

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 Children and Families to appoint an
5 Assistant Secretary for Child Welfare; providing
6 qualifications and responsibilities; revising duties,
7 appointment, and membership of community alliances;
8 amending s. 39.001, F.S.; revising the purposes of
9 chapter 39, F.S.; requiring the Department of Children
10 and Families to provide for certain services for
11 medically complex children; amending s. 39.01, F.S.;
12 providing, revising, and deleting definitions;
13 creating s. 39.2015, F.S.; requiring the department to
14 conduct specified investigations using critical
15 incident rapid response teams; providing requirements
16 for such investigations and for team membership;
17 authorizing team access to specified information;
18 requiring the cooperation of specified agencies and
19 organizations; providing for reimbursement of team
20 members; requiring the team to provide an
21 investigation report; requiring the secretary to
22 develop guidelines for investigations and provide team
23 member training; requiring the secretary to appoint an
24 advisory committee; requiring the committee to submit
25 a report to the secretary; requiring the secretary to
26 submit such report to the Governor and the

27 Legislature; creating s. 39.2022, F.S.; providing
28 legislative intent; requiring the department to
29 publish specified information on its website regarding
30 the death of a child reported to the central abuse
31 hotline; amending s. 39.301, F.S.; authorizing the use
32 of safety plans in child protection investigations in
33 cases of present or impending danger; providing
34 requirements for implementation of a safety plan;
35 providing conditions for filing a petition for
36 dependency; amending s. 39.303, F.S.; requiring
37 physician involvement when a child protection team
38 evaluates a report of medical neglect of a medically
39 complex child; creating s. 39.3068, F.S.; providing
40 requirements for investigating medical neglect;
41 providing duties of the department; amending s.
42 39.402, F.S.; requiring the department to make a
43 reasonable effort to keep siblings together when they
44 are placed in out-of-home care under certain
45 circumstances; providing for sibling visitation under
46 certain conditions; amending s. 39.501, F.S.;
47 requiring compliance with a safety plan to be
48 considered when deciding a petition for dependency;
49 amending s. 39.604, F.S.; requiring certain children
50 to attend a licensed early education or child care
51 program; requiring the inclusion of attendance at a
52 licensed early education or child care program in a

53 child's safety plan; amending s. 39.701, F.S.;

54 requiring the court to consider contact among siblings

55 in judicial reviews; authorizing the court to remove

56 specified disabilities of nonage at judicial reviews;

57 amending s. 39.802, F.S.; removing department

58 authorization to sign a petition for termination of

59 parental rights; amending s. 63.212, F.S.; requiring a

60 person who places an advertisement for adoption

61 services to provide specified information; amending s.

62 383.402, F.S.; requiring review of all child deaths

63 reported to the department's central abuse hotline;

64 revising the due date for a report; amending s.

65 402.40, F.S.; requiring a third-party credentialing

66 entity to establish an advisory committee; authorizing

67 the department to approve certification of

68 specializations; creating s. 402.402, F.S.; providing

69 definitions; providing education requirements for

70 child protection and child welfare personnel;

71 providing training requirements for department

72 attorneys; creating s. 402.403, F.S.; establishing a

73 tuition exemption program for child protective and

74 child welfare personnel; providing eligibility

75 requirements; creating s. 402.404, F.S.; establishing

76 a student loan forgiveness program for child

77 protective investigators and supervisors; providing

78 eligibility requirements; authorizing community-based

79 care lead agencies to provide student loan forgiveness
80 to case managers employed by a community-based care
81 lead agency or its subcontractor; amending s. 409.165;
82 enhancing provision of care to medically complex
83 children; amending s. 409.967; revising standards for
84 Medicaid managed care plan accountability with respect
85 to services for dependent children; creating part V of
86 chapter 409, F.S.; creating s. 409.986, F.S.;

87 providing legislative findings and intent; providing
88 child protection and child welfare outcome goals;
89 providing definitions; creating s. 409.987, F.S.;

90 providing for department procurement of community-
91 based care lead agencies; providing requirements for
92 contracting as a lead agency; creating s. 409.988,
93 F.S.; providing duties of a community-based care lead
94 agency; providing licensure requirements for a lead
95 agency; specifying services provided by a lead agency;
96 providing conditions for an agency or provider to act
97 as a child's guardian; creating s. 409.990, F.S.;

98 providing general funding provisions for lead
99 agencies; providing for a matching grant program and
100 the maximum amount of funds that may be awarded;
101 requiring the department to develop and implement a
102 community-based care risk pool initiative; providing
103 requirements for the risk pool; transferring,
104 renumbering, and amending s. 409.16713, F.S.;

105 transferring provisions relating to the allocation of
106 funds for community-based lead care agencies;
107 conforming a cross-reference; creating s. 409.992,
108 F.S.; providing requirements for community-based care
109 lead agency expenditures; creating s. 409.993, F.S.;
110 providing legislative findings; providing for lead
111 agency and subcontractor liability; providing
112 limitations on damages; transferring, renumbering, and
113 amending s. 409.1675, F.S.; transferring provisions
114 relating to receivership from community-based
115 providers to lead agencies; conforming cross-
116 references and terminology; creating s. 409.996, F.S.;
117 providing duties of the department relating to
118 community-based care and lead agencies; creating s.
119 409.997, F.S.; providing outcome goals for the
120 department and specified entities with respect to
121 delivery of child welfare services; requiring the
122 department to maintain an accountability system;
123 requiring the department to establish a technical
124 advisory panel; requiring the department to make the
125 results of the accountability system public; requiring
126 a report to the Governor and the Legislature; creating
127 s. 409.998, F.S.; providing for oversight of
128 community-based care by community alliances; creating
129 s. 827.10, F.S.; providing definitions; establishing
130 the criminal offense of unlawful abandonment of a

131 child; providing criminal penalties; providing
132 exceptions; creating s. 1004.615, F.S.; establishing
133 the Florida Institute for Child Welfare; providing
134 purpose, duties, and responsibilities of the
135 institute; requiring the institute to contract and
136 work with specified entities; providing for the
137 administration of the institute; requiring a report to
138 the Governor and the Legislature by a specified date;
139 creating a task force; requiring the task force to
140 establish workgroups on specified topics; amending s.
141 1009.25, F.S.; exempting specified child protective
142 investigators and child protective investigation
143 supervisors from certain tuition and fee requirements;
144 repealing s. 409.1671, F.S., relating to outsourcing
145 of foster care and related services; repealing s.
146 409.16745, F.S., relating to the community partnership
147 matching grant program; amending ss. 39.201,
148 409.16713, 409.1675, 409.1676, 409.1677, 409.906, and
149 420.628, F.S.; conforming cross-references; providing
150 an effective date.

151
152 Be It Enacted by the Legislature of the State of Florida:

153
154 Section 1. Subsections (3) through (5) of section 20.19,
155 Florida Statutes, are renumbered as subsections (4) through (6),
156 respectively, present subsections (2) and (4) are amended, and a

157 new subsection (3) is added to that section, to read:

158 20.19 Department of Children and Families.—There is
159 created a Department of Children and Families.

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

161 (a) The head of the department is the Secretary of
162 Children and Families. The secretary is appointed by the
163 Governor, subject to confirmation by the Senate. The secretary
164 serves at the pleasure of the Governor.

165 (b) The secretary shall appoint a deputy secretary who
166 shall act in the absence of the secretary. The deputy secretary
167 is directly responsible to the secretary, performs such duties
168 as are assigned by the secretary, and serves at the pleasure of
169 the secretary.

170 (3) ASSISTANT SECRETARIES.—

171 (a) Child welfare.—

172 1. The secretary shall appoint an Assistant Secretary for
173 Child Welfare to lead the department in carrying out its duties
174 and responsibilities for child protection and child welfare. The
175 assistant secretary shall serve at the pleasure of the
176 secretary.

177 2. The assistant secretary must have at least 7 years of
178 experience working in organizations that deliver child
179 protective or child welfare services.

180 (b) Substance abuse and mental health.—

181 ~~(e)~~1. The secretary shall appoint an Assistant Secretary
182 for Substance Abuse and Mental Health. The assistant secretary

183 shall serve at the pleasure of the secretary and must have
 184 expertise in both areas of responsibility.

185 2. The secretary shall appoint a Director for Substance
 186 Abuse and Mental Health who has the requisite expertise and
 187 experience to head the state's Substance Abuse and Mental Health
 188 Program Office.

189 (5)~~(4)~~ COMMUNITY ALLIANCES.—

190 (a) The department shall, in consultation with local
 191 communities, establish a community alliance or similar group of
 192 the stakeholders, community leaders, client representatives and
 193 funders of human services in each county to provide a focal
 194 point for community participation and governance of community-
 195 based services. An alliance may cover more than one county when
 196 such arrangement is determined to provide for more effective
 197 representation. The community alliance shall represent the
 198 diversity of the community.

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

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

204 ~~2.1-~~ Joint planning for resource utilization in the
 205 community, including resources appropriated to the department
 206 and any funds that local funding sources choose to provide.

207 ~~3.2-~~ Needs assessment and establishment of community
 208 priorities for service delivery.

209 ~~4.3.~~ Determining community outcome goals to supplement
 210 state-required outcomes.

211 ~~5.4.~~ Serving as a catalyst for community resource
 212 development.

213 ~~6.5.~~ Providing for community education and advocacy on
 214 issues related to delivery of services.

215 ~~7.6.~~ Promoting prevention and early intervention services.

216 (c) The department shall ensure, to the greatest extent
 217 possible, that the formation of each community alliance builds
 218 on the strengths of the existing community human services
 219 infrastructure.

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

223 1. A representative from the department, who shall serve
 224 as a nonvoting member.

225 2. A representative from county government.

226 3. A representative from the school district.

227 4. A representative from the county United Way.

228 5. A representative from the county sheriff's office. If
 229 the county sheriff's office is providing child protective
 230 services, the representative shall serve as a nonvoting member.

231 6. A representative from the circuit court corresponding
 232 to the county.

233 7. A representative from the county children's board, if
 234 one exists.

235 8. An advocate for persons receiving child protection and
236 child welfare services chosen by the secretary.

237 9. A representative from the community-based care lead
238 agency, who shall serve as a nonvoting member.

239 (e) At any time after the initial meeting of the community
240 alliance, the community alliance shall adopt bylaws and may
241 increase the membership of the alliance to include the state
242 attorney for the judicial circuit in which the community
243 alliance is located, or his or her designee, the public defender
244 for the judicial circuit in which the community alliance is
245 located, or his or her designee, and other individuals and
246 organizations who represent funding organizations, are community
247 leaders, have knowledge of community-based service issues, or
248 otherwise represent perspectives that will enable them to
249 accomplish the duties listed in paragraph (b), if, in the
250 judgment of the alliance, such change is necessary to adequately
251 represent the diversity of the population within the community
252 alliance service circuits.

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

257 (g) Members of the community alliances shall serve without
258 compensation, but are entitled to receive reimbursement for per
259 diem and travel expenses, as provided in s. 112.061. Payment may
260 also be authorized for preapproved child care expenses or lost

261 wages for members who are consumers of the department's services
262 and for preapproved child care expenses for other members who
263 demonstrate hardship.

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

267 (i) Actions taken by a community alliance must be
268 consistent with department policy and state and federal laws,
269 rules, and regulations.

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

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

277 Section 2. Paragraphs (b), (c), (g), and (k) of subsection
278 (1) of section 39.001, Florida Statutes, are amended, paragraphs
279 (o) and (p) are added to that subsection, paragraphs (f) through
280 (h) of subsection (3) are redesignated as paragraphs (g) through
281 (i), respectively, a new paragraph (f) is added to that
282 subsection, present subsections (4) through (11) are renumbered
283 as subsections (5) through (12), respectively, a new subsection
284 (4) is added to that section, and paragraph (c) of present
285 subsection (8) and paragraph (b) of present subsection (10) of
286 that section are amended, to read:

287 39.001 Purposes and intent; personnel standards and
 288 screening.—

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

290 (b) To recognize that most families desire to be competent
 291 caregivers and providers for their children and that children
 292 achieve their greatest potential when families are able to
 293 support and nurture the growth and development of their
 294 children. Therefore, the Legislature finds that policies and
 295 procedures that provide for prevention and intervention through
 296 the department's child protection system should be based on the
 297 following principles:

298 1. The health and safety of the children served shall be
 299 of paramount concern.

