the child's birth certificate and,
 1143 if the child does not have a valid driver license, a Florida
 1144 identification card issued under s. 322.051.

1145 3. A social security card and information relating to
 1146 social security insurance benefits if the child is eligible for
 1147 those benefits. If the child has received such benefits and they
 1148 are being held in trust for the child, a full accounting of
 1149 these funds must be provided and the child must be informed as
 1150 to how to access those funds.

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1151 4. All relevant information related to the Road-to-
 1152 Independence Program, including, but not limited to, eligibility
 1153 requirements, information on participation, and assistance in
 1154 gaining admission to the program. If the child is eligible for
 1155 the Road-to-Independence Program, he or she must be advised that
 1156 he or she may continue to reside with the licensed family home
 1157 or group care provider with whom the child was residing at the
 1158 time the child attained his or her 18th birthday, in another
 1159 licensed family home, or with a group care provider arranged by
 1160 the department.

1161 5. An open bank account or the identification necessary to
 1162 open a bank account and to acquire essential banking and
 1163 budgeting skills.

1164 6. Information on public assistance and how to apply for
 1165 public assistance.

1166 7. A clear understanding of where he or she will be living
 1167 on his or her 18th birthday, how living expenses will be paid,
 1168 and the educational program or school in which he or she will be
 1169 enrolled.

1170 8. Information related to the ability of the child to
 1171 remain in care until he or she reaches 21 years of age under s.
 1172 39.013.

1173 9. A letter providing the dates that the child is under
 1174 the jurisdiction of the court.

1175 10. A letter stating that the child is in compliance with

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- 1176 financial aid documentation requirements.
 1177 11. The child's educational records.
 1178 12. The child's entire health and mental health records.
 1179 13. The process for accessing his or her case file.
 1180 14. A statement encouraging the child to attend all
 1181 judicial review hearings occurring after the child's 17th
 1182 birthday.

1183 Section 12. Subsection (2) of section 39.802, Florida
 1184 Statutes, is amended to read:

1185 39.802 Petition for termination of parental rights;
 1186 filing; elements.-

1187 (2) The form of the petition is governed by the Florida
 1188 Rules of Juvenile Procedure. The petition must be in writing and
 1189 signed by the petitioner ~~or, if the department is the~~
 1190 ~~petitioner, by an employee of the department,~~ under oath stating
 1191 the petitioner's good faith in filing the petition.

1192 Section 13. Subsection (1) and paragraph (c) of subsection
 1193 (3) of section 383.402, Florida Statutes, are amended to read:

1194 383.402 Child abuse death review; State Child Abuse Death
 1195 Review Committee; local child abuse death review committees.-

1196 (1) It is the intent of the Legislature to establish a
 1197 statewide multidisciplinary, multiagency child abuse death
 1198 assessment and prevention system that consists of state and
 1199 local review committees. The state and local review committees
 1200 shall review the facts and circumstances of all deaths of

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1201 children from birth through age 18 which occur in this state and
 1202 are reported to the child abuse hotline of the Department of
 1203 Children and Families ~~as the result of verified child abuse or~~
 1204 ~~neglect~~. The purpose of the review shall be to:

1205 (a) Achieve a greater understanding of the causes and
 1206 contributing factors of deaths resulting from child abuse.

1207 (b) Whenever possible, develop a communitywide approach to
 1208 address such cases and contributing factors.

1209 (c) Identify any gaps, deficiencies, or problems in the
 1210 delivery of services to children and their families by public
 1211 and private agencies which may be related to deaths that are the
 1212 result of child abuse.

1213 (d) Make and implement recommendations for changes in law,
 1214 rules, and policies, as well as develop practice standards that
 1215 support the safe and healthy development of children and reduce
 1216 preventable child abuse deaths.

1217 (3) The State Child Abuse Death Review Committee shall:

1218 (c) Prepare an annual statistical report on the incidence
 1219 and causes of death resulting from reported child abuse in the
 1220 state during the prior calendar year. The state committee shall
 1221 submit a copy of the report by October 1 ~~December 31~~ of each
 1222 year to the Governor, the President of the Senate, and the
 1223 Speaker of the House of Representatives. The report must include
 1224 recommendations for state and local action, including specific
 1225 policy, procedural, regulatory, or statutory changes, and any

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1226 other recommended preventive action.

1227 Section 14. Subsection (5) of section 402.40, Florida
 1228 Statutes, is amended to read:

1229 402.40 Child welfare training and certification.—

1230 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

1231 (a) The Department of Children and Families ~~Family~~
 1232 ~~Services~~ shall approve the core competencies and related
 1233 preservice curricula that ensures that each person delivering
 1234 child welfare services obtains the knowledge, skills, and
 1235 abilities to competently carry out his or her work
 1236 responsibilities.

1237 (b) The identification of these core competencies and
 1238 development of preservice curricula shall be a collaborative
 1239 effort that includes professionals who have expertise in child
 1240 welfare services, department-approved third-party credentialing
 1241 entities, and providers that will be affected by the curriculum,
 1242 including, but not limited to, representatives from the
 1243 community-based care lead agencies, sheriffs' offices conducting
 1244 child protection investigations, and child welfare legal
 1245 services providers.

1246 (c) Community-based care agencies, sheriffs' offices, and
 1247 the department may contract for the delivery of preservice and
 1248 any additional training for persons delivering child welfare
 1249 services if the curriculum satisfies the department-approved
 1250 core competencies.

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1251 (d) The department may also approve specializations in
 1252 servicing specific populations or in skills relevant to child
 1253 protection for which individuals may be certified.

1254 (e) ~~(d)~~ Department-approved credentialing entities shall,
 1255 for a period of at least 12 months after implementation of the
 1256 third-party child welfare certification programs, grant
 1257 reciprocity and award a child welfare certification to
 1258 individuals who hold current department-issued child welfare
 1259 certification in good standing, at no cost to the department or
 1260 the certificateholder.

1261 Section 15. Section 402.402, Florida Statutes, is created
 1262 to read:

1263 402.402 Child protective investigators; child protection
 1264 investigation supervisors; department attorneys handling child
 1265 welfare cases.-

1266 (1) As used in this section, the term:

1267 (a) "Human services related field" means social work,
 1268 psychology, sociology, counseling, special education, human
 1269 development, child development, family development, marriage and
 1270 family therapy, and nursing.

1271 (b) "Relevant coursework" means coursework that imparts
 1272 knowledge and leads to the development of skills with direct
 1273 application to the child protection and child welfare field from
 1274 a college or university social work program accredited by the
 1275 Council on Social Work Education.

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1276 (2) CHILD PROTECTIVE INVESTIGATION STAFF REQUIREMENTS.—
 1277 (a) Child protective investigators and child protective
 1278 investigation supervisors hired on or after July 1, 2014, by the
 1279 department or a sheriff's office must have one of the following:
 1280 1. A bachelor's or a master's degree in social work from a
 1281 college or university social work program accredited by the
 1282 Council on Social Work Education. The individual shall have had
 1283 at least 12 credit hours of relevant coursework.
 1284 2. A bachelor's degree or a master's degree in a human-
 1285 services related field and at least 12 credit hours of relevant
 1286 coursework.
 1287 3. A bachelor's degree or a master's degree in a human-
 1288 services related field. Within three years of hire, such
 1289 individuals shall complete 12 credit hours of relevant
 1290 coursework. The sequence of courses may be designed to provide
 1291 in-depth knowledge in serving a specific subpopulation or
 1292 developing a specific set of skills relevant to child
 1293 protection. The department shall consult with the institute
 1294 authorized in s. 1004.615 to identify courses available through
 1295 the consortium of public and private universities in the state
 1296 offering degrees in social work that fulfills this requirement.
 1297 (b) All child protective investigators and child
 1298 protective investigation supervisors shall complete specialized
 1299 training either focused in serving a specific population,
 1300 including but not limited to medically fragile children,

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1301 sexually exploited children, children under the age of three, or
 1302 families with issues of domestic violence, mental illness, or
 1303 substance abuse, or in performing certain aspects of child
 1304 protection practice, such as investigation techniques and
 1305 analysis of family dynamics. The specialized training may be
 1306 used to fulfill continuing education requirements pursuant to
 1307 402.40(2)(e). Individuals hired before July 1, 2014, shall
 1308 complete the specialized training by June 30, 2016, and those
 1309 hired on or after July 1, 2014, shall complete the specialized
 1310 training within two years of hire. An individual may receive
 1311 specialized training in multiple areas.

1312 (2) ATTORNEYS FOR THE DEPARTMENT HANDLING CHILD WELFARE
 1313 CASES.—

1314 (a) Attorneys for the department handling child welfare
 1315 cases hired on or after July 1, 2014, shall:

1316 1. Receive, at a minimum, the same pre-service training
 1317 provided to child protective investigators.

1318 2. Within 60 days of hiring, shadow an experienced child
 1319 protective investigator and an experienced case manager for at
 1320 least 8 hours each.

1321 Section 16. Section 402.403, Florida Statutes, is created
 1322 to read:

1323 402.403 Child Protective Investigator and Supervisor
 1324 Tuition Exemption Program.—

1325 (1) There is established within the department the Child

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1326 Protective Investigator and Supervisor Tuition Exemption Program
 1327 for the purpose of recruiting and retaining high-performing
 1328 individuals who are employed as child protective investigators
 1329 or child protective investigation supervisors with the
 1330 department or a sheriff's office and who do not have a
 1331 bachelor's degree or master's degree in social work. The
 1332 department or sheriff's office may approve the exemption from
 1333 tuition and fees for a state university for an employee who:

1334 (a) Has been employed as a child protective investigator
 1335 or child protective investigation supervisor by the department
 1336 or sheriff's office for at least two years and who is determined
 1337 by the department or sheriff's office to have a high level of
 1338 performance; and

1339 (b) Is accepted in an upper-division undergraduate or
 1340 graduate level college or university social work program
 1341 accredited by the Council on Social Work Education which leads
 1342 to either a bachelor's degree or a master's degree in social
 1343 work, or is completing 12 credit hours of relevant coursework as
 1344 required under s. 402.403(2)(a)3.