300 2. The prevention and intervention should engage families
 301 in constructive, supportive, and nonadversarial relationships.

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

307 4. The prevention and intervention should be based upon
 308 outcome evaluation results that demonstrate success in
 309 protecting children and supporting families.

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

313 (g) To ensure that the parent or legal custodian from
314 whose custody the child has been taken assists the department to
315 the fullest extent possible in locating relatives suitable to
316 serve as caregivers for the child and provides all medical and
317 educational information, or consent for access thereto, needed
318 to help the child.

319 (k) To make every possible effort, if ~~when~~ two or more
320 children who are in the care or under the supervision of the
321 department are siblings, to place the siblings in the same home;
322 and in the event of permanent placement of the siblings, to
323 place them in the same adoptive home or, if the siblings are
324 separated while under the care or supervision of the department
325 or in a permanent placement, to keep them in contact with each
326 other.

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

329 (p) To provide protective investigations that are
330 conducted by trained persons in a complete and fair manner, that
331 are promptly concluded, and that consider the purposes of this
332 subsection and the general protections provided by law relating
333 to child welfare.

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

337 (f) Access to sufficient home and community-based support
338 for medically complex children to allow them to remain in the

339 least restrictive and most nurturing environment, which includes
 340 sufficient home and community-based services in an amount and
 341 scope comparable to those services the child would receive in
 342 out-of-home care placement.

343 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The
 344 department shall maintain a program of family-centered services
 345 and supports for medically complex children. The purpose of the
 346 program is to prevent abuse and neglect of medically complex
 347 children while enhancing the capacity of families to provide for
 348 their children's needs. Program services must include outreach,
 349 early intervention, and the provision of home and community-
 350 based services such as care coordination, respite care, and
 351 direct home care. The department shall work with the Agency for
 352 Health Care Administration and the Department of Health to
 353 provide such services.

354 (9)~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

356 1. Oversee the preparation and implementation of the state
 357 plan established under subsection (10) ~~(9)~~ and revise and update
 358 the state plan as necessary.

359 2. Provide for or make available continuing professional
 360 education and training in the prevention of child abuse and
 361 neglect.

362 3. Work to secure funding in the form of appropriations,
 363 gifts, and grants from the state, the Federal Government, and
 364 other public and private sources in order to ensure that

365 sufficient funds are available for the promotion of adoption,
366 support of adoptive families, and child abuse prevention
367 efforts.

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

370 a. Programs and services for the promotion of adoption,
371 support of adoptive families, and prevention of child abuse and
372 neglect.

373 b. Training programs for the prevention of child abuse and
374 neglect.

375 c. Multidisciplinary and discipline-specific training
376 programs for professionals with responsibilities affecting
377 children, young adults, and families.

378 d. Efforts to promote adoption.

379 e. Postadoptive services to support adoptive families.

380 5. Monitor, evaluate, and review the development and
381 quality of local and statewide services and programs for the
382 promotion of adoption, support of adoptive families, and
383 prevention of child abuse and neglect and shall publish and
384 distribute an annual report of its findings on or before January
385 1 of each year to the Governor, the Speaker of the House of
386 Representatives, the President of the Senate, the head of each
387 state agency affected by the report, and the appropriate
388 substantive committees of the Legislature. The report shall
389 include:

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

391 b. A summary of the adoption data collected and reported
392 to the federal Adoption and Foster Care Analysis and Reporting
393 System (AFCARS) and the federal Administration for Children and
394 Families.

395 c. A summary of the child abuse prevention data collected
396 and reported to the National Child Abuse and Neglect Data System
397 (NCANDS) and the federal Administration for Children and
398 Families.

399 d. A summary detailing the timeliness of the adoption
400 process for children adopted from within the child welfare
401 system.

402 e. Recommendations, by state agency, for the further
403 development and improvement of services and programs for the
404 promotion of adoption, support of adoptive families, and
405 prevention of child abuse and neglect.

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

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

410 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—

411 (b) The office and the other agencies and organizations
412 listed in paragraph (10) (a) ~~(9) (a)~~ shall readdress the state
413 plan and make necessary revisions every 5 years, at a minimum.
414 Such revisions shall be submitted to the Speaker of the House of
415 Representatives and the President of the Senate no later than
416 June 30 of each year divisible by 5. At least biennially, the

417 office shall review the state plan and make any necessary
 418 revisions based on changing needs and program evaluation
 419 results. An annual progress report shall be submitted to update
 420 the state plan in the years between the 5-year intervals. In
 421 order to avoid duplication of effort, these required plans may
 422 be made a part of or merged with other plans required by either
 423 the state or Federal Government, so long as the portions of the
 424 other state or Federal Government plan that constitute the state
 425 plan for the promotion of adoption, support of adoptive
 426 families, and prevention of child abuse, abandonment, and
 427 neglect are clearly identified as such and are provided to the
 428 Speaker of the House of Representatives and the President of the
 429 Senate as required under this section ~~above~~.

430 Section 3. Subsections (28) through (76) of section 39.01,
 431 Florida Statutes, are renumbered as subsections (26) through
 432 (79), respectively, new subsections (31), (41), (59), (67), and
 433 (72) are added to that section, and present subsections (18),
 434 (22), (26), (27), (59), and (65) of that section are amended, to
 435 read:

436 39.01 Definitions.—When used in this chapter, unless the
 437 context otherwise requires:

438 (18) "Comprehensive assessment" or "assessment" means the
 439 gathering of information for the evaluation of a child's and
 440 caregiver's physical, psychiatric, psychological, or mental
 441 health; developmental delays or challenges; and, educational,
 442 vocational, and social condition and family environment as they

443 relate to the child's and caregiver's need for rehabilitative
444 and treatment services, including substance abuse treatment
445 services, mental health services, developmental services,
446 literacy services, medical services, family services, and other
447 specialized services, as appropriate.

448 (22) "Diligent efforts by a parent" means a course of
449 conduct which results in a meaningful change in the behavior of
450 a parent that reduces ~~reduction in~~ risk to the child in the
451 child's home to the extent that ~~would allow~~ the child may ~~to~~ be
452 safely placed permanently back in the home as set forth in the
453 case plan.

454 ~~(26) "District" means any one of the 15 service districts~~
455 ~~of the department established pursuant to s. 20.19.~~

456 ~~(27) "District administrator" means the chief operating~~
457 ~~officer of each service district of the department as defined in~~
458 ~~s. 20.19(5) and, where appropriate, includes any district~~
459 ~~administrator whose service district falls within the boundaries~~
460 ~~of a judicial circuit.~~

461 (31) "Impending danger" means a situation in which family
462 behaviors, attitudes, motives, emotions, or situations pose a
463 threat that may not be currently active but that can be
464 anticipated to become active and to have severe effects on a
465 child at any time.

466 (41) "Medical neglect" means the failure to provide or the
467 failure to allow needed care as recommended by a health care
468 practitioner for a physical injury, illness, medical condition,

469 or impairment, or the failure to seek timely and appropriate
 470 medical care for a serious health problem that a reasonable
 471 person would have recognized as requiring professional medical
 472 attention. Medical neglect does not occur if the parent or legal
 473 guardian of the child has made reasonable attempts to obtain
 474 necessary health care services or the immediate health condition
 475 giving rise to the allegation of neglect is a known and expected
 476 complication of the child's diagnosis or treatment and:

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

480 (b) The parent or legal guardian received conflicting
 481 medical recommendations for treatment from multiple
 482 practitioners and did not follow all recommendations.

483 (59) "Present danger" means a significant and clearly
 484 observable family condition that is occurring at the current
 485 moment and is already endangering or threatening to endanger the
 486 child. Present danger threats are conspicuous and require that
 487 an immediate protective action be taken to ensure the child's
 488 safety.

489 (60)-(59) "Preventive services" means social services and
 490 other supportive and rehabilitative services provided to the
 491 parent or legal custodian of the child and to the child for the
 492 purpose of averting the removal of the child from the home or
 493 disruption of a family which will or could result in the
 494 placement of a child in foster care. Social services and other

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495 supportive and rehabilitative services shall promote the child's
496 developmental needs and need for physical, mental, and emotional
497 health and a safe, stable, living environment; shall promote
498 family autonomy; and shall strengthen family life, whenever
499 possible.

500 (66)~~(65)~~ "Reunification services" means social services
501 and other supportive and rehabilitative services provided to the
502 parent of the child, to the child, and, where appropriate, to
503 the relative placement, nonrelative placement, or foster parents
504 of the child, for the purpose of enabling a child who has been
505 placed in out-of-home care to safely return to his or her parent
506 at the earliest possible time. The health and safety of the
507 child shall be the paramount goal of social services and other
508 supportive and rehabilitative services. The services shall
509 promote the child's need for physical, developmental, mental,
510 and emotional health and a safe, stable, living environment;
511 shall promote family autonomy; and shall strengthen family
512 life, whenever possible.

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

517 (72) "Sibling" means:

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

520 (b) A child who has lived together in a family with one or

521 more other children whom he or she identifies as siblings.

522 Section 4. Section 39.2015, Florida Statutes, is created
523 to read:

524 39.2015 Critical incident rapid response team.-

525 (1) The department shall conduct an immediate
526 investigation of deaths or other serious incidents involving
527 children using critical incident rapid response teams as
528 provided in subsection (2). The purpose of such investigation is
529 to identify root causes and rapidly determine the need to change
530 policies and practices related to child protection and child
531 welfare.

532 (2) An immediate onsite investigation conducted by a
533 critical incident rapid response team is required for all child
534 deaths reported to the department if the child or another child
535 in his or her family was the subject of a verified report of
536 suspected abuse or neglect during the previous 12 months. The
537 secretary may direct an immediate investigation for other cases
538 involving serious injury to a child.

539 (3) Each investigation shall be conducted by a team of at
540 least five professionals with expertise in child protection,
541 child welfare, and organizational management. The team may
542 consist of employees of the department, community-based care
543 lead agencies, and other provider organizations; faculty from
544 the institute consisting of public and private universities
545 offering degrees in social work established pursuant to s.
546 1004.615,; or any other person with the required expertise. The

547 majority of the team must reside in judicial circuits outside
548 the location of the incident. The secretary shall appoint a team
549 leader for each group assigned to an investigation.

550 (4) An investigation shall be initiated as soon as
551 possible, but not later than 2 business days after the case is
552 reported to the department. A preliminary report on each case
553 shall be provided to the secretary no later than 30 days after
554 the investigation begins.

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

557 (6) All employees of the department or other state
558 agencies and all personnel from contracted provider
559 organizations must cooperate with the investigation by
560 participating in interviews and timely responding to any
561 requests for information.

562 (7) The secretary shall develop cooperative agreements
563 with other entities and organizations as necessary to facilitate
564 the work of the team.

565 (8) The members of the team may be reimbursed by the
566 department for per diem, mileage, and other reasonable expenses
567 as provided in s. 112.061. The department may also reimburse the
568 team member's employer for the associated salary and benefits
569 during the time the team member is fulfilling the duties
570 required under this section.

571 (9) Upon completion of the investigation, the department
572 shall make the team's final report available on its website.

573 (10) The secretary, in conjunction with the institute
 574 established pursuant to s. 1004.615, shall develop guidelines
 575 for investigations conducted by critical incident rapid response
 576 teams and provide training to team members. Such guidelines must
 577 direct the teams in the conduct of a root-cause analysis that
 578 identifies, classifies, and attributes responsibility for both
 579 direct and latent causes for the death or other incident,
 580 including organizational factors, preconditions, and specific
 581 acts or omissions resulting from either error or a violation of
 582 procedures.

583 (11) The secretary shall appoint an advisory committee
 584 made up of experts in child protection and child welfare to
 585 conduct an independent review of investigative reports from the
 586 critical incident rapid response teams and make recommendations
 587 to improve policies and practices related to child protection
 588 and child welfare services. By October 1 of each year, the
 589 advisory committee shall submit a report to the secretary that
 590 includes findings and recommendations. The secretary shall
 591 submit the report to the Governor, the President of the Senate,
 592 and the Speaker of the House of Representatives.

593 Section 5. Section 39.2022, Florida Statutes, is created
 594 to read:

595 39.2022 Public disclosure of reported child deaths.—

596 (1) It is the intent of the Legislature to provide prompt
 597 disclosure of the basic facts of all deaths of children from
 598 birth through 18 years of age that occur in this state and that

599 are reported to the department's central abuse hotline.
 600 Disclosure shall be posted on the department's public website.
 601 This section does not limit the public access to records under
 602 any other provision of law.

603 (2) If a child death is reported to the central abuse
 604 hotline, the department shall post on its website all of the
 605 following:

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

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

608 (c) Allegations of the cause of death or the preliminary
 609 cause of death, until verified, at which time the verified cause
 610 of death shall also be posted.

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

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

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

618 Section 6. Subsections (9) and (14) of section 39.301,
 619 Florida Statutes, are amended to read:

620 39.301 Initiation of protective investigations.—

621 (9) (a) For each report received from the central abuse
 622 hotline and accepted for investigation, the department or the
 623 sheriff providing child protective investigative services under
 624 s. 39.3065, shall perform the following child protective

625 investigation activities to determine child safety:

626 1. Conduct a review of all relevant, available information
627 specific to the child and family and alleged maltreatment;
628 family child welfare history; local, state, and federal criminal
629 records checks; and requests for law enforcement assistance
630 provided by the abuse hotline. Based on a review of available
631 information, including the allegations in the current report, a
632 determination shall be made as to whether immediate consultation
633 should occur with law enforcement, the child protection team, a
634 domestic violence shelter or advocate, or a substance abuse or
635 mental health professional. Such consultations should include
636 discussion as to whether a joint response is necessary and
637 feasible. A determination shall be made as to whether the person
638 making the report should be contacted before the face-to-face
639 interviews with the child and family members.

640 2. Conduct face-to-face interviews with the child; other
641 siblings, if any; and the parents, legal custodians, or
642 caregivers.

643 3. Assess the child's residence, including a determination
644 of the composition of the family and household, including the
645 name, address, date of birth, social security number, sex, and
646 race of each child named in the report; any siblings or other
647 children in the same household or in the care of the same
648 adults; the parents, legal custodians, or caregivers; and any
649 other adults in the same household.

650 4. Determine whether there is any indication that any

651 child in the family or household has been abused, abandoned, or
652 neglected; the nature and extent of present or prior injuries,
653 abuse, or neglect, and any evidence thereof; and a determination
654 as to the person or persons apparently responsible for the
655 abuse, abandonment, or neglect, including the name, address,
656 date of birth, social security number, sex, and race of each
657 such person.

658 5. Complete assessment of immediate child safety for each
659 child based on available records, interviews, and observations
660 with all persons named in subparagraph 2. and appropriate
661 collateral contacts, which may include other professionals. The
662 department's child protection investigators are hereby
663 designated a criminal justice agency for the purpose of
664 accessing criminal justice information to be used for enforcing
665 this state's laws concerning the crimes of child abuse,
666 abandonment, and neglect. This information shall be used solely
667 for purposes supporting the detection, apprehension,
668 prosecution, pretrial release, posttrial release, or
669 rehabilitation of criminal offenders or persons accused of the
670 crimes of child abuse, abandonment, or neglect and may not be
671 further disseminated or used for any other purpose.

672 6. Document the present and impending dangers to each
673 child based on the identification of inadequate protective
674 capacity through utilization of a standardized safety assessment
675 instrument. If present or impending danger is identified, the
676 child protective investigator must implement a safety plan that

677 is specific, sufficient, feasible, and sustainable in response
678 to the realities of the present or impending danger. A safety
679 plan may be exclusively an in-home plan, an out-of-home plan, or
680 a combination of both. The child protective investigator shall
681 collaborate with the community-based care lead agency in the
682 development of the safety plan as necessary to ensure that the
683 safety plan is specific, sufficient, feasible, and sustainable.
684 A safety plan may not rely on promissory commitments by the
685 parent, caregiver, or legal custodian who is currently not able
686 to protect the child or on services that are not available or
687 will not result in the safety of the child. A safety plan may
688 not be implemented if for any reason the parents, guardian, or
689 legal custodian lacks the capacity or ability to comply with the
690 plan. If the department is not able to develop a plan that is
691 specific, sufficient, feasible, and sustainable, the department
692 shall file a petition for adjudication of dependency. A child
693 protective investigator shall support the implementation of
694 separate safety plans for the perpetrator of domestic violence
695 and the parent who is a victim of domestic violence, as defined
696 in s. 741.28. The safety plan for the parent who is a victim of
697 domestic violence shall not be shared with the perpetrator. The
698 child protective investigator shall monitor the implementation
699 of the plan as necessary to ensure child safety until the case
700 is transferred to the lead agency, at which time the lead agency
701 shall monitor the implementation. If a parent, guardian, or
702 legal custodian fails to comply with the safety plan, the

703 department shall file a petition for adjudication of dependency.

704 a. If present danger is identified, the child protective
705 investigator shall create and implement a safety plan before
706 leaving the home or the location where there is present danger.

707 b. If impending danger is identified, the child protective
708 investigator shall create and implement a safety plan as soon as
709 necessary to protect the safety of the child. The child
710 protective investigator may modify the plan if he or she
711 identifies additional impending danger.

712 ~~(b) Upon completion of the immediate safety assessment,~~
713 ~~the department shall determine the additional activities~~
714 ~~necessary to assess impending dangers, if any, and close the~~
715 ~~investigation.~~

716 (b)(c) For each report received from the central abuse
717 hotline, the department or the sheriff providing child
718 protective investigative services under s. 39.3065, shall
719 determine the protective, treatment, and ameliorative services
720 necessary to safeguard and ensure the child's safety and well-
721 being and development, and cause the delivery of those services
722 through the early intervention of the department or its agent.
723 As applicable, child protective investigators must inform
724 parents and caregivers how and when to use the injunction
725 process under s. 741.30 to remove a perpetrator of domestic
726 violence from the home as an intervention to protect the child.
727 1. If the department or the sheriff providing child protective
728 investigative services determines that the interests of the

729 child and the public will be best served by providing the child
730 care or other treatment voluntarily accepted by the child and
731 the parents or legal custodians, the parent or legal custodian
732 and child may be referred for such care, case management, or
733 other community resources.

734 2. If the department or the sheriff providing child
735 protective investigative services determines that the child is
736 in need of protection and supervision, the department may file a
737 petition for dependency.

738 3. If a petition for dependency is not being filed by the
739 department, the person or agency originating the report shall be
740 advised of the right to file a petition pursuant to this part.

741 4. At the close of an investigation, the department or the
742 sheriff providing child protective services shall provide to the
743 person who is alleged to have caused the abuse, neglect, or
744 abandonment and the parent or legal custodian a summary of
745 findings from the investigation and provide information about
746 their right to access confidential reports in accordance with s.
747 39.202.

748 (14) (a) If the department or its agent determines that a
749 child requires immediate or long-term protection through÷

750 ~~1.~~ medical or other health care÷ or

751 ~~2.~~ homemaker care, day care, protective supervision, or
752 other services to stabilize the home environment, including
753 intensive family preservation services through the Intensive
754 Crisis Counseling Program, such services shall first be offered

755 for voluntary acceptance unless:

756 1. There are high-risk factors that may impact the ability
757 of the parents or legal custodians to exercise judgment. Such
758 factors may include the parents' or legal custodians' young age
759 or history of substance abuse, mental illness, or domestic
760 violence; or

761 2. There is a high likelihood of lack of compliance with
762 voluntary services, and such noncompliance would result in the
763 child being unsafe.

764 (b) The parents or legal custodians shall be informed of
765 the right to refuse services, as well as the responsibility of
766 the department to protect the child regardless of the acceptance
767 or refusal of services. If the services are refused, a
768 collateral contact shall include a relative, if the protective
769 investigator has knowledge of and the ability to contact a
770 relative. If the services are refused and the department deems
771 that the child's need for protection ~~se~~ requires services, the
772 department shall take the child into protective custody or
773 petition the court as provided in this chapter. At any time
774 after the commencement of a protective investigation, a relative
775 may submit in writing to the protective investigator or case
776 manager a request to receive notification of all proceedings and
777 hearings in accordance with s. 39.502. The request shall include
778 the relative's name, address, and phone number and the
779 relative's relationship to the child. The protective
780 investigator or case manager shall forward such request to the

781 attorney for the department. The failure to provide notice to
782 either a relative who requests it pursuant to this subsection or
783 to a relative who is providing out-of-home care for a child may
784 not result in any previous action of the court at any stage or
785 proceeding in dependency or termination of parental rights under
786 any part of this chapter being set aside, reversed, modified, or
787 in any way changed absent a finding by the court that a change
788 is required in the child's best interests.

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

791 1. Criteria that are factors requiring that the department
792 take the child into custody, petition the court as provided in
793 this chapter, or, if the child is not taken into custody or a
794 petition is not filed with the court, conduct an administrative
795 review. Such factors must include, but are not limited to,
796 noncompliance with a safety plan or the case plan developed by
797 the department, or its agent, and the family under this chapter,
798 and prior abuse reports with findings that involve the child,
799 the child's sibling, or the child's caregiver.

800 2. Requirements that if after an administrative review the
801 department determines not to take the child into custody or
802 petition the court, the department shall document the reason for
803 its decision in writing and include it in the investigative
804 file. For all cases that were accepted by the local law
805 enforcement agency for criminal investigation pursuant to
806 subsection (2), the department must include in the file written

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807 documentation that the administrative review included input from
808 law enforcement. In addition, for all cases that must be
809 referred to child protection teams pursuant to s. 39.303(2) and
810 (3), the file must include written documentation that the
811 administrative review included the results of the team's
812 evaluation. ~~Factors that must be included in the development of~~
813 ~~the rule include noncompliance with the case plan developed by~~
814 ~~the department, or its agent, and the family under this chapter~~
815 ~~and prior abuse reports with findings that involve the child or~~
816 ~~caregiver.~~

817 Section 7. Section 39.303, Florida Statutes, is amended to
818 read:

819 39.303 Child protection teams; services; eligible cases.—
820 The Children's Medical Services Program in the Department of
821 Health shall develop, maintain, and coordinate the services of
822 one or more multidisciplinary child protection teams in each of
823 the service districts of the Department of Children and Families
824 ~~Family Services~~. Such teams may be composed of appropriate
825 representatives of school districts and appropriate health,
826 mental health, social service, legal service, and law
827 enforcement agencies. ~~The Legislature finds that optimal~~
828 ~~coordination of child protection teams and sexual abuse~~
829 ~~treatment programs requires collaboration between~~ The Department
830 of Health and the Department of Children and Families ~~Family~~
831 ~~Services~~. ~~The two departments~~ shall maintain an interagency
832 agreement that establishes protocols for oversight and

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833 operations of child protection teams and sexual abuse treatment
834 programs. The State Surgeon General and the Deputy Secretary for
835 Children's Medical Services, in consultation with the Secretary
836 of Children and Families ~~Family Services~~, shall maintain the
837 responsibility for the screening, employment, and, if necessary,
838 the termination of child protection team medical directors, at
839 headquarters and in the 15 districts. Child protection team
840 medical directors shall be responsible for oversight of the
841 teams in the districts.

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

857 (a) Medical diagnosis and evaluation services, including
858 provision or interpretation of X rays and laboratory tests, and

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859 related services, as needed, and documentation of related
860 findings ~~relative thereto~~.

861 (b) Telephone consultation services in emergencies and in
862 other situations.

863 (c) Medical evaluation related to abuse, abandonment, or
864 neglect, as defined by policy or rule of the Department of
865 Health.

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

871 (e) Expert medical, psychological, and related
872 professional testimony in court cases.