1345 Section 17. Section 402.404, Florida Statutes, is created
 1346 to read:

1347 402.404 Child Protective Investigator and Supervisor
 1348 Student Loan Forgiveness Program.—

1349 (1) There is established within the department the Florida
 1350 Child Protective Investigator and Supervisor Student Loan

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1351 Forgiveness Program. The purpose of the program is to increase
 1352 employment and retention of high-performing individuals who have
 1353 either a bachelor's degree or a master's degree in social work
 1354 as child protective investigators or child protective
 1355 investigation supervisors with the department or sheriff's
 1356 office by making payments toward loans received by students from
 1357 federal or state programs or commercial lending institutions for
 1358 the support of prior postsecondary study in accredited social
 1359 work programs.

1360 (2) In order to be eligible for the program, a candidate
 1361 must be employed as a child protective investigator or child
 1362 protective investigation supervisor by the department or a
 1363 sheriff's office for at least two years, must be determined by
 1364 the department or sheriff's office to have a high level of
 1365 performance, and must have graduated from an accredited social
 1366 work program with either a bachelor's degree or a master's
 1367 degree in social work.

1368 (3) Only loans to pay the costs of tuition, books, fees,
 1369 and living expenses shall be covered.

1370 (4) The department may make loan payments of up to \$3,000
 1371 each year for up to 4 years on behalf of selected graduates of
 1372 an accredited social work program from the funds appropriated
 1373 for this purpose. All payments are contingent upon continued
 1374 proof of employment as a child protective investigator or a
 1375 child protective investigation supervisor with the department or

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1376 sheriff's office and made directly to the holder of the loan.

1377 (5) A student who receives a tuition exemption pursuant to
 1378 s. 402.403 is not eligible to participate in the Child
 1379 Protective Investigator Student Loan Forgiveness Program.

1380 Section 18. Section 409.165, Florida Statutes, is amended
 1381 to read:

1382 409.165 Alternate care for children.—

1383 (1) Within funds appropriated, the department shall
 1384 establish and supervise a program of emergency shelters, runaway
 1385 shelters, foster homes, group homes, agency-operated group
 1386 treatment homes, nonpsychiatric residential group care
 1387 facilities, psychiatric residential treatment facilities, and
 1388 other appropriate facilities to provide shelter and care for
 1389 dependent children who must be placed away from their families.
 1390 The department, in accordance with outcome established goals
 1391 established in s. 409.986, shall contract for the provision of
 1392 such shelter and care by counties, municipalities, nonprofit
 1393 corporations, and other entities capable of providing needed
 1394 services if:

1395 (a) The services so provided comply with all department
 1396 standards, policies, and procedures ~~are available;~~

1397 (b) The services can be ~~se~~ provided at a reasonable cost
 1398 ~~are more cost-effective than those provided by the department;~~
 1399 and

1400 (c) Unless otherwise provided by law, such providers of

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1401 shelter and care are licensed by the department.

1402

1403 ~~It is the legislative intent that the~~

1404 (2) Funds appropriated for the alternate care of children
 1405 as described in this section may be used to meet the needs of
 1406 children in their own homes or those of relatives if the
 1407 children can be safely served in such settings ~~their own homes,~~
 1408 ~~or the homes of relatives,~~ and the expenditure of funds in such
 1409 manner is equal to or less than the cost of out-of-home
 1410 placement ~~calculated by the department to be an eventual cost~~
 1411 ~~savings over placement of children.~~

1412 (3)~~(2)~~ The department shall ~~may~~ cooperate with all child
 1413 service institutions or agencies within the state which meet the
 1414 department's standards in order to maintain a comprehensive,
 1415 coordinated, and inclusive system for promoting and protecting
 1416 the well-being of children, consistent with the goals
 1417 established in s. 409.986 ~~rules for proper care and supervision~~
 1418 ~~prescribed by the department for the well-being of children.~~

1419 (a) The department shall work with the Department of
 1420 Health in the development, utilization, and monitoring of
 1421 medical foster homes for medically complex children.

1422 (b) The department shall work with the Agency for Health
 1423 Care Administration to provide such home and community-based
 1424 services as may be necessary to maintain medically complex
 1425 children in the least restrictive and most nurturing

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1426 environment.
 1427 ~~(4)~~~~(3)~~ With the written consent of parents, custodians, or
 1428 guardians, or in accordance with those provisions in chapter 39
 1429 that relate to dependent children, the department, under rules
 1430 properly adopted, may place a child:
 1431 (a) With a relative;
 1432 (b) With an adult nonrelative approved by the court for
 1433 long-term custody;
 1434 (c) With a person who is considering the adoption of a
 1435 child in the manner provided for by law;
 1436 (d) When limited, except as provided in paragraph (b), to
 1437 temporary emergency situations, with a responsible adult
 1438 approved by the court;
 1439 ~~(e)~~ With a person or family approved by the department to
 1440 serve as a medical foster home;
 1441 ~~(f)~~~~(e)~~ With a person or agency licensed by the department
 1442 in accordance with s. 409.175; or
 1443 ~~(g)~~~~(f)~~ In a subsidized independent living situation,
 1444 subject to the provisions of s. 409.1451(4) (c),
 1445
 1446 under such conditions as are determined to be for the best
 1447 interests or the welfare of the child. Any child placed in an
 1448 institution or in a family home by the department or its agency
 1449 may be removed by the department or its agency, and such other
 1450 disposition may be made as is for the best interest of the

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1451 child, including transfer of the child to another institution,
 1452 another home, or the home of the child. Expenditure of funds
 1453 appropriated for out-of-home care can be used to meet the needs
 1454 of a child in the child's own home or the home of a relative if
 1455 the child can be safely served in the child's own home or that
 1456 of a relative if placement can be avoided by the expenditure of
 1457 such funds, and if the expenditure of such funds in this manner
 1458 is equal to or less than the cost of out-of-home placement
 1459 ~~ealeculated by the department to be a potential cost savings.~~

1460 Section 19. Paragraph (c) of subsection (2) of section
 1461 409.967, Florida Statutes, is amended to read:

1462 409.967 Managed care plan accountability.—

1463 (2) The agency shall establish such contract requirements
 1464 as are necessary for the operation of the statewide managed care
 1465 program. In addition to any other provisions the agency may deem
 1466 necessary, the contract must require:

1467 (c) Access.—

1468 1. The agency shall establish specific standards for the
 1469 number, type, and regional distribution of providers in managed
 1470 care plan networks to ensure access to care for both adults and
 1471 children. Each plan must maintain a regionwide network of
 1472 providers in sufficient numbers to meet the access standards for
 1473 specific medical services for all recipients enrolled in the
 1474 plan. The exclusive use of mail-order pharmacies may not be
 1475 sufficient to meet network access standards. Consistent with the

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1476 standards established by the agency, provider networks may
 1477 include providers located outside the region. A plan may
 1478 contract with a new hospital facility before the date the
 1479 hospital becomes operational if the hospital has commenced
 1480 construction, will be licensed and operational by January 1,
 1481 2013, and a final order has issued in any civil or
 1482 administrative challenge. Each plan shall establish and maintain
 1483 an accurate and complete electronic database of contracted
 1484 providers, including information about licensure or
 1485 registration, locations and hours of operation, specialty
 1486 credentials and other certifications, specific performance
 1487 indicators, and such other information as the agency deems
 1488 necessary. The database must be available online to both the
 1489 agency and the public and have the capability to compare the
 1490 availability of providers to network adequacy standards and to
 1491 accept and display feedback from each provider's patients. Each
 1492 plan shall submit quarterly reports to the agency identifying
 1493 the number of enrollees assigned to each primary care provider.

1494 2. Each managed care plan must publish any prescribed drug
 1495 formulary or preferred drug list on the plan's website in a
 1496 manner that is accessible to and searchable by enrollees and
 1497 providers. The plan must update the list within 24 hours after
 1498 making a change. Each plan must ensure that the prior
 1499 authorization process for prescribed drugs is readily accessible
 1500 to health care providers, including posting appropriate contact

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1501 information on its website and providing timely responses to
 1502 providers. For Medicaid recipients diagnosed with hemophilia who
 1503 have been prescribed anti-hemophilic-factor replacement
 1504 products, the agency shall provide for those products and
 1505 hemophilia overlay services through the agency's hemophilia
 1506 disease management program.

1507 3. Managed care plans, and their fiscal agents or
 1508 intermediaries, must accept prior authorization requests for any
 1509 service electronically.

1510 4. Managed care plans serving children in the care and
 1511 custody of the Department of Children and Families must maintain
 1512 complete medical, dental, and behavioral health information and
 1513 provide such information to the department for inclusion in the
 1514 state's child welfare data system. Using such documentation, the
 1515 agency and the department shall determine the plan's compliance
 1516 with standards for access to medical, dental, and behavioral
 1517 health services, the use of psychotropic medications, and
 1518 followup on all medically necessary services recommended as a
 1519 result of early and periodic screening diagnosis and treatment.

1520 Section 20. The Division of Law Revision and Information is
 1521 directed to create part V of chapter 409, Florida Statutes,
 1522 consisting of ss. 409.986-409.998, Florida Statutes, to be
 1523 titled "Community-Based Child Welfare."