873 (f) Case staffings to develop treatment plans for children
874 whose cases have been referred to the team. A child protection
875 team may provide consultation with respect to a child who is
876 alleged or is shown to be abused, abandoned, or neglected, which
877 consultation shall be provided at the request of a
878 representative of the family safety and preservation program or
879 at the request of any other professional involved with a child
880 or the child's parent or parents, legal custodian or custodians,
881 or other caregivers. In every such child protection team case
882 staffing, consultation, or staff activity involving a child, a
883 family safety and preservation program representative shall
884 attend and participate.

885 (g) Case service coordination and assistance, including
 886 the location of services available from other public and private
 887 agencies in the community.

888 (h) Such training services for program and other employees
 889 of the Department of Children and Families ~~Family Services~~,
 890 employees of the Department of Health, and other medical
 891 professionals as is deemed appropriate to enable them to develop
 892 and maintain their professional skills and abilities in handling
 893 child abuse, abandonment, and neglect cases.

894 (i) Educational and community awareness campaigns on child
 895 abuse, abandonment, and neglect in an effort to enable citizens
 896 more successfully to prevent, identify, and treat child abuse,
 897 abandonment, and neglect in the community.

898 (j) Child protection team assessments that include, as
 899 appropriate, medical evaluations, medical consultations, family
 900 psychosocial interviews, specialized clinical interviews, or
 901 forensic interviews.

902
 903 All medical personnel participating on a child protection team
 904 must successfully complete the required child protection team
 905 training curriculum as set forth in protocols determined by the
 906 Deputy Secretary for Children's Medical Services and the
 907 Statewide Medical Director for Child Protection. A child
 908 protection team that is evaluating a report of medical neglect
 909 and assessing the health care needs of a medically complex child
 910 shall involve a physician who has experience in treating

911 children with the same condition. Such physician may include,
912 but not be limited to, a physician who is a member of the child
913 protection team, the child's treating physician, a physician
914 within the Children's Medical Services network, or a specialist.

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

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

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

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

924 (d) Any sexually transmitted disease in a prepubescent
925 child.

926 (e) Reported malnutrition of a child and failure of a
927 child to thrive.

928 (f) Reported medical neglect of a child.

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

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

936 (3) All abuse and neglect cases transmitted for

937 investigation to a district by the hotline must be
938 simultaneously transmitted to the Department of Health child
939 protection team for review. For the purpose of determining
940 whether face-to-face medical evaluation by a child protection
941 team is necessary, all cases transmitted to the child protection
942 team which meet the criteria in subsection (2) must be timely
943 reviewed by:

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

947 (b) A physician licensed under chapter 458 or chapter 459
948 who holds board certification in a specialty other than
949 pediatrics, who may complete the review only when working under
950 the direction of a physician licensed under chapter 458 or
951 chapter 459 who holds board certification in pediatrics and is a
952 member of a child protection team;

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

956 (d) A physician assistant licensed under chapter 458 or
957 chapter 459, who may complete the review only when working under
958 the supervision of a physician licensed under chapter 458 or
959 chapter 459 who holds board certification in pediatrics and is a
960 member of a child protection team; or

961 (e) A registered nurse licensed under chapter 464, who may
962 complete the review only when working under the direct

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963 supervision of a physician licensed under chapter 458 or chapter
964 459 who holds certification in pediatrics and is a member of a
965 child protection team.

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

968 (a) The child was examined for the alleged abuse or
969 neglect by a physician who is not a member of the child
970 protection team, and a consultation between the child protection
971 team board-certified pediatrician, advanced registered nurse
972 practitioner, physician assistant working under the supervision
973 of a child protection team board-certified pediatrician, or
974 registered nurse working under the direct supervision of a child
975 protection team board-certified pediatrician, and the examining
976 physician concludes that a further medical evaluation is
977 unnecessary;

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

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

985

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

989 (5) In all instances in which a child protection team is
 990 providing certain services to abused, abandoned, or neglected
 991 children, other offices and units of the Department of Health,
 992 and offices and units of the Department of Children and Families
 993 ~~Family Services~~, shall avoid duplicating the provision of those
 994 services.

995 (6) The Department of Health child protection team quality
 996 assurance program and the Family Safety Program Office of the
 997 Department of Children and Families ~~Family Services' Family~~
 998 ~~Safety Program Office quality assurance program~~ shall
 999 collaborate to ensure referrals and responses to child abuse,
 1000 abandonment, and neglect reports are appropriate. Each quality
 1001 assurance program shall include a review of records in which
 1002 there are no findings of abuse, abandonment, or neglect, and the
 1003 findings of these reviews shall be included in each department's
 1004 quality assurance reports.

1005 Section 8. Section 39.3068, Florida Statutes, is created
 1006 to read:

1007 39.3068 Reports of medical neglect.-

1008 (1) Upon receiving a report alleging medical neglect, the
 1009 department or sheriff's office shall assign the case to a child
 1010 protective investigator who has specialized training in
 1011 addressing medical neglect or working with medically complex
 1012 children.

1013 (2) The child protective investigator who has interacted
 1014 with the child and the child's family shall promptly contact and

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1015 provide information to the child protection team. The child
1016 protection team shall assist the child protective investigator
1017 in identifying immediate responses to address the medical needs
1018 of the child with the priority of maintaining the child in the
1019 home if the parents will be able to meet the needs of the child
1020 with additional services. The child protective investigator and
1021 the child protection team must use a family-centered approach to
1022 assess the capacity of the family to meet those needs. A family-
1023 centered approach is intended to increase independence on the
1024 part of the family, accessibility to programs and services
1025 within the community, and collaboration between families and
1026 their service providers. The ethnic, cultural, economic, racial,
1027 social, and religious diversity of families must be respected
1028 and considered in the development and provision of services.

1029 (3) The child shall be evaluated by the child protection
1030 team as soon as practicable. After receipt of the report from
1031 the child protection team, the department shall convene a case
1032 staffing which shall be attended, at a minimum, by the child
1033 protective investigator; department legal staff; and
1034 representatives from the child protection team that evaluated
1035 the child, Children's Medical Services, the Agency for Health
1036 Care Administration, the community-based care lead agency, and
1037 any providers of services to the child. However, the Agency for
1038 Health Care Administration is not required to attend the
1039 staffing if the child is not Medicaid-eligible. The staffing
1040 shall consider, at a minimum, which services are available,

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1041 given the family's eligibility for services, which services are
1042 effective in addressing conditions leading to medical neglect
1043 allegations, and which services would enable the child to safely
1044 remain at home. If such services are available and effective,
1045 they shall be provided.

1046 Section 9. Paragraph (h) of subsection (8) and subsection
1047 (9) of section 39.402, Florida Statutes, are amended to read:

1048 39.402 Placement in a shelter.—

1049 (8)

1050 (h) The order for placement of a child in shelter care
1051 must identify the parties present at the hearing and must
1052 contain written findings:

1053 1. That placement in shelter care is necessary based on
1054 the criteria in subsections (1) and (2).

1055 2. That placement in shelter care is in the best interest
1056 of the child.

1057 3. That continuation of the child in the home is contrary
1058 to the welfare of the child because the home situation presents
1059 a substantial and immediate danger to the child's physical,
1060 mental, or emotional health or safety which cannot be mitigated
1061 by the provision of preventive services.

1062 4. That based upon the allegations of the petition for
1063 placement in shelter care, there is probable cause to believe
1064 that the child is dependent or that the court needs additional
1065 time, which may not exceed 72 hours, in which to obtain and
1066 review documents pertaining to the family in order to

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1067 appropriately determine the risk to the child.

1068 5. That the department has made reasonable efforts to
1069 prevent or eliminate the need for removal of the child from the
1070 home. A finding of reasonable effort by the department to
1071 prevent or eliminate the need for removal may be made and the
1072 department is deemed to have made reasonable efforts to prevent
1073 or eliminate the need for removal if:

1074 a. The first contact of the department with the family
1075 occurs during an emergency;

1076 b. The appraisal of the home situation by the department
1077 indicates that the home situation presents a substantial and
1078 immediate danger to the child's physical, mental, or emotional
1079 health or safety which cannot be mitigated by the provision of
1080 preventive services;

1081 c. The child cannot safely remain at home, either because
1082 there are no preventive services that can ensure the health and
1083 safety of the child or because, even with appropriate and
1084 available services being provided, the health and safety of the
1085 child cannot be ensured; or

1086 d. The parent or legal custodian is alleged to have
1087 committed any of the acts listed as grounds for expedited
1088 termination of parental rights in s. 39.806(1)(f)-(i).

1089 6. That the department has made reasonable efforts to keep
1090 siblings together if they are removed and placed in out-of-home
1091 care unless such placement is not in the best interest of each
1092 child. The department shall report to the court its efforts to

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1093 place siblings together unless the court finds that such
1094 placement is not in the best interest of a child or his or her
1095 sibling.

1096 ~~7.6.~~ That the court notified the parents, relatives that
1097 are providing out-of-home care for the child, or legal
1098 custodians of the time, date, and location of the next
1099 dependency hearing and of the importance of the active
1100 participation of the parents, relatives that are providing out-
1101 of-home care for the child, or legal custodians in all
1102 proceedings and hearings.

1103 ~~8.7.~~ That the court notified the parents or legal
1104 custodians of their right to counsel to represent them at the
1105 shelter hearing and at each subsequent hearing or proceeding,
1106 and the right of the parents to appointed counsel, pursuant to
1107 the procedures set forth in s. 39.013.

1108 ~~9.8.~~ That the court notified relatives who are providing
1109 out-of-home care for a child as a result of the shelter petition
1110 being granted that they have the right to attend all subsequent
1111 hearings, to submit reports to the court, and to speak to the
1112 court regarding the child, if they so desire.

1113 (9) (a) At any shelter hearing, the department shall
1114 provide to the court a recommendation for scheduled contact
1115 between the child and parents, if appropriate. The court shall
1116 determine visitation rights absent a clear and convincing
1117 showing that visitation is not in the best interest of the
1118 child. Any order for visitation or other contact must conform to

1119 ~~the provisions of s. 39.0139.~~ If visitation is ordered but will
 1120 not commence within 72 hours of the shelter hearing, the
 1121 department shall provide justification to the court.

1122 (b) If siblings who are removed from the home cannot be
 1123 placed together, the department shall provide to the court a
 1124 recommendation for frequent visitation or other ongoing
 1125 interaction between the siblings unless this interaction would
 1126 be contrary to a sibling's safety or well-being. If visitation
 1127 among siblings is ordered but will not commence within 72 hours
 1128 after the shelter hearing, the department shall provide
 1129 justification to the court for the delay.

1130 Section 10. Paragraph (d) of subsection (3) of section
 1131 39.501, Florida Statutes, is amended to read:

1132 39.501 Petition for dependency.—

1133 (3)

1134 (d) The petitioner must state in the petition, if known,
 1135 whether:

1136 1. A parent or legal custodian named in the petition has
 1137 previously unsuccessfully participated in voluntary services
 1138 offered by the department;

1139 2. A parent or legal custodian named in the petition has
 1140 participated in mediation and whether a mediation agreement
 1141 exists;

1142 3. A parent or legal custodian has rejected the voluntary
 1143 services offered by the department;

1144 4. A parent or legal custodian named in the petition has

1145 not fully complied with a safety plan; or

1146 5.4. The department has determined that voluntary services
 1147 are not appropriate for the parent or legal custodian and the
 1148 reasons for such determination.

1149
 1150 If the department is the petitioner, it shall provide all safety
 1151 assessments and safety plans involving the parent or legal
 1152 custodian to the court.

1153 Section 11. Subsections (3) and (4) of section 39.604,
 1154 Florida Statutes, are amended to read:

1155 39.604 Rilya Wilson Act; short title; legislative intent;
 1156 requirements; attendance and reporting responsibilities.-

1157 (3) REQUIREMENTS.-A child from birth to the age of ~~who is~~
 1158 ~~age 3 years to~~ school entry, under court-ordered ~~court-ordered~~
 1159 protective supervision or in the custody of the Family Safety
 1160 Program Office of the Department of Children and Families ~~Family~~
 1161 ~~Services~~ or a community-based lead agency, and enrolled in a
 1162 licensed early education or child care program must attend ~~be~~
 1163 ~~enrolled to participate in~~ the program 5 days a week.

1164 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of
 1165 Children and Families ~~Family Services~~ must notify operators of
 1166 the licensed early education or child care program, subject to
 1167 the reporting requirements of this act, of the enrollment of any
 1168 child from birth to the age of ~~age 3 years to~~ school entry,
 1169 under court-ordered ~~court-ordered~~ protective supervision or in
 1170 the custody of the Family Safety Program Office of the

1171 Department of Children and Families ~~Family Services~~ or a
 1172 community-based lead agency. When a child is enrolled in an
 1173 early education or child care program regulated by the
 1174 department, the child's attendance in the program must be a
 1175 required action in the safety plan or the case plan developed
 1176 for ~~the~~ a child pursuant to this chapter who is enrolled in a
 1177 licensed early education or child care program must contain the
 1178 participation in this program as a required action. An exemption
 1179 to participating in the licensed early education or child care
 1180 program 5 days a week may be granted by the court.

1181 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1182 (a) A child enrolled in a licensed early education or
 1183 child care program who meets the requirements of subsection (3)
 1184 may not be withdrawn from the program without the prior written
 1185 approval of the Family Safety Program Office of the Department
 1186 of Children and Families ~~Family Services~~ or the community-based
 1187 lead agency.

1188 (b)1. If a child covered by this section is absent from
 1189 the program on a day when he or she is supposed to be present,
 1190 the person with whom the child resides must report the absence
 1191 to the program by the end of the business day. If the person
 1192 with whom the child resides, whether the parent or caregiver,
 1193 fails to timely report the absence, the absence is considered to
 1194 be unexcused. The program shall report any unexcused absence or
 1195 seven consecutive excused absences of a child who is enrolled in
 1196 the program and covered by this act to the local designated

1197 staff of the Family Safety Program Office of the Department of
 1198 Children and Families ~~Family Services~~ or the community-based
 1199 lead agency by the end of the business day following the
 1200 unexcused absence or seventh consecutive excused absence.

1201 2. The department or community-based lead agency shall
 1202 conduct a site visit to the residence of the child upon
 1203 receiving a report of two consecutive unexcused absences or
 1204 seven consecutive excused absences.

1205 3. If the site visit results in a determination that the
 1206 child is missing, the department or community-based lead agency
 1207 shall report the child as missing to a law enforcement agency
 1208 and proceed with the necessary actions to locate the child
 1209 pursuant to procedures for locating missing children.

1210 4. If the site visit results in a determination that the
 1211 child is not missing, the parent or caregiver shall be notified
 1212 that failure to ensure that the child attends the licensed early
 1213 education or child care program is a violation of the safety
 1214 plan or the case plan. If more than two site visits are
 1215 conducted pursuant to this subsection, staff shall initiate
 1216 action to notify the court of the parent or caregiver's
 1217 noncompliance with the case plan.

1218 Section 12. Paragraph (c) of subsection (2) and paragraph
 1219 (a) of subsection (3) of section 39.701, Florida Statutes, are
 1220 amended to read:

1221 39.701 Judicial review.—

1222 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF

1223 AGE.—

1224 (c) Review determinations.—The court and any citizen
 1225 review panel shall take into consideration the information
 1226 contained in the social services study and investigation and all
 1227 medical, psychological, and educational records that support the
 1228 terms of the case plan; testimony by the social services agency,
 1229 the parent, the foster parent or legal custodian, the guardian
 1230 ad litem or surrogate parent for educational decisionmaking if
 1231 one has been appointed for the child, and any other person
 1232 deemed appropriate; and any relevant and material evidence
 1233 submitted to the court, including written and oral reports to
 1234 the extent of their probative value. These reports and evidence
 1235 may be received by the court in its effort to determine the
 1236 action to be taken with regard to the child and may be relied
 1237 upon to the extent of their probative value, even though not
 1238 competent in an adjudicatory hearing. In its deliberations, the
 1239 court and any citizen review panel shall seek to determine:

1240 1. If the parent was advised of the right to receive
 1241 assistance from any person or social service agency in the
 1242 preparation of the case plan.

1243 2. If the parent has been advised of the right to have
 1244 counsel present at the judicial review or citizen review
 1245 hearings. If not so advised, the court or citizen review panel
 1246 shall advise the parent of such right.

1247 3. If a guardian ad litem needs to be appointed for the
 1248 child in a case in which a guardian ad litem has not previously

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1249 been appointed or if there is a need to continue a guardian ad
1250 litem in a case in which a guardian ad litem has been appointed.

1251 4. Who holds the rights to make educational decisions for
1252 the child. If appropriate, the court may refer the child to the
1253 district school superintendent for appointment of a surrogate
1254 parent or may itself appoint a surrogate parent under the
1255 Individuals with Disabilities Education Act and s. 39.0016.

1256 5. The compliance or lack of compliance of all parties
1257 with applicable items of the case plan, including the parents'
1258 compliance with child support orders.

1259 6. The compliance or lack of compliance with a visitation
1260 contract between the parent and the social service agency for
1261 contact with the child, including the frequency, duration, and
1262 results of the parent-child visitation and the reason for any
1263 noncompliance.

1264 7. The frequency, kind, and duration of contacts among
1265 siblings who have been separated during placement, as well as
1266 any efforts undertaken to reunite separated siblings if doing so
1267 is in the best interest of the child.

1268 8.7. The compliance or lack of compliance of the parent in
1269 meeting specified financial obligations pertaining to the care
1270 of the child, including the reason for failure to comply, if
1271 applicable ~~such is the case.~~

1272 ~~9.8.~~ Whether the child is receiving safe and proper care
1273 according to s. 39.6012, including, but not limited to, the
1274 appropriateness of the child's current placement, including

1275 whether the child is in a setting that is as family-like and as
1276 close to the parent's home as possible, consistent with the
1277 child's best interests and special needs, and including
1278 maintaining stability in the child's educational placement, as
1279 documented by assurances from the community-based care provider
1280 that:

1281 a. The placement of the child takes into account the
1282 appropriateness of the current educational setting and the
1283 proximity to the school in which the child is enrolled at the
1284 time of placement.

1285 b. The community-based care agency has coordinated with
1286 appropriate local educational agencies to ensure that the child
1287 remains in the school in which the child is enrolled at the time
1288 of placement.

1289 ~~10.9.~~ A projected date likely for the child's return home
1290 or other permanent placement.

1291 ~~11.10.~~ When appropriate, the basis for the unwillingness
1292 or inability of the parent to become a party to a case plan. The
1293 court and the citizen review panel shall determine if the
1294 efforts of the social service agency to secure party
1295 participation in a case plan were sufficient.

1296 ~~12.11.~~ For a child who has reached 13 years of age but is
1297 not yet 18 years of age, the adequacy of the child's preparation
1298 for adulthood and independent living.

1299 ~~13.12.~~ If amendments to the case plan are required.

1300 Amendments to the case plan must be made under s. 39.6013.

1301 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—
 1302 (a) In addition to the review and report required under
 1303 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
 1304 a judicial review hearing within 90 days after a child's 17th
 1305 birthday. The court shall also issue an order, separate from the
 1306 order on judicial review, that the disability of nonage of the
 1307 child has been removed pursuant to ss. 743.044, 743.045, and
 1308 743.046, and for any of these disabilities that the court finds
 1309 is in the child's best interest to remove. The court ~~s. 743.045~~
 1310 ~~and~~ shall continue to hold timely judicial review hearings. If
 1311 necessary, the court may review the status of the child more
 1312 frequently during the year before the child's 18th birthday. At
 1313 each review hearing held under this subsection, in addition to
 1314 any information or report provided to the court by the foster
 1315 parent, legal custodian, or guardian ad litem, the child shall
 1316 be given the opportunity to address the court with any
 1317 information relevant to the child's best interest, particularly
 1318 in relation to independent living transition services. The
 1319 department shall include in the social study report for judicial
 1320 review written verification that the child has:
 1321 1. A current Medicaid card and all necessary information
 1322 concerning the Medicaid program sufficient to prepare the child
 1323 to apply for coverage upon reaching the age of 18, if such
 1324 application is appropriate.
 1325 2. A certified copy of the child's birth certificate and,
 1326 if the child does not have a valid driver license, a Florida

1327 identification card issued under s. 322.051.

1328 3. A social security card and information relating to
 1329 social security insurance benefits if the child is eligible for
 1330 those benefits. If the child has received such benefits and they
 1331 are being held in trust for the child, a full accounting of
 1332 these funds must be provided and the child must be informed as
 1333 to how to access those funds.

1334 4. All relevant information related to the Road-to-
 1335 Independence Program, including, but not limited to, eligibility
 1336 requirements, information on participation, and assistance in
 1337 gaining admission to the program. If the child is eligible for
 1338 the Road-to-Independence Program, he or she must be advised that
 1339 he or she may continue to reside with the licensed family home
 1340 or group care provider with whom the child was residing at the
 1341 time the child attained his or her 18th birthday, in another
 1342 licensed family home, or with a group care provider arranged by
 1343 the department.

1344 5. An open bank account or the identification necessary to
 1345 open a bank account and to acquire essential banking and
 1346 budgeting skills.

1347 6. Information on public assistance and how to apply for
 1348 public assistance.

1349 7. A clear understanding of where he or she will be living
 1350 on his or her 18th birthday, how living expenses will be paid,
 1351 and the educational program or school in which he or she will be
 1352 enrolled.

1353 8. Information related to the ability of the child to
 1354 remain in care until he or she reaches 21 years of age under s.
 1355 39.013.

1356 9. A letter providing the dates that the child is under
 1357 the jurisdiction of the court.

1358 10. A letter stating that the child is in compliance with
 1359 financial aid documentation requirements.

1360 11. The child's educational records.

1361 12. The child's entire health and mental health records.

1362 13. The process for accessing his or her case file.

1363 14. A statement encouraging the child to attend all
 1364 judicial review hearings occurring after the child's 17th
 1365 birthday.

1366 Section 13. Subsection (2) of section 39.802, Florida
 1367 Statutes, is amended to read:

1368 39.802 Petition for termination of parental rights;
 1369 filing; elements.—

1370 (2) The form of the petition is governed by the Florida
 1371 Rules of Juvenile Procedure. The petition must be in writing and
 1372 signed by the petitioner ~~or, if the department is the~~
 1373 ~~petitioner, by an employee of the department,~~ under oath stating
 1374 the petitioner's good faith in filing the petition.

1375 Section 14. Paragraph (g) of subsection (1) of section
 1376 63.212, Florida Statutes, is amended to read:

1377 63.212 Prohibited acts; penalties for violation.—

1378 (1) It is unlawful for any person:

1379 (g) Except an adoption entity, to advertise or offer to
 1380 the public, in any way, by any medium whatever that a minor is
 1381 available for adoption or that a minor is sought for adoption;
 1382 and, further, it is unlawful for any person to publish or
 1383 broadcast any such advertisement or assist an unlicensed person
 1384 or entity in publishing or broadcasting any such advertisement
 1385 without including a Florida license number of the agency or
 1386 attorney placing the advertisement.

1387 1. Only a person who is an attorney licensed to practice
 1388 law in this state or an adoption entity licensed under the laws
 1389 of this state may place a paid advertisement or paid listing of
 1390 the person's telephone number, on the person's own behalf, in a
 1391 telephone directory that:

- 1392 a. A child is offered or wanted for adoption; or
- 1393 b. The person is able to place, locate, or receive a child
 1394 for adoption.

1395 2. A person who publishes a telephone directory that is
 1396 distributed in this state:

1397 ~~a.~~ shall include, at the beginning of any classified
 1398 heading for adoption and adoption services, a statement that
 1399 informs directory users that only attorneys licensed to practice
 1400 law in this state and licensed adoption entities may legally
 1401 provide adoption services under state law.