1524 Section 21. Section 409.986, Florida Statutes, is created
 1525 to read:

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1526 409.986 Legislative findings, intent, and definitions.—
 1527 (1) LEGISLATIVE FINDINGS AND INTENT.—
 1528 (a) It is the intent of the Legislature that the
 1529 Department of Children and Families provide child protection and
 1530 child welfare services to children through contracting with
 1531 community-based care lead agencies. It is further the
 1532 Legislature's intent that communities and other stakeholders in
 1533 the well-being of children participate in assuring safety,
 1534 permanence, and well-being for all children in the state.
 1535 (b) The Legislature finds that, when private entities
 1536 assume responsibility for the care of children in the child
 1537 protection and child welfare system, adequate oversight of the
 1538 programmatic, administrative, and fiscal operation of those
 1539 entities is essential. The Legislature finds that, ultimately,
 1540 the appropriate care of children is the responsibility of the
 1541 state and outsourcing the provision of such care does not
 1542 relieve the state of its responsibility to ensure that
 1543 appropriate care is provided.
 1544 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the
 1545 goal of the department to achieve the following outcomes in
 1546 conjunction with the community-based care lead agency,
 1547 community-based subcontractors, and the community-based care
 1548 alliance:
 1549 (a) Children are first and foremost protected from abuse
 1550 and neglect.

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- 1551 (b) Children are safely maintained in their homes if
 1552 possible and appropriate.
- 1553 (c) Services are provided to protect children and prevent
 1554 removal from the home.
- 1555 (d) Children have permanency and stability in their living
 1556 arrangements.
- 1557 (e) Family relationships and connections are preserved for
 1558 children.
- 1559 (f) Families have enhanced capacity to provide for their
 1560 children's needs.
- 1561 (g) Children receive appropriate services to meet their
 1562 educational needs.
- 1563 (h) Children receive adequate services to meet their
 1564 physical and mental health needs.
- 1565 (i) Children develop capacity for independent living and
 1566 competence as an adult.
- 1567 (3) DEFINITIONS.—As used in this part, except as otherwise
 1568 specially provided, the term:
- 1569 (a) "Child" or "children" means has the same meaning as
 1570 the term "child" as defined in s. 39.01.
- 1571 (b) "Dependent child" means a child who has been
 1572 determined by the court to be in need of care due to allegations
 1573 of abuse, neglect, or abandonment.
- 1574 (c) "Care" means services of any kind which are designed
 1575 to facilitate a child remaining safely in his or her own home,

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1576 returning safely to his or her own home if he or she is removed,
 1577 or obtaining an alternative permanent home if he or she cannot
 1578 remain home or be returned home.

1579 (d) "Community-based care lead agency" or "lead agency"
 1580 means a single entity with which the department has a contract
 1581 for the provision of care for children in the child protection
 1582 and child welfare system in a community that is no smaller than
 1583 a county and no larger than two contiguous judicial circuits.
 1584 The secretary of the department may authorize more than one
 1585 eligible lead agency within a single county if doing so will
 1586 result in more effective delivery of services to children.

1587 (e) "Community-based care alliance" or "alliance" means
 1588 the group of stakeholders, community leaders, client
 1589 representatives, and funders of human services established to
 1590 provide a focal point for community participation and oversight
 1591 of community-based services.

1592 (f) "Related services" includes, but is not limited to,
 1593 family preservation, independent living, emergency shelter,
 1594 residential group care, foster care, therapeutic foster care,
 1595 intensive residential treatment, foster care supervision, case
 1596 management, coordination of mental health services,
 1597 postplacement supervision, permanent foster care, and family
 1598 reunification.

1599 Section 22. Section 409.987, Florida Statutes, is created
 1600 to read:

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1601 409.987 Lead agency procurement.-
 1602 (1) Community-based care lead agencies shall be procured
 1603 by the department through a competitive process as required by
 1604 chapter 287.
 1605 (2) The department shall produce a schedule for the
 1606 procurement of community-based care lead agencies and provide
 1607 the schedule to the community-based care alliances established
 1608 pursuant to s. 409.998.
 1609 (3) Notwithstanding s. 287.057, the department shall use
 1610 5-year contracts with lead agencies.
 1611 (4) In order to serve as a lead agency, an entity must:
 1612 (a) Be organized as a Florida corporation or a
 1613 governmental entity.
 1614 (b) Be governed by a board of directors. The membership
 1615 of the board of directors must be described in the bylaws or
 1616 articles of incorporation of each lead agency, which must
 1617 provide that at least 75 percent of the membership of the board
 1618 of directors must be composed of persons residing in this state,
 1619 and at least 51 percent of the state residents on the board of
 1620 directors must reside within the service area of the lead
 1621 agency. However, for procurements of lead agency contracts
 1622 initiated on or after July 1, 2014:
 1623 1. At least 75 percent of the membership of the board of
 1624 directors must be persons residing in this state, and at least
 1625 51 percent of the membership of the board of directors must be

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1626 persons residing within the service area of the lead agency.

1627 2. The board of directors' powers must include hiring the
 1628 lead agency's executive director, approving the lead agency's
 1629 budget, and setting the lead agency's operational policy and
 1630 procedures.

1631 3. The membership of the board of directors must be
 1632 described in the bylaws or articles of incorporation of each
 1633 lead agency and require representation from throughout the
 1634 service area of the lead agency and, at a minimum, from local
 1635 government, law enforcement, a school district, a children's
 1636 services council if one operates in the service area, and the
 1637 United Way or other local funding organization.

1638 (c) Demonstrate financial responsibility through an
 1639 organized plan for regular fiscal audits and the posting of a
 1640 performance bond.

1641 (5) The department's procurement team procuring any lead
 1642 agencies' contracts must include individuals from the community
 1643 alliance in the area to be served under the contract. All
 1644 meetings at which vendors make presentations to or negotiate
 1645 with the procurement team shall be held in the area to be served
 1646 by the contract.

1647 Section 23. Section 409.988, Florida Statutes, is created
 1648 to read:

1649 409.988 Lead agency duties; general provisions.-

1650 (1) DUTIES.-A lead agency:

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1651 (a) Shall serve all children referred as a result of a
 1652 report of abuse, neglect, or abandonment to the department's
 1653 child abuse hotline regardless of the level of funding allocated
 1654 to the lead agency by the state if all related funding is
 1655 transferred.

1656 (b) Shall provide accurate and timely information
 1657 necessary for oversight by the department pursuant to the child
 1658 welfare results-oriented accountability system required by s.
 1659 409.997.

1660 (c) Shall follow the financial guidelines developed by the
 1661 department and provide for a regular independent auditing of its
 1662 financial activities. Such financial information shall be
 1663 provided to the community-based care alliance established under
 1664 s. 409.998.

1665 (d) Shall prepare all judicial reviews, case plans, and
 1666 other reports necessary for court hearings for dependent
 1667 children, except those related to the investigation of a
 1668 referral from the department's child abuse hotline, and shall
 1669 provide testimony as required for dependency court proceedings.
 1670 This duty does not include the preparation of legal pleadings or
 1671 other legal documents, which remain the responsibility of the
 1672 department.

1673 (e) Shall ensure that all individuals providing care for
 1674 dependent children receive appropriate training and meet the
 1675 minimum employment standards established by the department.

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1676 (f) Shall maintain eligibility to receive all available
 1677 federal child welfare funds.

1678 (g) Shall maintain written agreements with Healthy
 1679 Families Florida lead entities in its service area pursuant to
 1680 s. 409.153 to promote cooperative planning for the provision of
 1681 prevention and intervention services.

1682 (h) Shall comply with federal and state statutory
 1683 requirements and agency rules in the provision of contractual
 1684 services.

1685 (i) May subcontract for the provision of services required
 1686 by the contract with the lead agency and the department;
 1687 however, the subcontracts must specify how the provider will
 1688 contribute to the lead agency meeting the performance standards
 1689 established pursuant to the child welfare results-oriented
 1690 accountability system required by s. 409.997.

1691 (2) LICENSURE.—

1692 (a) A lead agency must be licensed as a child-caring or
 1693 child-placing agency by the department under this chapter.

1694 (b) Each foster home, therapeutic foster home, emergency
 1695 shelter, or other placement facility operated by the lead agency
 1696 must be licensed by the department under chapter 402 or this
 1697 chapter.

1698 (c) Substitute care providers who are licensed under s.
 1699 409.175 and who have contracted with a lead agency are also
 1700 authorized to provide registered or licensed family day care

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1701 under s. 402.313 if such care is consistent with federal law and
 1702 if the home has met the requirements of s. 402.313.

1703 (d) In order to eliminate or reduce the number of
 1704 duplicate inspections by various program offices, the department
 1705 shall coordinate inspections required for licensure of agencies
 1706 under this subsection.

1707 (e) The department may adopt rules to administer this
 1708 subsection.

1709 (3) SERVICES.—A lead agency must serve dependent children
 1710 through services that are supported by research or are best
 1711 child welfare practices. The agency may also provide innovative
 1712 services such as family-centered, cognitive-behavioral
 1713 interventions designed to mitigate out-of-home placements.

1714 (4) LEAD AGENCY ACTING AS GUARDIAN.—

1715 (a) If a lead agency or other provider has accepted case
 1716 management responsibilities for a child who is sheltered or
 1717 found to be dependent and who is assigned to the care of the
 1718 lead agency or other provider, the agency or provider may act as
 1719 the child's guardian for the purpose of registering the child in
 1720 school if a parent or guardian of the child is unavailable and
 1721 his or her whereabouts cannot reasonably be ascertained.

1722 (b) The lead agency or other provider may also seek
 1723 emergency medical attention for the child, but only if a parent
 1724 or guardian of the child is unavailable, the parent's
 1725 whereabouts cannot reasonably be ascertained, and a court order

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1726 for such emergency medical services cannot be obtained because
 1727 of the severity of the emergency or because it is after normal
 1728 working hours.

1729 (c) A lead agency or other provider may not consent to
 1730 sterilization, abortion, or termination of life support.

1731 (d) If a child's parents' rights have been terminated, the
 1732 lead agency shall act as guardian of the child in all
 1733 circumstances.

1734 Section 24. Section 409.990, Florida Statutes, is created
 1735 to read:

1736 409.990 Funding for lead agencies.—A contract established
 1737 between the department and a lead agency must be funded by a
 1738 grant of general revenue, other applicable state funds, or
 1739 applicable federal funding sources.