1402 ~~3.b.~~ A person who places ~~may publish~~ an advertisement
 1403 described in subparagraph 1. in a ~~the~~ telephone directory must
 1404 include ~~only if the advertisement contains~~ the following

1405 information:

1406 (I) For an attorney licensed to practice law in this
1407 state, the person's Florida Bar number.

1408 (II) For a child placing agency licensed under the laws of
1409 this state, the number on the person's adoption entity license.

1410 Section 15. Subsection (1) and paragraph (c) of subsection
1411 (3) of section 383.402, Florida Statutes, are amended to read:

1412 383.402 Child abuse death review; State Child Abuse Death
1413 Review Committee; local child abuse death review committees.—

1414 (1) It is the intent of the Legislature to establish a
1415 statewide multidisciplinary, multiagency child abuse death
1416 assessment and prevention system that consists of state and
1417 local review committees. The state and local review committees
1418 shall review the facts and circumstances of all deaths of
1419 children from birth through age 18 which occur in this state and
1420 are reported to the central abuse hotline of the Department of
1421 Children and Families ~~as the result of verified child abuse or~~
1422 ~~neglect~~. The purpose of the review shall be to:

1423 (a) Achieve a greater understanding of the causes and
1424 contributing factors of deaths resulting from child abuse.

1425 (b) Whenever possible, develop a communitywide approach to
1426 address such cases and contributing factors.

1427 (c) Identify any gaps, deficiencies, or problems in the
1428 delivery of services to children and their families by public
1429 and private agencies which may be related to deaths that are the
1430 result of child abuse.

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1431 (d) Make and implement recommendations for changes in law,
1432 rules, and policies, as well as develop practice standards that
1433 support the safe and healthy development of children and reduce
1434 preventable child abuse deaths.

1435 (3) The State Child Abuse Death Review Committee shall:

1436 (c) Prepare an annual statistical report on the incidence
1437 and causes of death resulting from reported child abuse in the
1438 state during the prior calendar year. The state committee shall
1439 submit a copy of the report by October 1 ~~December 31~~ of each
1440 year to the Governor, the President of the Senate, and the
1441 Speaker of the House of Representatives. The report must include
1442 recommendations for state and local action, including specific
1443 policy, procedural, regulatory, or statutory changes, and any
1444 other recommended preventive action.

1445 Section 16. Subsection (5) of section 402.40, Florida
1446 Statutes, is amended, and paragraph (g) is added to subsection
1447 (3) of that section, to read:

1448 402.40 Child welfare training and certification.—

1449 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
1450 shall approve one or more third-party credentialing entities for
1451 the purpose of developing and administering child welfare
1452 certification programs for persons who provide child welfare
1453 services. A third-party credentialing entity shall request such
1454 approval in writing from the department. In order to obtain
1455 approval, the third-party credentialing entity must:

1456 (g) Maintain an advisory committee, including

1457 representatives from each region of the department, each
1458 sheriff's office providing child protective services, and each
1459 community-based care lead agency, who shall be appointed by the
1460 organization they represent. The third-party credentialing
1461 entity may appoint additional members to the advisory committee.

1462 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

1463 (a) The Department of Children and Families ~~Family~~
1464 ~~Services~~ shall approve the core competencies and related
1465 preservice curricula that ensures that each person delivering
1466 child welfare services obtains the knowledge, skills, and
1467 abilities to competently carry out his or her work
1468 responsibilities.

1469 (b) The identification of these core competencies and
1470 development of preservice curricula shall be a collaborative
1471 effort that includes professionals who have expertise in child
1472 welfare services, department-approved third-party credentialing
1473 entities, and providers that will be affected by the curriculum,
1474 including, but not limited to, representatives from the
1475 community-based care lead agencies, sheriffs' offices conducting
1476 child protection investigations, and child welfare legal
1477 services providers.

1478 (c) Community-based care agencies, sheriffs' offices, and
1479 the department may contract for the delivery of preservice and
1480 any additional training for persons delivering child welfare
1481 services if the curriculum satisfies the department-approved
1482 core competencies.

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1483 (d) The department may also approve certifications
1484 involving specializations in serving specific populations or in
1485 skills relevant to child protection to be awarded to persons
1486 delivering child welfare services by a third-party credentialing
1487 entity approved pursuant to subsection (3).

1488 (e)~~(d)~~ Department-approved credentialing entities shall,
1489 for a period of at least 12 months after implementation of the
1490 third-party child welfare certification programs, grant
1491 reciprocity and award a child welfare certification to
1492 individuals who hold current department-issued child welfare
1493 certification in good standing, at no cost to the department or
1494 the certificateholder.

1495 Section 17. Section 402.402, Florida Statutes, is created
1496 to read:

1497 402.402 Child protection and child welfare personnel;
1498 attorneys employed by the department.-

1499 (1) DEFINITIONS.—As used in this section, the term:

1500 (a) "Child protection and child welfare personnel"
1501 includes child protective investigators and child protective
1502 investigator supervisors employed by the department or,
1503 beginning July 1, 2018, a sheriff's office, and case managers
1504 and case manager supervisors employed by a community-based care
1505 lead agency or a subcontractor of a community-based care lead
1506 agency.

1507 (b) "Human services-related field" means psychology,
1508 sociology, counseling, special education, human development,

1509 child development, family development, marriage and family
1510 therapy, and nursing.

1511 (c) "Relevant coursework" means coursework that imparts
1512 knowledge and leads to the development of skills with direct
1513 application to the child protection and child welfare field from
1514 a college or university social work program accredited by the
1515 Council on Social Work Education.

1516 (2) CHILD PROTECTION AND CHILD WELFARE PERSONNEL
1517 REQUIREMENTS.—

1518 (a) Child protection and child welfare personnel hired on
1519 or after July 1, 2014, must have one of the following:

1520 1. A bachelor's degree or a master's degree in social work
1521 from a college or university social work program accredited by
1522 the Council on Social Work Education. The individual shall have
1523 at least 12 credit hours of relevant coursework.

1524 2. A bachelor's degree or a master's degree in a human
1525 services-related field and at least 12 credit hours of relevant
1526 coursework.

1527 3. A bachelor's degree or a master's degree in a human
1528 services-related field. Within 3 years after hire, the
1529 individual must complete 12 credit hours of relevant coursework.
1530 The sequence of courses may be designed to provide in-depth
1531 knowledge in serving a specific subpopulation or developing a
1532 specific set of skills relevant to child protection and child
1533 welfare. The department shall consult with the Florida Institute
1534 for Child Welfare established pursuant to s. 1004.615 to

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1535 identify courses available through the consortium of public and
1536 private universities in the state offering degrees in social
1537 work that fulfill this requirement.

1538 4. At a minimum, a bachelor's degree and 5 years of
1539 experience directly relevant to child protection, if the
1540 individual will be employed as a child protective investigator
1541 or child protective investigator supervisor, or child welfare,
1542 if the individual will be employed as a case manager or case
1543 manager supervisor, and demonstrated competence regarding
1544 required skills and aptitudes.

1545 (b) All child protective investigators and child
1546 protective investigation supervisors employed by the department
1547 or a sheriff's office must complete specialized training either
1548 focused on serving a specific population, including, but not
1549 limited to, medically fragile children, sexually exploited
1550 children, children under 3 years of age, or families with a
1551 history of domestic violence, mental illness, or substance
1552 abuse, or focused on performing certain aspects of child
1553 protection practice, including, but not limited to,
1554 investigation techniques and analysis of family dynamics. The
1555 specialized training may be used to fulfill continuing education
1556 requirements under s. 402.40(3)(e). Individuals hired before
1557 July 1, 2014, shall complete the specialized training by June
1558 30, 2016, and individuals hired on or after July 1, 2014, shall
1559 complete the specialized training within 2 years after hire. An
1560 individual may receive specialized training in multiple areas.

1561 (3) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
 1562 WELFARE CASES.—Attorneys employed by the department to handle
 1563 child welfare cases hired on or after July 1, 2014, shall:

1564 (a) Receive, at a minimum, the same core preservice
 1565 training provided to child protective investigators.

1566 (b) Within 60 days after hire, shadow an experienced child
 1567 protective investigator and an experienced case manager for at
 1568 least 8 hours each.

1569 Section 18. Section 402.403, Florida Statutes, is created
 1570 to read:

1571 402.403 Child Protection and Child Welfare Personnel
 1572 Tuition Exemption Program.—

1573 (1) There is established within the department the Child
 1574 Protection and Child Welfare Personnel Tuition Exemption Program
 1575 for the purpose of recruiting and retaining high-performing
 1576 individuals who are employed as child protection and child
 1577 welfare personnel, as defined in s. 402.402, and who do not have
 1578 a bachelor's degree or a master's degree in social work or the
 1579 required hours of relevant coursework, as defined in and
 1580 required by s. 402.402.

1581 (2) The employer of the child protection and child welfare
 1582 personnel may approve the exemption from tuition and fees for a
 1583 state university for child protection and child welfare
 1584 personnel who:

1585 (a) Have been employed as child protection and child
 1586 welfare personnel for at least 1 year and who are determined by

1587 their employers to have a high level of performance.

1588 (b) Are accepted in an upper-division undergraduate or
 1589 graduate level college or university social work program
 1590 accredited by the Council on Social Work Education which leads
 1591 to either a bachelor's degree or a master's degree in social
 1592 work, or who are completing 12 credit hours of relevant
 1593 coursework as required under s. 402.402(2)(a)3.

1594 Section 19. Section 402.404, Florida Statutes, is created
 1595 to read:

1596 402.404 Child Protective Investigator and Supervisor
 1597 Student Loan Forgiveness Program.—

1598 (1) There is established within the department the Child
 1599 Protective Investigator and Supervisor Student Loan Forgiveness
 1600 Program. The purpose of the program is to increase employment
 1601 and retention of high-performing individuals who have either a
 1602 bachelor's degree or a master's degree in social work as a child
 1603 protective investigator or child protective investigation
 1604 supervisor with the department or the sheriff's office by making
 1605 payments toward loans received by students from federal or state
 1606 programs or commercial lending institutions for the support of
 1607 prior postsecondary study in accredited social work programs.

1608 (2) To be eligible for the program, a candidate must be
 1609 employed as a child protective investigator or a child
 1610 protective investigation supervisor by the department or,
 1611 beginning July 1, 2018, by a sheriff's office for at least 1
 1612 year, must be determined by the department or the sheriff's

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1613 office to have a high level of performance, and must have
1614 graduated from an accredited social work program with either a
1615 bachelor's degree or a master's degree in social work.

1616 (3) Only loans to pay the costs of tuition, books, fees,
1617 and living expenses shall be covered.

1618 (4) The department may make loan payments of up to \$3,000
1619 each year for up to 4 years on behalf of selected graduates of
1620 an accredited social work program from the funds appropriated
1621 for this purpose. All payments are contingent upon continued
1622 proof of employment as a child protective investigator or a
1623 child protective investigation supervisor with the department or
1624 the sheriff's office and shall be made directly to the holder of
1625 the loan.

1626 (5) A student who receives a tuition exemption pursuant to
1627 s. 402.403 is not eligible to participate in the Child
1628 Protective Investigator and Supervisor Student Loan Forgiveness
1629 Program.

1630 (6) A community-based care lead agency may provide loan
1631 forgiveness for case managers and case manager supervisors whom
1632 it employs or who are employed by its subcontractors.

1633 Section 20. Section 409.165, Florida Statutes, is amended
1634 to read:

1635 409.165 Alternate care for children.—

1636 (1) Within funds appropriated, the department shall
1637 establish and supervise a program of emergency shelters, runaway
1638 shelters, foster homes, group homes, agency-operated group

1639 treatment homes, nonpsychiatric residential group care
 1640 facilities, psychiatric residential treatment facilities, and
 1641 other appropriate facilities to provide shelter and care for
 1642 dependent children who must be placed away from their families.
 1643 The department, in accordance with outcome ~~established~~ goals
 1644 established in s. 409.986, shall contract for the provision of
 1645 such shelter and care by counties, municipalities, nonprofit
 1646 corporations, and other entities capable of providing needed
 1647 services if:

1648 (a) The services ~~se~~ provided comply with all department
 1649 standards, policies, and procedures ~~are available~~;

1650 (b) The services can be ~~se~~ provided at a reasonable cost
 1651 ~~are more cost-effective than those provided by the department~~;
 1652 and

1653 (c) Unless otherwise provided by law, such providers of
 1654 shelter and care are licensed by the department.

1655
 1656 ~~It is the legislative intent that the~~

1657 (2) Funds appropriated for the alternate care of children
 1658 as described in this section may be used to meet the needs of
 1659 children in their own homes or those of relatives if the
 1660 children can be safely served in such settings ~~their own homes,~~
 1661 ~~or the homes of relatives~~, and the expenditure of funds in such
 1662 manner is equal to or less than the cost of out-of-home
 1663 placement ~~calculated by the department to be an eventual cost~~
 1664 ~~savings over placement of children.~~

1665 (3)~~(2)~~ The department shall ~~may~~ cooperate with all child
 1666 service institutions or agencies within the state which meet the
 1667 department's standards in order to maintain a comprehensive,
 1668 coordinated, and inclusive system for promoting and protecting
 1669 the well-being of children, consistent with the goals
 1670 established in s. 409.986 ~~rules for proper care and supervision~~
 1671 ~~prescribed by the department for the well-being of children.~~

1672 (a) The department shall work with the Department of
 1673 Health in the development, utilization, and monitoring of
 1674 medical foster homes for medically complex children.

1675 (b) The department shall work with the Agency for Health
 1676 Care Administration and the Agency for Persons with Disabilities
 1677 to provide such home and community-based services as may be
 1678 necessary to maintain medically complex children in the least
 1679 restrictive and most nurturing environment.

1680 (4)~~(3)~~ With the written consent of parents, custodians, or
 1681 guardians, or in accordance with those provisions in chapter 39
 1682 that relate to dependent children, the department, under rules
 1683 properly adopted, may place a child:

1684 (a) With a relative;

1685 (b) With an adult nonrelative approved by the court for
 1686 long-term custody;

1687 (c) With a person who is considering the adoption of a
 1688 child in the manner provided for by law;

1689 (d) When limited, except as provided in paragraph (b), to
 1690 temporary emergency situations, with a responsible adult

1691 approved by the court;

1692 (e) With a person or family approved by the department to

1693 serve as a medical foster home;

1694 (f)~~(e)~~ With a person or agency licensed by the department

1695 in accordance with s. 409.175; or

1696 (g)~~(f)~~ In a subsidized independent living situation,

1697 subject to the provisions of s. 409.1451(4) (c),

1698

1699 under such conditions as are determined to be for the best

1700 interests or the welfare of the child. Any child placed in an

1701 institution or in a family home by the department or its agency

1702 may be removed by the department or its agency, and such other

1703 disposition may be made as is for the best interest of the

1704 child, including transfer of the child to another institution,

1705 another home, or the home of the child. Expenditure of funds

1706 appropriated for out-of-home care can be used to meet the needs

1707 of a child in the child's own home or the home of a relative if

1708 the child can be safely served in the child's own home or that

1709 of a relative if placement can be avoided by the expenditure of

1710 such funds, and if the expenditure of such funds in this manner

1711 is equal to or less than the cost of out-of-home placement

1712 ~~calculated by the department to be a potential cost savings.~~

1713 Section 21. Paragraph (c) of subsection (2) of section

1714 409.967, Florida Statutes, is amended to read:

1715 409.967 Managed care plan accountability.-

1716 (2) The agency shall establish such contract requirements

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1717 as are necessary for the operation of the statewide managed care
1718 program. In addition to any other provisions the agency may deem
1719 necessary, the contract must require:

1720 (c) Access.—

1721 1. The agency shall establish specific standards for the
1722 number, type, and regional distribution of providers in managed
1723 care plan networks to ensure access to care for both adults and
1724 children. Each plan must maintain a regionwide network of
1725 providers in sufficient numbers to meet the access standards for
1726 specific medical services for all recipients enrolled in the
1727 plan. The exclusive use of mail-order pharmacies may not be
1728 sufficient to meet network access standards. Consistent with the
1729 standards established by the agency, provider networks may
1730 include providers located outside the region. A plan may
1731 contract with a new hospital facility before the date the
1732 hospital becomes operational if the hospital has commenced
1733 construction, will be licensed and operational by January 1,
1734 2013, and a final order has issued in any civil or
1735 administrative challenge. Each plan shall establish and maintain
1736 an accurate and complete electronic database of contracted
1737 providers, including information about licensure or
1738 registration, locations and hours of operation, specialty
1739 credentials and other certifications, specific performance
1740 indicators, and such other information as the agency deems
1741 necessary. The database must be available online to both the
1742 agency and the public and have the capability to compare the

1743 availability of providers to network adequacy standards and to
1744 accept and display feedback from each provider's patients. Each
1745 plan shall submit quarterly reports to the agency identifying
1746 the number of enrollees assigned to each primary care provider.

1747 2. Each managed care plan must publish any prescribed drug
1748 formulary or preferred drug list on the plan's website in a
1749 manner that is accessible to and searchable by enrollees and
1750 providers. The plan must update the list within 24 hours after
1751 making a change. Each plan must ensure that the prior
1752 authorization process for prescribed drugs is readily accessible
1753 to health care providers, including posting appropriate contact
1754 information on its website and providing timely responses to
1755 providers. For Medicaid recipients diagnosed with hemophilia who
1756 have been prescribed anti-hemophilic-factor replacement
1757 products, the agency shall provide for those products and
1758 hemophilia overlay services through the agency's hemophilia
1759 disease management program.

1760 3. Managed care plans, and their fiscal agents or
1761 intermediaries, must accept prior authorization requests for any
1762 service electronically.

1763 4. Managed care plans serving children in the care and
1764 custody of the Department of Children and Families must maintain
1765 complete medical, dental, and behavioral health information and
1766 provide such information to the department for inclusion in the
1767 state's child welfare data system. Using such documentation, the
1768 agency and the department shall determine the plan's compliance

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1769 with standards for access to medical, dental, and behavioral
1770 health services; the use of psychotropic medications; and
1771 followup on all medically necessary services recommended as a
1772 result of early and periodic screening, diagnosis, and
1773 treatment.

1774 Section 22. Part V of chapter 409, Florida Statutes,
1775 consisting of ss. 409.986-409.998, is created and entitled
1776 "COMMUNITY-BASED CHILD WELFARE."

1777 Section 23. Section 409.986, Florida Statutes, is created
1778 to read:

1779 409.986 Legislative findings and intent; child protection
1780 and child welfare outcomes; definitions.-

1781 (1) LEGISLATIVE FINDINGS AND INTENT.-

1782 (a) It is the intent of the Legislature that the
1783 Department of Children and Families provide child protection and
1784 child welfare services to children through contracting with
1785 community-based care lead agencies. It is the further intent of
1786 the Legislature that communities have responsibility for and
1787 participate in ensuring safety, permanence, and well-being for
1788 all children in the state.

1789 (b) The Legislature finds that when private entities
1790 assume responsibility for the care of children in the child
1791 protection and child welfare system, adequate oversight of the
1792 programmatic, administrative, and fiscal operation of those
1793 entities is essential. The Legislature further finds that the
1794 appropriate care of children is ultimately the responsibility of

1795 the state and that outsourcing such care does not relieve the
1796 state of its responsibility to ensure that appropriate care is
1797 provided.

1798 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the
1799 goal of the department to achieve the following outcomes in
1800 conjunction with the community-based care lead agency,
1801 community-based subcontractors, and the community alliance:

1802 (a) Children are first and foremost protected from abuse
1803 and neglect.

1804 (b) Children are safely maintained in their homes, if
1805 possible and appropriate.

1806 (c) Services are provided to protect children and prevent
1807 their removal from their home.

1808 (d) Children have permanency and stability in their living
1809 arrangements.

1810 (e) Family relationships and connections are preserved for
1811 children.

1812 (f) Families have enhanced capacity to provide for their
1813 children's needs.

1814 (g) Children receive appropriate services to meet their
1815 educational needs.

1816 (h) Children receive adequate services to meet their
1817 physical and mental health needs.

1818 (i) Children develop the capacity for independent living
1819 and competence as an adult.

1820 (3) DEFINITIONS.—As used in this part, except as otherwise

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1821 provided, the term:

1822 (a) "Care" means services of any kind that are designed to
1823 facilitate a child remaining safely in his or her own home,
1824 returning safely to his or her own home if he or she is removed
1825 from the home, or obtaining an alternative permanent home if he
1826 or she cannot remain at home or be returned home. The term
1827 includes, but is not be limited to, prevention, diversion, and
1828 related services.

1829 (b) "Child" or "children" has the same meaning as provided
1830 in s. 39.01.

1831 (c) "Community alliance" or "alliance" means the group of
1832 stakeholders, community leaders, client representatives, and
1833 funders of human services established pursuant to s. 20.19(5) to
1834 provide a focal point for community participation and oversight
1835 of community-based services.

1836 (d) "Community-based care lead agency" or "lead agency"
1837 means a single entity with which the department has a contract
1838 for the provision of care for children in the child protection
1839 and child welfare system in a community that is no smaller than
1840 a county and no larger than two contiguous judicial circuits.
1841 The secretary of the department may authorize more than one
1842 eligible lead agency within a single county if doing so will
1843 result in more effective delivery of services to children.

1844 (e) "Dependent child" means a child who is determined by
1845 the court to be in need of care due to allegations of abuse,
1846 neglect, or abandonment.

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1847 (f) "Related services" includes, but is not limited to,
1848 family preservation, independent living, emergency shelter,
1849 residential group care, foster care, therapeutic foster care,
1850 intensive residential treatment, foster care supervision, case
1851 management, coordination of mental health services,
1852 postplacement supervision, permanent foster care, and family
1853 reunification.

1854 Section 24. Section 409.987, Florida Statutes, is created
1855 to read:

1856 409.987 Lead agency procurement.—

1857 (1) Community-based care lead agencies shall be procured
1858 by the department through a competitive process as required by
1859 chapter 287.

1860 (2) The department shall produce a schedule for the
1861 procurement of community-based care lead agencies and provide
1862 the schedule to the community alliances established pursuant to
1863 s. 409.998 and post the schedule on the department's website.

1864 (3) Notwithstanding s. 287.057, the department shall use
1865 5-year contracts with lead agencies.

1866 (4) In order to serve as a lead agency, an entity must:

1867 (a) Be organized as a Florida corporation or a
1868 governmental entity.

1869 (b) Be governed by a board of directors or a board
1870 committee composed of board members. The membership of the board
1871 of directors or board committee must be described in the bylaws
1872 or articles of incorporation of each lead agency, which must

1873 provide that at least 75 percent of the membership of the board
1874 of directors or board committee must be composed of persons
1875 residing in this state, and at least 51 percent of the state
1876 residents on the board of directors must reside within the
1877 service area of the lead agency. However, for procurements of
1878 lead agency contracts initiated on or after July 1, 2014:

1879 1. At least 75 percent of the membership of the board of
1880 directors must be persons residing in this state, and at least
1881 51 percent of the membership of the board of directors must be
1882 persons residing within the service area of the lead agency. If
1883 a board committee governs the lead agency, 100 percent of its
1884 membership must be persons residing within the service area of
1885 the lead agency.

1886 2. The powers of the board of directors or board committee
1887 must include, but need not be limited to, approving the lead
1888 agency's budget and setting the lead agency's operational policy
1889 and procedures. A board of directors must additionally have the
1890 power to hire the lead agency's executive director, unless a
1891 board committee governs the lead agency, in which case the board
1892 committee must have the power to confirm the selection of the
1893 lead agency's executive director.

1894 (c) Demonstrate financial responsibility through an
1895 organized plan for regular fiscal audits and the posting of a
1896 performance bond.

1897 (5) The department's procurement team procuring any lead
1898 agencies' contracts must include individuals from the community

1899 alliance in the area to be served under the contract. All
 1900 meetings at which vendors make presentations to or negotiate
 1901 with the procurement team shall be held in the area to be served
 1902 by the contract.