1740 (1) The method of payment for a fixed-price contract with
 1741 a lead agency must provide for a 2-month advance payment at the
 1742 beginning of each fiscal year and equal monthly payments
 1743 thereafter.

1744 (2) Notwithstanding s. 215.425, all documented federal
 1745 funds earned for the current fiscal year by the department and
 1746 lead agencies which exceed the amount appropriated by the
 1747 Legislature shall be distributed to all entities that
 1748 contributed to the excess earnings based on a schedule and
 1749 methodology developed by the department and approved by the
 1750 Executive Office of the Governor.

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1751 (a) Distribution shall be pro rata based on total earnings
 1752 and shall be made only to those entities that contributed to
 1753 excess earnings.

1754 (b) Excess earnings of lead agencies shall be used only in
 1755 the service district in which they were earned.

1756 (c) Additional state funds appropriated by the Legislature
 1757 for lead agencies or made available pursuant to the budgetary
 1758 amendment process described in s. 216.177 shall be transferred
 1759 to the lead agencies.

1760 (d) The department shall amend a lead agency's contract to
 1761 permit expenditure of the funds.

1762 (3) Notwithstanding other provisions in this section, the
 1763 amount of the annual contract for a lead agency may be increased
 1764 by excess federal funds earned in accordance with s.
 1765 216.181(11).

1766 (4) Each contract with a lead agency shall provide for the
 1767 payment by the department to the lead agency of a reasonable
 1768 administrative cost in addition to funding for the provision of
 1769 services.

1770 (5) A lead agency may carry forward documented unexpended
 1771 state funds from one fiscal year to the next; however, the
 1772 cumulative amount carried forward may not exceed 8 percent of
 1773 the total contract. Any unexpended state funds in excess of that
 1774 percentage must be returned to the department.

1775 (a) The funds carried forward may not be used in any way

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1776 that would create increased recurring future obligations, and
 1777 such funds may not be used for any type of program or service
 1778 that is not currently authorized by the existing contract with
 1779 the department.

1780 (b) Expenditures of funds carried forward must be
 1781 separately reported to the department.

1782 (c) Any unexpended funds that remain at the end of the
 1783 contract period shall be returned to the department.

1784 (d) Funds carried forward may be retained through any
 1785 contract renewals and any new procurements as long as the same
 1786 lead agency is retained by the department.

1787 (6) It is the intent of the Legislature to improve
 1788 services and local participation in community-based care
 1789 initiatives by fostering community support and providing
 1790 enhanced prevention and in-home services, thereby reducing the
 1791 risk otherwise faced by lead agencies. There is established a
 1792 community partnership matching grant program to be operated by
 1793 the department for the purpose of encouraging local
 1794 participation in community-based care for child welfare. A
 1795 community-based care alliance direct-support organization, a
 1796 children's services council, or another local entity that makes
 1797 a financial commitment to a community-based care lead agency may
 1798 be eligible for a matching grant. The total amount of the local
 1799 contribution may be matched on a one-to-one basis up to a
 1800 maximum annual amount of \$500,000 per lead agency. Awarded

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1801 matching grant funds may be used for any prevention or in-home
 1802 services that can be reasonably expected to reduce the number of
 1803 children entering the child welfare system. Funding available
 1804 for the matching grant program is subject to legislative
 1805 appropriation of nonrecurring funds provided for this purpose.

1806 (7) (a) The department, in consultation with the Florida
 1807 Coalition for Children, Inc., shall develop and implement a
 1808 community-based care risk pool initiative to mitigate the
 1809 financial risk to eligible lead agencies. This initiative must
 1810 include:

1811 1. A risk pool application and protocol developed by the
 1812 department which outlines submission criteria, including, but
 1813 not limited to, financial and program management, descriptive
 1814 data requirements, and timeframes for submission of
 1815 applications. Requests for funding from risk pool applicants
 1816 shall be based on relevant and verifiable service trends and
 1817 changes that have occurred during the current fiscal year. The
 1818 application shall confirm that expenditure of approved risk pool
 1819 funds by the lead agency shall be completed within the current
 1820 fiscal year.

1821 2. A risk pool peer review committee, appointed by the
 1822 secretary and consisting of department staff and representatives
 1823 from at least three nonapplicant lead agencies, which reviews
 1824 and assesses all risk pool applications. Upon completion of each
 1825 application review, the peer review committee shall report its

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1826 findings and recommendations to the secretary providing, at a
 1827 minimum, the following information:
 1828 a. Justification for the specific funding amount required
 1829 by the risk pool applicant based on current year service trend
 1830 data, including validation that the applicant's financial need
 1831 was caused by circumstances beyond the control of the lead
 1832 agency management;
 1833 b. Verification that the proposed use of risk pool funds
 1834 meets at least one of the criteria in paragraph (c); and
 1835 c. Evidence of technical assistance provided in an effort
 1836 to avoid the need to access the risk pool and recommendations
 1837 for technical assistance to the lead agency to ensure that risk
 1838 pool funds are expended effectively and that the agency's need
 1839 for future risk pool funding is diminished.
 1840 (b) Upon approval by the secretary of a risk pool
 1841 application, the department may request funds from the risk pool
 1842 in accordance with s. 216.181(6) (a).
 1843 (c) The purposes for which the community-based care risk
 1844 pool shall be used include:
 1845 1. Significant changes in the number or composition of
 1846 clients eligible to receive services.
 1847 2. Significant changes in the services that are eligible
 1848 for reimbursement.
 1849 3. Continuity of care in the event of failure,
 1850 discontinuance of service, or financial misconduct by a lead

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1851 agency.

1852 4. Significant changes in the mix of available funds.

1853 (d) The department may also request in its annual

1854 legislative budget request, and the Governor may recommend, that

1855 the funding necessary to carry out paragraph (c) be appropriated

1856 to the department. In addition, the department may request the

1857 allocation of funds from the community-based care risk pool in

1858 accordance with s. 216.181(6) (a). Funds from the pool may be

1859 used to match available federal dollars.

1860 1. Such funds shall constitute partial security for

1861 contract performance by lead agencies and shall be used to

1862 offset the need for a performance bond.

1863 2. The department may separately require a bond to

1864 mitigate the financial consequences of potential acts of

1865 malfeasance or misfeasance or criminal violations by the

1866 provider.

1867 Section 25. Section 409.16713, Florida Statutes, is

1868 transferred, renumbered as section 409.991, Florida Statutes,

1869 and paragraph (a) of subsection (1) of that section is amended,

1870 to read:

1871 409.991 ~~409.16713~~ Allocation of funds for community-based

1872 care lead agencies.—

1873 (1) As used in this section, the term:

1874 (a) "Core services funding" means all funds allocated to

1875 community-based care lead agencies operating under contract with

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1876 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
 1877 following exceptions:

- 1878 1. Funds appropriated for independent living;
- 1879 2. Funds appropriated for maintenance adoption subsidies;
- 1880 3. Funds allocated by the department for protective
- 1881 investigations training;
- 1882 4. Nonrecurring funds;
- 1883 5. Designated mental health wrap-around services funds;
- 1884 and
- 1885 6. Funds for special projects for a designated community-
- 1886 based care lead agency.

1887 Section 26. Section 409.992, Florida Statutes, is created
 1888 to read:

1889 409.992 Lead agency expenditures.—

1890 (1) The procurement of commodities or contractual services
 1891 by lead agencies shall be governed by the financial guidelines
 1892 developed by the department which comply with applicable state
 1893 and federal law and follow good business practices. Pursuant to
 1894 s. 11.45, the Auditor General may provide technical advice in
 1895 the development of the financial guidelines.

1896 (2) Notwithstanding any other provision of law, a
 1897 community-based care lead agency may make expenditures for staff
 1898 cellular telephone allowances, contracts requiring deferred
 1899 payments and maintenance agreements, security deposits for
 1900 office leases, related agency professional membership dues other

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1901 than personal professional membership dues, promotional
 1902 materials, and grant writing services. Expenditures for food and
 1903 refreshments, other than those provided to clients in the care
 1904 of the agency or to foster parents, adoptive parents, and
 1905 caseworkers during training sessions, are not allowable.

1906 (3) A lead community-based care agency and its
 1907 subcontractors are exempt from state travel policies as provided
 1908 in s. 112.061(3)(a) for their travel expenses incurred in order
 1909 to comply with the requirements of this section.

1910 Section 27. Section 409.993, Florida Statutes, is created
 1911 to read:

1912 409.993 Lead agencies and subcontractor liability.-

1913 (1) FINDINGS.-

1914 (a) The Legislature finds that the state has traditionally
 1915 provided foster care services to children who have been the
 1916 responsibility of the state. As such, foster children have not
 1917 had the right to recover for injuries beyond the limitations
 1918 specified in s. 768.28. The Legislature has determined that
 1919 foster care and related services need to be outsourced pursuant
 1920 to this section and that the provision of such services is of
 1921 paramount importance to the state. The purpose for such
 1922 outsourcing is to increase the level of safety, security, and
 1923 stability of children who are or become the responsibility of
 1924 the state. One of the components necessary to secure a safe and
 1925 stable environment for such children is that private providers

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1926 maintain liability insurance. As such, insurance needs to be
 1927 available and remain available to nongovernmental foster care
 1928 and related services providers without the resources of such
 1929 providers being significantly reduced by the cost of maintaining
 1930 such insurance.

1931 (b) The Legislature further finds that, by requiring the
 1932 following minimum levels of insurance, children in outsourced
 1933 foster care and related services will gain increased protection
 1934 and rights of recovery in the event of injury than provided for
 1935 in s. 768.28.

1936 (2) LEAD AGENCY LIABILITY.-

1937 (a) Other than an entity to which s. 768.28 applies, an
 1938 eligible community-based care lead agency, or its employees or
 1939 officers, except as otherwise provided in paragraph (b), must,
 1940 as a part of its contract, obtain a minimum of \$1 million per
 1941 claim/\$3 million per incident in general liability insurance
 1942 coverage. The eligible community-based care lead agency must
 1943 also require that staff who transport client children and
 1944 families in their personal automobiles in order to carry out
 1945 their job responsibilities obtain minimum bodily injury
 1946 liability insurance in the amount of \$100,000 per claim,
 1947 \$300,000 per incident, on their personal automobiles. In lieu of
 1948 personal motor vehicle insurance, the lead agency's casualty,
 1949 liability, or motor vehicle insurance carrier may provide
 1950 nonowned automobile liability coverage. Such insurance provides

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1951 liability insurance for automobiles that the provider uses in
 1952 connection with the agency's business but does not own, lease,
 1953 rent, or borrow. Such coverage includes automobiles owned by the
 1954 employees of the lead agency or a member of the employee's
 1955 household but only while the automobiles are used in connection
 1956 with the agency's business. The nonowned automobile coverage for
 1957 the lead agency applies as excess coverage over any other
 1958 collectible insurance. The personal automobile policy for the
 1959 employee of the lead agency must be primary insurance, and the
 1960 nonowned automobile coverage of the agency acts as excess
 1961 insurance to the primary insurance. The lead agency shall
 1962 provide a minimum limit of \$1 million in nonowned automobile
 1963 coverage. In a tort action brought against such an eligible
 1964 community-based care lead agency or employee, net economic
 1965 damages shall be limited to \$1 million per liability claim and
 1966 \$100,000 per automobile claim, including, but not limited to,
 1967 past and future medical expenses, wage loss, and loss of earning
 1968 capacity, offset by any collateral source payment paid or
 1969 payable. In any tort action brought against such an eligible
 1970 community-based care lead agency, noneconomic damages shall be
 1971 limited to \$200,000 per claim. A claims bill may be brought on
 1972 behalf of a claimant pursuant to s. 768.28 for any amount
 1973 exceeding the limits specified in this paragraph. Any offset of
 1974 collateral source payments made as of the date of the settlement
 1975 or judgment shall be in accordance with s. 768.76. The

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1976 community-based care lead agency is not liable in tort for the
 1977 acts or omissions of its subcontractors or the officers, agents,
 1978 or employees of its subcontractors.

1979 (b) The liability of an eligible community-based care lead
 1980 agency described in this section shall be exclusive and in place
 1981 of all other liability of such lead agency. The same immunities
 1982 from liability enjoyed by such lead agencies shall extend as
 1983 well to each employee of the lead agency when such employee is
 1984 acting in furtherance of the agency's business, including the
 1985 transportation of clients served, as described in this
 1986 subsection, in privately owned vehicles. Such immunities are not
 1987 applicable to a lead agency or an employee who acts in a
 1988 culpably negligent manner or with willful and wanton disregard
 1989 or unprovoked physical aggression if such acts result in injury
 1990 or death or such acts proximately cause such injury or death.
 1991 Such immunities are not applicable to employees of the same lead
 1992 agency when each is operating in the furtherance of the agency's
 1993 business, but they are assigned primarily to unrelated work
 1994 within private or public employment. The same immunity
 1995 provisions enjoyed by a lead agency also apply to any sole
 1996 proprietor, partner, corporate officer or director, supervisor,
 1997 or other person who in the course and scope of his or her duties
 1998 acts in a managerial or policymaking capacity and the conduct
 1999 that caused the alleged injury arose within the course and scope
 2000 of those managerial or policymaking duties. As used in this

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2001 subsection and subsection (3), the term "culpable negligence"
 2002 means reckless indifference or grossly careless disregard of
 2003 human life.
 2004 (3) SUBCONTRACTOR LIABILITY.—
 2005 (a) A subcontractor of an eligible community-based care
 2006 lead agency which is a direct provider of foster care and
 2007 related services to children and families, and its employees or
 2008 officers, except as otherwise provided in paragraph (b), must,
 2009 as a part of its contract, obtain a minimum of \$1 million per
 2010 claim/\$3 million per incident in general liability insurance
 2011 coverage. The subcontractor of an eligible community-based care
 2012 lead agency must also require that staff who transport client
 2013 children and families in their personal automobiles in order to
 2014 carry out their job responsibilities obtain minimum bodily
 2015 injury liability insurance in the amount of \$100,000 per claim,
 2016 \$300,000 per incident, on their personal automobiles. In lieu of
 2017 personal motor vehicle insurance, the subcontractor's casualty,
 2018 liability, or motor vehicle insurance carrier may provide
 2019 nonowned automobile liability coverage. Such insurance provides
 2020 liability insurance for automobiles that the subcontractor uses
 2021 in connection with the subcontractor's business but does not
 2022 own, lease, rent, or borrow. Such coverage includes automobiles
 2023 owned by the employees of the subcontractor or a member of the
 2024 employee's household but only while the automobiles are used in
 2025 connection with the subcontractor's business. The nonowned

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2026 automobile coverage for the subcontractor applies as excess
 2027 coverage over any other collectible insurance. The personal
 2028 automobile policy for the employee of the subcontractor shall be
 2029 primary insurance, and the nonowned automobile coverage of the
 2030 subcontractor acts as excess insurance to the primary insurance.
 2031 The subcontractor shall provide a minimum limit of \$1 million in
 2032 nonowned automobile coverage. In a tort action brought against
 2033 such subcontractor or employee, net economic damages shall be
 2034 limited to \$1 million per liability claim and \$100,000 per
 2035 automobile claim, including, but not limited to, past and future
 2036 medical expenses, wage loss, and loss of earning capacity,
 2037 offset by any collateral source payment paid or payable. In a
 2038 tort action brought against such subcontractor, noneconomic
 2039 damages shall be limited to \$200,000 per claim. A claims bill
 2040 may be brought on behalf of a claimant pursuant to s. 768.28 for
 2041 any amount exceeding the limits specified in this paragraph. Any
 2042 offset of collateral source payments made as of the date of the
 2043 settlement or judgment shall be in accordance with s. 768.76.

2044 (b) The liability of a subcontractor of an eligible
 2045 community-based care lead agency that is a direct provider of
 2046 foster care and related services as described in this section
 2047 shall be exclusive and in place of all other liability of such
 2048 lead agency. The same immunities from liability enjoyed by such
 2049 subcontractor provider shall extend as well to each employee of
 2050 the subcontractor when such employee is acting in furtherance of

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2051 the subcontractor's business, including the transportation of
 2052 clients served, as described in this subsection, in privately
 2053 owned vehicles. Such immunities are not applicable to a
 2054 subcontractor or an employee who acts in a culpably negligent
 2055 manner or with willful and wanton disregard or unprovoked
 2056 physical aggression when such acts result in injury or death or
 2057 such acts proximately cause such injury or death. Such
 2058 immunities are not applicable to employees of the same
 2059 subcontractor when each is operating in the furtherance of the
 2060 subcontractor's business, but they are assigned primarily to
 2061 unrelated works within private or public employment. The same
 2062 immunity provisions enjoyed by a subcontractor also apply to any
 2063 sole proprietor, partner, corporate officer or director,
 2064 supervisor, or other person who in the course and scope of his
 2065 or her duties acts in a managerial or policymaking capacity and
 2066 the conduct that caused the alleged injury arose within the
 2067 course and scope of those managerial or policymaking duties.

2068 Section 28. Section 409.1675, Florida Statutes, is
 2069 transferred and renumbered as section 409.994, Florida Statutes,
 2070 and amended to read:

2071 409.994 409.1675 ~~Lead~~ Community-based care lead agencies
 2072 ~~providers~~; receivership.—

2073 (1) The Department of Children and Families ~~Family~~
 2074 ~~Services~~ may petition a court of competent jurisdiction for the
 2075 appointment of a receiver for a ~~lead~~ community-based care lead

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2076 agency provider established pursuant to s. 409.987 if ~~s.~~
 2077 ~~409.1671~~ when any of the following conditions exist:

2078 (a) The lead agency ~~community-based provider~~ is operating
 2079 without a license as a child-placing agency.

2080 (b) The lead agency ~~community-based provider~~ has given
 2081 less than 120 days' notice of its intent to cease operations,
 2082 and arrangements have not been made for another lead agency
 2083 ~~community-based provider~~ or for the department to continue the
 2084 uninterrupted provision of services.

2085 (c) The department determines that conditions exist in the
 2086 lead agency ~~community-based provider~~ which present an imminent
 2087 danger to the health, safety, or welfare of the dependent
 2088 children under that agency's ~~provider's~~ care or supervision.
 2089 Whenever possible, the department shall make a reasonable effort
 2090 to facilitate the continued operation of the program.

2091 (d) The lead agency ~~community-based provider~~ cannot meet
 2092 its current financial obligations to its employees, contractors,
 2093 or foster parents. Issuance of bad checks or the existence of
 2094 delinquent obligations for payment of salaries, utilities, or
 2095 invoices for essential services or commodities shall constitute
 2096 prima facie evidence that the lead agency ~~community-based~~
 2097 ~~provider~~ lacks the financial ability to meet its financial
 2098 obligations.

2099 (2) (a) The petition for receivership shall take precedence
 2100 over other court business unless the court determines that some

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2101 other pending proceeding, having statutory precedence, has
 2102 priority.

2103 (b) A hearing shall be conducted within 5 days after the
 2104 filing of the petition, at which time interested parties shall
 2105 have the opportunity to present evidence as to whether a
 2106 receiver should be appointed. The department shall give
 2107 reasonable notice of the hearing on the petition to the lead
 2108 agency ~~community-based provider~~.

2109 (c) The court shall grant the petition upon finding that
 2110 one or more of the conditions in subsection (1) exists and the
 2111 continued existence of the condition or conditions jeopardizes
 2112 the health, safety, or welfare of dependent children. A receiver
 2113 may be appointed ex parte when the court determines that one or
 2114 more of the conditions in subsection (1) exists. After such
 2115 finding, the court may appoint any person, including an employee
 2116 of the department who is qualified by education, training, or
 2117 experience to carry out the duties of the receiver pursuant to
 2118 this section, except that the court may ~~shall~~ not appoint any
 2119 member of the governing board or any officer of the lead agency
 2120 ~~community-based provider~~. The receiver may be selected from a
 2121 list of persons qualified to act as receivers which is developed
 2122 by the department and presented to the court with each petition
 2123 of receivership.

2124 (d) A receiver may be appointed for up to 90 days, and the
 2125 department may petition the court for additional 30-day

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2126 extensions. Sixty days after appointment of a receiver and every
 2127 30 days thereafter until the receivership is terminated, the
 2128 department shall submit to the court an assessment of the lead
 2129 agency's ~~community-based provider's~~ ability to ensure the
 2130 health, safety, and welfare of the dependent children under its
 2131 supervision.

2132 (3) The receiver shall take such steps as are reasonably
 2133 necessary to ensure the continued health, safety, and welfare of
 2134 the dependent children under the supervision of the lead agency
 2135 ~~community-based provider~~ and shall exercise those powers and
 2136 perform those duties set out by the court, including, but not
 2137 limited to:

2138 (a) Taking such action as is reasonably necessary to
 2139 protect or conserve the assets or property of the lead agency
 2140 ~~community-based provider~~. The receiver may use the assets and
 2141 property and any proceeds from any transfer thereof only in the
 2142 performance of the powers and duties provided ~~set forth~~ in this
 2143 section and by order of the court.

2144 (b) Using the assets of the lead agency ~~community-based~~
 2145 ~~provider~~ in the provision of care and services to dependent
 2146 children.

2147 (c) Entering into contracts and hiring agents and
 2148 employees to carry out the powers and duties of the receiver
 2149 under this section.

2150 (d) Having full power to direct, manage, hire, and

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2151 discharge employees of the lead agency ~~community-based provider~~.
 2152 The receiver shall hire and pay new employees at the rate of
 2153 compensation, including benefits, approved by the court.

2154 (e) Honoring all leases, mortgages, and contractual
 2155 obligations of the lead agency ~~community-based provider~~, but
 2156 only to the extent of payments that become due during the period
 2157 of the receivership.

2158 (4) (a) The receiver shall deposit funds received in a
 2159 separate account and shall use this account for all
 2160 disbursements.

2161 (b) A payment to the receiver of any sum owing to the lead
 2162 agency ~~community-based provider~~ shall discharge any obligation
 2163 to the provider to the extent of the payment.

2164 (5) A receiver may petition the court for temporary relief
 2165 from obligations entered into by the lead agency ~~community-based~~
 2166 ~~provider~~ if the rent, price, or rate of interest required to be
 2167 paid under the agreement was substantially in excess of a
 2168 reasonable rent, price, or rate of interest at the time the
 2169 contract was entered into, or if any material provision of the
 2170 agreement was unreasonable when compared to contracts negotiated
 2171 under similar conditions. Any relief in this form provided by
 2172 the court shall be limited to the life of the receivership,
 2173 unless otherwise determined by the court.

2174 (6) The court shall set the compensation of the receiver,
 2175 which shall be considered a necessary expense of a receivership

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2176 and may grant to the receiver such other authority necessary to
 2177 ensure the health, safety, and welfare of the children served.

2178 (7) A receiver may be held liable in a personal capacity
 2179 only for the receiver's own gross negligence, intentional acts,
 2180 or breaches of fiduciary duty. This section may ~~shall~~ not be
 2181 interpreted to be a waiver of sovereign immunity should the
 2182 department be appointed receiver.

2183 (8) If the receiver is not the department, the court may
 2184 require a receiver to post a bond to ensure the faithful
 2185 performance of these duties.

2186 (9) The court may terminate a receivership when:

2187 (a) The court determines that the receivership is no
 2188 longer necessary because the conditions that gave rise to the
 2189 receivership no longer exist; or

2190 (b) The department has entered into a contract with a new
 2191 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~
 2192 ~~409.1671~~, and that contractor is ready and able to assume the
 2193 duties of the previous lead agency ~~provider~~.

2194 (10) Within 30 days after the termination, unless this
 2195 time period is extended by the court, the receiver shall give
 2196 the court a complete accounting of all property of which the
 2197 receiver has taken possession, of all funds collected and
 2198 disbursed, and of the expenses of the receivership.

2199 (11) ~~Nothing in~~ This section does not ~~shall be construed~~
 2200 ~~to~~ relieve any employee of the lead agency ~~community-based~~

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2201 ~~provider~~ placed in receivership of any civil or criminal
 2202 liability incurred, or any duty imposed by law, by reason of
 2203 acts or omissions of the employee before ~~prior to~~ the
 2204 appointment of a receiver, and; ~~nor shall anything contained in~~
 2205 this section does not ~~be construed to~~ suspend during the
 2206 receivership any obligation of the employee for payment of taxes
 2207 or other operating or maintenance expenses of the lead agency
 2208 ~~community-based provider~~ or for the payment of mortgages or
 2209 liens. The lead agency ~~community-based provider~~ shall retain the
 2210 right to sell or mortgage any facility under receivership,
 2211 subject to the prior approval of the court that ordered the
 2212 receivership.

2213 Section 29. Section 409.996, Florida Statutes, is created
 2214 to read:

2215 409.996 Duties of the Department of Children and
 2216 Families.—The department shall contract for the delivery,
 2217 administration, or management of care for children in the child
 2218 protection and child welfare system. In doing so, the department
 2219 retains responsibility for the quality of contracted services
 2220 and programs and shall ensure that services are delivered in
 2221 accordance with applicable federal and state statutes and
 2222 regulations.

2223 (1) The department shall enter into contracts with lead
 2224 agencies to perform the duties of a lead agency pursuant to s.
 2225 409.988. At a minimum, the contracts must:

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2226 (a) Provide for the services needed to accomplish the
 2227 duties established in s. 409.988 and provide information to the
 2228 department which is necessary to meet the requirements for a
 2229 quality assurance program pursuant to subsection (18) and the
 2230 child welfare results-oriented accountability system pursuant to
 2231 s. 409.997.

2232 (b) Provide for graduated penalties for failure to comply
 2233 with contract terms. Such penalties may include financial
 2234 penalties, enhanced monitoring and reporting, corrective action
 2235 plans, and early termination of contracts or other appropriate
 2236 action to ensure contract compliance.

2237 (c) Ensure that the lead agency shall furnish current and
 2238 accurate information on its activities in all cases in client
 2239 case records in the state's statewide automated child welfare
 2240 information system.

2241 (d) Specify the procedures to be used by the parties to
 2242 resolve differences in interpreting the contract or to resolve
 2243 disputes as to the adequacy of the parties' compliance with
 2244 their respective obligations under the contract.

2245 (2) The department must adopt written policies and
 2246 procedures for monitoring the contract for delivery of services
 2247 by lead agencies. These policies and procedures must, at a
 2248 minimum, address the evaluation of fiscal accountability and
 2249 program operations, including provider achievement of
 2250 performance standards, provider monitoring of subcontractors,

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2251 and timely follow up of corrective actions for significant
 2252 monitoring findings related to providers and subcontractors.
 2253 These policies and procedures must also include provisions for
 2254 reducing the duplication of the department's program monitoring
 2255 activities both internally and with other agencies, to the
 2256 extent possible. The department's written procedures must ensure
 2257 that the written findings, conclusions, and recommendations from
 2258 monitoring the contract for services of lead agencies are
 2259 communicated to the director of the provider agency and the
 2260 community-based care alliance as expeditiously as possible.

2261 (3) The department shall receive federal and state funds
 2262 as appropriated for the operation of the child welfare system
 2263 and shall transmit these funds to the lead agencies as agreed.
 2264 The department retains responsibility for the appropriate
 2265 spending of these funds. The department shall monitor lead
 2266 agencies to assess compliance with the financial guidelines
 2267 established pursuant to s. 409.992 and other applicable state
 2268 and federal laws.

2269 (4) The department shall provide technical assistance and
 2270 consultation to lead agencies in the provision of care to
 2271 children in the child protection and child welfare system.

2272 (5) The department retains the responsibility for the
 2273 review, approval or denial, and issuances of all foster home
 2274 licenses.

2275 (6) The department shall process all applications

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2276 submitted by lead agencies for the Interstate Compact for
 2277 Placement of Children and the Interstate Compact for Adoption
 2278 and Medical Assistance.

2279 (7) The department shall assist lead agencies with access
 2280 to and coordination with other service programs within the
 2281 department.

2282 (8) The department shall determine Medicaid eligibility
 2283 for all referred children and will coordinate services with the
 2284 Agency for Health Care Administration.

2285 (9) The department shall develop, in cooperation with the
 2286 lead agencies, a standardized competency-based curriculum for
 2287 certification training and for administering the certification
 2288 testing program for child protection staff.

2289 (10) The department shall maintain the statewide adoptions
 2290 website and provide information and training to the lead
 2291 agencies relating to the website.

2292 (11) The department shall provide training and assistance
 2293 to lead agencies regarding the responsibility of lead agencies
 2294 relating to children receiving supplemental security income,
 2295 social security, railroad retirement, or veterans' benefits.

2296 (12) With the assistance of a lead agency, the department
 2297 shall develop and implement statewide and local interagency
 2298 agreements needed to coordinate services for children and
 2299 parents involved in the child welfare system who are also
 2300 involved with the Agency for Persons with Disabilities, the

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2301 Department of Juvenile Justice, the Department of Education, the
 2302 Department of Health, and other governmental organizations that
 2303 share responsibilities for children or parents in the child
 2304 welfare system.

2305 (13) With the assistance of a lead agency, the department
 2306 shall develop and implement a working agreement between the lead
 2307 agency and the substance abuse and mental health managing entity
 2308 to integrate services and supports for children and parents
 2309 serviced in the child welfare system.

2310 (14) The department shall work with the Agency for Health
 2311 Care Administration to provide each child the services of the
 2312 Medicaid early and periodic screening, diagnosis, and treatment
 2313 entitlement including 72-hour screening, periodic child health
 2314 checkups, and prescribed follow up for ordered services,
 2315 including medical, dental, and vision care.

2316 (15) The department shall assist lead agencies in
 2317 developing an array of services in compliance with the Title IV-
 2318 E Waiver and shall monitor the provision of those services.

2319 (16) The department shall provide a mechanism to allow
 2320 lead agencies to request a waiver of department policies and
 2321 procedures that create inefficiencies or inhibit the performance
 2322 of the lead agency duties.

2323 (17) The department shall directly or through contract
 2324 provide attorneys to prepare and present cases in dependency
 2325 court and shall ensure that the court is provided with adequate

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2326 information for informed decisionmaking in dependency cases,
 2327 including a fact sheet for each case which lists the names and
 2328 contact information for any child protective investigator, child
 2329 protective investigation supervisor, case manager, case manager
 2330 supervisor, and the regional department official responsible for
 2331 the lead agency contract. For the Sixth Judicial Circuit, the
 2332 department shall contract with the state attorney for the
 2333 provision of these services.

2334 (18) The department, in consultation with lead agencies,
 2335 shall establish a quality assurance program for contracted
 2336 services to dependent children. The quality assurance program
 2337 shall be based on standards established by federal and state law
 2338 and national accrediting organizations.

2339 (a) The department must evaluate each lead agency under
 2340 contract at least annually. These evaluations shall cover the
 2341 programmatic, operational, and fiscal operations of the lead
 2342 agency and be consistent with the child welfare results-oriented
 2343 accountability system pursuant to s. 409.997. The department
 2344 must consult with the chief judge on the performance of the lead
 2345 agency.

2346 (b) The department shall, to the extent possible, use
 2347 independent financial audits provided by the lead agency to
 2348 eliminate or reduce the ongoing contract and administrative
 2349 reviews conducted by the department. If the department
 2350 determines that such independent financial audits are

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2351 inadequate, other audits, as necessary, may be conducted by the
 2352 department. This paragraph does not abrogate the requirements of
 2353 s. 215.97.

2354 (c) The department may suggest additional items to be
 2355 included in such independent financial audits to meet the
 2356 department's needs.

2357 (d) The department may outsource programmatic,
 2358 administrative, or fiscal monitoring oversight of lead agencies.

2359 (e) A lead agency must assure that all subcontractors are
 2360 subject to the same quality assurance activities as the lead
 2361 agency.

2362 Section 30. Section 409.997, Florida Statutes, is created
 2363 to read:

2364 409.997 Child welfare results-oriented accountability
 2365 system.-

2366 (1) The department and its contract providers, including
 2367 lead agencies, community-based care providers, and other
 2368 community partners participating in the state's child protection
 2369 and child welfare system, share the responsibility for achieving
 2370 the outcome goals specified in s. 409.986(2).

2371 (2) In order to assess the achievement of the goals
 2372 specified in s. 409.986(2), the department shall maintain a
 2373 comprehensive, results-oriented accountability system that
 2374 monitors the use of resources, the quality and amount of
 2375 services provided, and child and family outcomes through data

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2376 analysis, research review, evaluation, and quality improvement.
 2377 The system shall provide information about individual entities'
 2378 performance as well as the performance of groups of entities
 2379 working together as an integrated system of care on a local,
 2380 regional, and statewide basis. In maintaining the
 2381 accountability system, the department shall:

2382 (a) Identify valid and reliable outcome measures for each
 2383 of the goals specified in this subsection. The outcome data set
 2384 must consist of a limited number of understandable measures
 2385 using available data to quantify outcomes as children move
 2386 through the system of care. Such measures may aggregate multiple
 2387 variables that affect the overall achievement of the outcome
 2388 goal. Valid and reliable measures must be based on adequate
 2389 sample sizes, be gathered over suitable time periods, reflect
 2390 authentic rather than spurious results, and may not be
 2391 susceptible to manipulation.

2392 (b) Implement a monitoring system to track the identified
 2393 outcome measures on a statewide, regional, and provider-specific
 2394 basis. The monitoring system must identify trends and chart
 2395 progress toward achievement of the goals specified in this
 2396 section. The requirements of the monitoring system may be
 2397 incorporated into the quality assurance system required under s.
 2398 409.996(18).

2399 (c) Develop and maintain an analytical system that builds
 2400 on the outcomes monitoring system to assess the statistical

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2401 validity of observed associations between child welfare
 2402 interventions and the measured outcomes. The analysis must use
 2403 quantitative methods to adjust for variations in demographic or
 2404 other conditions. The analysis must include longitudinal studies
 2405 to evaluate longer term outcomes such as continued safety,
 2406 family permanence, and transition to self-sufficiency. The
 2407 analysis may also include qualitative research methods to
 2408 provide insight into statistical patterns.

2409 (d) Develop and maintain a program of research review to
 2410 identify interventions that are supported by evidence as
 2411 causally linked to improved outcomes.

2412 (e) Support an ongoing process of evaluation to determine
 2413 the efficacy and effectiveness of various interventions.
 2414 Efficacy evaluation is intended to determine the validity of a
 2415 causal relationship between an intervention and an outcome.
 2416 Effectiveness evaluation is intended to determine the extent to
 2417 which the results can be generalized.

2418 (f) Develop and maintain an inclusive, interactive, and
 2419 evidence-supported program of quality improvement which promotes
 2420 individual skill building as well as organizational learning.

2421 (g) Develop and implement a method for making the results
 2422 of the accountability system transparent for all parties
 2423 involved in the child welfare system as well as policymakers and
 2424 the public. The presentation shall provide a comprehensible,
 2425 visual report card for the state and each community-based care

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2426 region, indicating the current status relative to each goal and
 2427 trends in that status over time. The presentation shall
 2428 identify and report outcome measures which assess the
 2429 performance of the department, community-based care lead agency,
 2430 and its subcontractors working together as an integrated system
 2431 of care.

2432 (3) The department shall establish a technical advisory
 2433 panel consisting of representatives from the Florida Institute
 2434 for Child Welfare established pursuant to s. 1004.615, lead
 2435 agencies, community-based care providers, other contract
 2436 providers, community-based care alliances, and family
 2437 representatives. The President of the Senate and the Speaker of
 2438 the House of Representatives shall each appoint a member to
 2439 serve as a legislative liaison to the panel. The technical
 2440 advisory panel shall advise the department on meeting the
 2441 requirements of this section.

2442 (4) The accountability system may not rank or compare
 2443 performance among community-based care regions unless adequate
 2444 and specific adjustments are adopted which account for the
 2445 diversity in regions' demographics, resources, and other
 2446 relevant characteristics.

2447 (5) The results of the accountability system must provide
 2448 the basis for performance incentives if funds for such payments
 2449 are made available through the General Appropriations Act.

2450 (6) At least quarterly, the department shall make the

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2451 results of the accountability system available to the public
 2452 through publication on its website. The website must allow for
 2453 custom searches of the performance data.

2454 (7) The department shall report by October 1 of each year
 2455 the statewide and individual community-based care lead agency
 2456 results for child protection and child welfare systems. The
 2457 department shall use the accountability system and consult with
 2458 the community-based care alliance and the chief judge or judges
 2459 in the community-based care service area to prepare the report
 2460 to the Governor, the President of the Senate, and the Speaker of
 2461 the House of Representatives.

2462 Section 31. Section 409.998, Florida Statutes, is created
 2463 to read:

2464 409.998 Community-based care oversight by community
 2465 alliances.-

2466 (1) To provide independent, community-focused oversight of
 2467 child protection and child welfare services and the local system
 2468 of community-based care, community alliances created in s.
 2469 20.19(5), shall, with the assistance of the department, perform
 2470 the following duties:

2471 (a) Conduct a needs assessment and establishment of
 2472 community priorities for child protection and child welfare
 2473 services.

2474 (b) Review the performance of the department, sheriff's
 2475 office if the office provides child protective services, and

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2476 lead agency individually and as an integrated system of care,
 2477 and advise the department, sheriff's office if applicable, and
 2478 lead agency regarding concerns and suggested areas of
 2479 improvement.

2480 (c) Recommend a competitive procurement for the lead
 2481 agency if programmatic or financial performance is poor. The
 2482 community alliance shall make recommendations on the development
 2483 of the procurement document for such competitive procurement and
 2484 may suggest specific requirements relating to local needs and
 2485 services.

2486 (d) Recommend a contract extension for the lead agency if
 2487 programmatic or financial performance is superior.

2488 (e)

2489 (f) In partnership with the Florida Institute for Child
 2490 Welfare established under s. 1004.615, develop recommendations
 2491 to the department and the community-based care lead agency to
 2492 improve child protection and child welfare policies and
 2493 practices.

2494 (g) Promote greater community involvement in community-
 2495 based care through participation in community-based care lead
 2496 agency services and activities, solicitation of local financial
 2497 and in-kind resources, recruitment and retention of community
 2498 volunteers, and public awareness efforts.

2499 (9) (a) Authority to create a direct-support organization.-
 2500 The alliance is authorized to create a direct-support

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2501 organization.

2502 1. The direct-support organization must be a Florida

2503 corporation, not for profit, incorporated under the provisions

2504 of chapter 617. The direct-support organization shall be exempt

2505 from paying fees under s. 617.0122.

2506 2. The direct-support organization shall be organized and

2507 operated to conduct programs and activities; raise funds;

2508 request and receive grants, gifts, and bequests of moneys;

2509 acquire, receive, hold, invest, and administer, in its own name,

2510 securities, funds, objects of value, or other property, real or

2511 personal; and make expenditures to or for the direct or indirect

2512 benefit of the lead agency.

2513 3. The department is not authorized to provide support in

2514 the form of funding or staff time for the direct-support

2515 organizations created pursuant to this subsection.

2516 3. If the Secretary of Children and Families determines

2517 that the direct-support organization is operating in a manner

2518 that is inconsistent with the goals and purposes of community-

2519 based care or not acting in the best interest of the community,

2520 the secretary may terminate the contract and thereafter the

2521 organization may not use the name of the community-based care

2522 alliance.

2523 (b) Contract.—The direct-support organization shall

2524 operate under a written contract with the department. The

2525 written contract must, at a minimum, provide for:

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2526 1. Approval of the articles of incorporation and bylaws of
 2527 the direct-support organization by the secretary.

2528 2. Submission of an annual budget for the approval by the
 2529 secretary or his or her designee.

2530 3. The reversion without penalty to the department of all
 2531 moneys and property held in trust by the direct-support
 2532 organization for the community-based care alliance if the
 2533 direct-support organization ceases to exist or if the contract
 2534 is terminated.

2535 4. The fiscal year of the direct-support organization,
 2536 which must begin July 1 of each year and end June 30 of the
 2537 following year.

2538 5. The disclosure of material provisions of the contract
 2539 and the distinction between the community-based care alliance
 2540 and the direct-support organization to donors of gifts,
 2541 contributions, or bequests, as well as on all promotional and
 2542 fundraising publications.

2543 (c) Board of directors.—The secretary or his or her
 2544 designee shall appoint a board of directors for the direct-
 2545 support organization. The secretary or his or her designee may
 2546 designate members of the alliance and the lead agency to serve
 2547 on the board of directors. An employee of the department may not
 2548 serve on the board of directors. Members of the board shall
 2549 serve at the pleasure of the secretary or his or her designee.

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2551 (e) Moneys.—Moneys of the direct-support organization may
 2552 be held in a separate depository account in the name of the
 2553 direct-support organization and subject to the provisions of the
 2554 contract with the department.

2555 (f) Annual audit.—The direct-support organization shall
 2556 provide for an annual financial audit in accordance with s.
 2557 215.981.

2558 (g) Limits on the direct-support organization.—The direct-
 2559 support organization may not exercise any power under s.
 2560 617.0302(12) or (16). (h) Repeal.—The authority to create a
 2561 direct-support organization expires October 1, 2019, unless
 2562 saved from repeal by reenactment by the Legislature.

2563 (10) All alliance meetings are open to the public pursuant
 2564 to s. 286.011 and the public records provision of s. 119.07(1).

2565 Section 32. Section 827.10, Florida Statutes, is created to
 2566 read:

2567 827.10 Unlawful abandonment of a child.—

2568 (1) As used in this section, the term:

2569 (a) "Abandons" or "abandonment" means to leave a child in
 2570 a place or with a person other than a relative with the intent
 2571 not to return to the child and with the intent not to provide
 2572 for the care of the child.

2573 (b) "Care" means support and services necessary to
 2574 maintain the child's physical and mental health, including, but
 2575 not limited to, food, nutrition, clothing, shelter, supervision,

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2576 medicine, and medical services that a prudent person would
 2577 consider essential for the well-being of the child.

2578 (c) "Caregiver" has the same meaning as provided in s.
 2579 39.01(10).

2580 (d) "Child" means a child for whose care the caregiver is
 2581 legally responsible.

2582 (e) "Relative" has the same meaning as provided in s.
 2583 39.01(64).

2584 (2) A caregiver who abandons a child under circumstances
 2585 in which the caregiver knew or should have known that the
 2586 abandonment exposes the child to unreasonable risk of harm
 2587 commits a felony of the third degree, punishable as provided in
 2588 s. 775.082, s. 775.083, or s. 775.084.

2589 (3) This section does not apply to a person who surrenders
 2590 a newborn infant in compliance with s. 383.50.

2591 (4) This section does not preclude prosecution for a
 2592 criminal act under any other law, including, but not limited to,
 2593 prosecution of child abuse or neglect of a child under s.
 2594 827.03.

2595 Section 33. Section 1004.615, Florida Statutes, is created
 2596 to read:

2597 1004.615 Florida Institute for Child Welfare.--

2598 (1) There is established the Florida Institute for Child
 2599 Safety in the Department of Children and Families. The purpose
 2600 of the institute is to advance the well-being of children and

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2601 families by improving the performance of child protection and
 2602 child welfare services through research, policy analysis,
 2603 evaluation, and leadership development. The institute shall
 2604 consist of a consortium of public and private universities
 2605 offering degrees in social work and shall be housed within the
 2606 College of Social Work of the Florida State University.

2607 (2) Using such resources as authorized in the General
 2608 Appropriations Act, the Department of Children and Families
 2609 shall contract with the institute for performance of the duties
 2610 described in subsection (4).

2611 (3) The institute shall work with the department, sheriffs
 2612 providing child protective investigative services, community-
 2613 based care lead agencies, community-based care provider
 2614 organizations, the court system, the Department of Juvenile
 2615 Justice, and other partners who contribute to and participate in
 2616 providing child protection and child welfare services.

2617 (4) The duties and responsibilities of the institute
 2618 include the following:

2619 (a) Maintain a program of research that contributes to
 2620 scientific knowledge and informs both policy and practice
 2621 related to child safety, permanency, and child and family well-
 2622 being.

2623 (b) Advise the department and other organizations
 2624 participating in the child protection and child welfare system
 2625 regarding scientific evidence on policy and practice related to

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2626 child safety, permanency, and child and family well-being.

2627 (c) Advising about the management practices and
 2628 administrative processes used by the department and other
 2629 organizations participating in the child protection and child
 2630 welfare system and recommend improvements that reduce
 2631 burdensome, ineffective requirements for frontline staff and
 2632 their supervisors while enhancing their ability to effectively
 2633 investigate, analyze, problem-solve, and supervise.

2634 (d) Assess the performance of child protection and child
 2635 welfare services based on specific outcome measures.

2636 (e) Evaluate the scope and effectiveness of preservice and
 2637 inservice training for child protection and child welfare
 2638 workers and advise and assist the department in efforts to
 2639 improve these trainings.

2640 (f) Assess the readiness of social work graduates to
 2641 assume job responsibilities in the child protection and child
 2642 welfare system and identify gaps in education that can be
 2643 addressed through the modification of curricula or the
 2644 establishment of industry certifications.

2645 (g) Develop and maintain a program of professional support
 2646 including training courses and consulting services that assist
 2647 both individuals and organizations in implementing adaptive and
 2648 resilient responses to workplace stress.

2649 (h) Participate in the department's critical incident
 2650 response team, assist in the preparation of reports about such

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2651 incidents, and support the committee review of reports and
 2652 development of recommendations.

2653 (i) Identify effective policies and promising practices,
 2654 including but not limited to innovations in coordination between
 2655 entities participating in the child protection and child welfare
 2656 system, data analytics, working with the local community, and
 2657 management of human service organizations and communicate these
 2658 findings to the department and other organizations participating
 2659 in the child protection and child welfare system.

2660 (5) The President of the Florida State University shall
 2661 appoint a director to the institute. The director must be a
 2662 child welfare professional with a doctoral degree in social work
 2663 and hold a faculty appointment in the Florida State University
 2664 College of Social Work. The institute shall be administered by
 2665 the director, and the director's office shall be located at the
 2666 Florida State University. The director is responsible for
 2667 overall management of the institute and for developing and
 2668 executing the work of the institute consistent with the
 2669 responsibilities in subsection (4). The director shall engage
 2670 individuals in other state universities with accredited colleges
 2671 of social work to participate in the institute. The universities
 2672 involved in the institute shall provide facilities, staff, and
 2673 other resources to the institute to establish statewide access
 2674 to institute programs and services.

2675 (6) By October 1 of each year, the institute shall provide

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2676 a written report to the Governor, the President of the Senate,
 2677 and the Speaker of the House of Representatives which outlines
 2678 its activities in the preceding year, reports significant
 2679 research findings as well as results of other programs, and
 2680 provides specific recommendations for improving child protection
 2681 and child welfare services.

2682 (7) The institute or the Florida State University School
 2683 of Social Work shall convene a task force to make
 2684 recommendations for improving the state's child welfare system.
 2685 The task force shall include but not be limited to
 2686 representatives of the department, the Department of Juvenile
 2687 Justice, community-based care lead agencies, child welfare
 2688 services providers, including case management providers, the
 2689 court system, and advocates. The task force shall include
 2690 individuals working directly with children and families,
 2691 administrators, and experts. Individual members of the task
 2692 force shall be responsible for their own travel expenses. The
 2693 task force may meet in person, telephonically, through web-based
 2694 technology, or any combination thereof. The task force shall
 2695 establish a workgroup which may include additional members with
 2696 directly relevant experience and expertise to make specific
 2697 recommendations on reducing paperwork and increasing the
 2698 retention of case managers. The institute or university shall
 2699 submit an interim report by February 1, 2015, and a final report
 2700 by November 1, 2015, to the Governor, the President of the

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

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2701 Senate, and the Speaker of the House of Representatives.
 2702 Section 34. Paragraph (h) is added to subsection (1) of
 2703 section 1009.25, Florida Statutes, to read:
 2704 1009.25 Fee exemptions.—
 2705 (1) The following students are exempt from the payment of
 2706 tuition and fees, including lab fees, at a school district that
 2707 provides workforce education programs, Florida College System
 2708 institution, or state university:
 2709 (h) Pursuant to s. 402.403, a child protective
 2710 investigator or a child protective investigation supervisor
 2711 employed by the Department of Children and Families or a
 2712 sheriff's office who is enrolled in an accredited bachelor's
 2713 degree or master's degree in social work program or completing
 2714 coursework required pursuant to s. 402.402(2)(a)2., provided
 2715 that the student attains at least a grade of "B" in all courses
 2716 for which tuition and fees are exempted.
 2717 Section 35. This act shall take effect July 1, 2014.