1903 Section 25. Section 409.988, Florida Statutes, is created
 1904 to read:

1905 409.988 Lead agency duties; general provisions.—

1906 (1) DUTIES.—A lead agency:

1907 (a) Shall serve all children referred as a result of a
 1908 report of abuse, neglect, or abandonment to the department's
 1909 central abuse hotline, including, but not limited to, children
 1910 who are the subjects of verified reports and children who are
 1911 not the subjects of verified reports but who are at moderate to
 1912 extremely high risk of abuse, neglect, or abandonment, as
 1913 determined using the department's risk assessment instrument,
 1914 regardless of the level of funding allocated to the lead agency
 1915 by the state if all related funding is transferred. The lead
 1916 agency may also serve children who have not been subjects of
 1917 reports of abuse, neglect, or abandonment, but who are at risk
 1918 of abuse, neglect, or abandonment, to prevent their entry into
 1919 the child protection and child welfare system.

1920 (b) Shall provide accurate and timely information
 1921 necessary for oversight by the department pursuant to the child
 1922 welfare results-oriented accountability system required by s.
 1923 409.997.

1924 (c) Shall follow the financial guidelines developed by the

1925 department and provide for a regular independent auditing of its
1926 financial activities. Such financial information shall be
1927 provided to the community alliance established under s. 409.998.

1928 (d) Shall post on its website the current budget for the
1929 lead agency, including the salaries, bonuses, and other
1930 compensation paid, by position, for the agency's chief executive
1931 officer, chief financial officer, chief operating officer, or
1932 their equivalents.

1933 (e) Shall prepare all judicial reviews, case plans, and
1934 other reports necessary for court hearings for dependent
1935 children, except those related to the investigation of a
1936 referral from the department's central abuse hotline, and shall
1937 provide testimony as required for dependency court proceedings.
1938 This duty does not include the preparation of legal pleadings or
1939 other legal documents, which shall remain the responsibility of
1940 the department.

1941 (f) Shall ensure that all individuals providing care for
1942 dependent children receive appropriate training and meet the
1943 minimum employment standards established by the department.

1944 (g) Shall maintain eligibility to receive all available
1945 federal child welfare funds.

1946 (h) Shall maintain written agreements with Healthy
1947 Families Florida lead entities in its service area pursuant to
1948 s. 409.153 to promote cooperative planning for the provision of
1949 prevention and intervention services.

1950 (i) Shall comply with federal and state statutory

1951 requirements and agency rules in the provision of contractual
 1952 services.

1953 (j) May subcontract for the provision of services required
 1954 by the contract with the lead agency and the department;
 1955 however, the subcontracts must specify how the provider will
 1956 contribute to the lead agency meeting the performance standards
 1957 established pursuant to the child welfare results-oriented
 1958 accountability system required by s. 409.997. The lead agency
 1959 shall directly provide no more than 35 percent of all child
 1960 welfare services provided.

1961 (k) Shall post on its website by the 15th day of each
 1962 month at a minimum the information contained in subparagraphs
 1963 1.-4. for the preceding calendar month regarding its case
 1964 management services. The following information shall be reported
 1965 by each individual subcontracted case management provider, by
 1966 the lead agency, if the lead agency provides case management
 1967 services, and in total for all case management services
 1968 subcontracted or directly provided by the lead agency:

1969 1. The average caseload of case managers, including only
 1970 filled positions;

1971 2. The turnover rate for case managers and case management
 1972 supervisors for the previous 12 months;

1973 3. The percentage of required home visits completed; and

1974 4. The performance on outcome measures required pursuant
 1975 to s. 409.997 for the previous 12 months.

1976 (2) LICENSURE.—

1977 (a) A lead agency must be licensed as a child-caring or
 1978 child-placing agency by the department under this chapter.

1979 (b) Each foster home, therapeutic foster home, emergency
 1980 shelter, or other placement facility operated by the lead agency
 1981 must be licensed by the department under chapter 402 or this
 1982 chapter.

1983 (c) Substitute care providers who are licensed under s.
 1984 409.175 and who have contracted with a lead agency are also
 1985 authorized to provide registered or licensed family day care
 1986 under s. 402.313 if such care is consistent with federal law and
 1987 if the home has met the requirements of s. 402.313.

1988 (d) In order to eliminate or reduce the number of
 1989 duplicate inspections by various program offices, the department
 1990 shall coordinate inspections required for licensure of agencies
 1991 under this subsection.

1992 (e) The department may adopt rules to administer this
 1993 subsection.

1994 (3) SERVICES.—A lead agency must serve dependent children
 1995 through services that are supported by research or are best
 1996 child welfare practices. The agency may also provide innovative
 1997 services, including, but not limited to, family-centered,
 1998 cognitive-behavioral, trauma-informed interventions designed to
 1999 mitigate out-of-home placements.

2000 (4) LEAD AGENCY ACTING AS GUARDIAN.—

2001 (a) If a lead agency or other provider has accepted case
 2002 management responsibilities for a child who is sheltered or

2003 found to be dependent and who is assigned to the care of the
 2004 lead agency or other provider, the agency or provider may act as
 2005 the child's guardian for the purpose of registering the child in
 2006 school if a parent or guardian of the child is unavailable and
 2007 his or her whereabouts cannot reasonably be ascertained.

2008 (b) The lead agency or other provider may also seek
 2009 emergency medical attention for the child, but only if a parent
 2010 or guardian of the child is unavailable, the parent or
 2011 guardian's whereabouts cannot reasonably be ascertained, and a
 2012 court order for such emergency medical services cannot be
 2013 obtained because of the severity of the emergency or because it
 2014 is after normal working hours.

2015 (c) A lead agency or other provider may not consent to
 2016 sterilization, abortion, or termination of life support.

2017 (d) If a child's parents' rights have been terminated, the
 2018 lead agency shall act as guardian of the child in all
 2019 circumstances.

2020 Section 26. Section 409.990, Florida Statutes, is created
 2021 to read:

2022 409.990 Funding for lead agencies.—A contract established
 2023 between the department and a lead agency must be funded by a
 2024 grant of general revenue, other applicable state funds, or
 2025 applicable federal funding sources.

2026 (1) The method of payment for a fixed-price contract with
 2027 a lead agency must provide for a 2-month advance payment at the
 2028 beginning of each fiscal year and equal monthly payments

2029 thereafter.

2030 (2) Notwithstanding s. 215.425, all documented federal
2031 funds earned for the current fiscal year by the department and
2032 lead agencies that exceed the amount appropriated by the
2033 Legislature shall be distributed to all entities that
2034 contributed to the excess earnings based on a schedule and
2035 methodology developed by the department and approved by the
2036 Executive Office of the Governor.

2037 (a) Distribution shall be pro rata based on total earnings
2038 and shall be made only to those entities that contributed to
2039 excess earnings.

2040 (b) Excess earnings of lead agencies shall be used only in
2041 the service district in which they were earned.

2042 (c) Additional state funds appropriated by the Legislature
2043 for lead agencies or made available pursuant to the budgetary
2044 amendment process described in s. 216.177 shall be transferred
2045 to the lead agencies.

2046 (d) The department shall amend a lead agency's contract to
2047 permit expenditure of the funds.

2048 (3) Notwithstanding any other provision of this section,
2049 the amount of the annual contract for a lead agency may be
2050 increased by excess federal funds earned in accordance with s.
2051 216.181(11).

2052 (4) Each contract with a lead agency shall provide for the
2053 payment by the department to the lead agency of a reasonable
2054 administrative cost in addition to funding for the provision of

2055 services.

2056 (5) A lead agency may carry forward documented unexpended
 2057 state funds from one fiscal year to the next; however, the
 2058 cumulative amount carried forward may not exceed 8 percent of
 2059 the total contract. Any unexpended state funds in excess of that
 2060 percentage must be returned to the department.

2061 (a) The funds carried forward may not be used in any way
 2062 that would create increased recurring future obligations, and
 2063 such funds may not be used for any type of program or service
 2064 that is not currently authorized by the existing contract with
 2065 the department.

2066 (b) Expenditures of funds carried forward must be
 2067 separately reported to the department.

2068 (c) Any unexpended funds that remain at the end of the
 2069 contract period shall be returned to the department.

2070 (d) Funds carried forward may be retained through any
 2071 contract renewals and any new procurements as long as the same
 2072 lead agency is retained by the department.

2073 (6) It is the intent of the Legislature to improve
 2074 services and local participation in community-based care
 2075 initiatives by fostering community support and providing
 2076 enhanced prevention and in-home services, thereby reducing the
 2077 risk otherwise faced by lead agencies. A community partnership
 2078 matching grant program is established and shall be operated by
 2079 the department to encourage local participation in community-
 2080 based care for children in the child welfare system. A

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2081 children's services council or another local entity that makes a
2082 financial commitment to a community-based care lead agency may
2083 be eligible for a matching grant. The total amount of the local
2084 contribution may be matched on a one-to-one basis up to a
2085 maximum annual amount of \$500,000 per lead agency. Awarded
2086 matching grant funds may be used for any prevention or in-home
2087 services that can be reasonably expected to reduce the number of
2088 children entering the child welfare system. Funding available
2089 for the matching grant program is subject to legislative
2090 appropriation of nonrecurring funds provided for this purpose.

2091 (7) (a) The department, in consultation with the Florida
2092 Coalition for Children, Inc., shall develop and implement a
2093 community-based care risk pool initiative to mitigate the
2094 financial risk to eligible lead agencies. This initiative must
2095 include:

2096 1. A risk pool application and protocol developed by the
2097 department that outlines submission criteria, including, but not
2098 limited to, financial and program management, descriptive data
2099 requirements, and timeframes for submission of applications.
2100 Requests for funding from risk pool applicants must be based on
2101 relevant and verifiable service trends and changes that have
2102 occurred during the current fiscal year. The application must
2103 confirm that expenditure of approved risk pool funds by the lead
2104 agency will be completed within the current fiscal year.

2105 2. A risk pool peer review committee, appointed by the
2106 secretary and consisting of department staff and representatives

2107 from at least three nonapplicant lead agencies, that reviews and
 2108 assesses all risk pool applications. Upon completion of each
 2109 application review, the peer review committee shall report its
 2110 findings and recommendations to the secretary, providing, at a
 2111 minimum, the following information:

2112 a. Justification for the specific funding amount required
 2113 by the risk pool applicant based on the current year's service
 2114 trend data, including validation that the applicant's financial
 2115 need was caused by circumstances beyond the control of the lead
 2116 agency management;

2117 b. Verification that the proposed use of risk pool funds
 2118 meets at least one of the purposes in paragraph (c); and

2119 c. Evidence of technical assistance provided in an effort
 2120 to avoid the need to access the risk pool and recommendations
 2121 for technical assistance to the lead agency to ensure that risk
 2122 pool funds are expended effectively and that the agency's need
 2123 for future risk pool funding is diminished.

2124 (b) Upon approval by the secretary of a risk pool
 2125 application, the department may request funds from the risk pool
 2126 in accordance with s. 216.181(6) (a).

2127 (c) The purposes for which the community-based care risk
 2128 pool shall be used include:

2129 1. Significant changes in the number or composition of
 2130 clients eligible to receive services.

2131 2. Significant changes in the services that are eligible
 2132 for reimbursement.

2133 3. Continuity of care in the event of failure,
 2134 discontinuance of service, or financial misconduct by a lead
 2135 agency.

2136 4. Significant changes in the mix of available funds.

2137 (d) The department may also request in its annual
 2138 legislative budget request, and the Governor may recommend, that
 2139 the funding necessary to carry out paragraph (c) be appropriated
 2140 to the department. In addition, the department may request the
 2141 allocation of funds from the community-based care risk pool in
 2142 accordance with s. 216.181(6) (a). Funds from the pool may be
 2143 used to match available federal dollars.

2144 1. Such funds shall constitute partial security for
 2145 contract performance by lead agencies and shall be used to
 2146 offset the need for a performance bond.

2147 2. The department may separately require a bond to
 2148 mitigate the financial consequences of potential acts of
 2149 malfeasance or misfeasance or criminal violations by the service
 2150 provider.

2151 Section 27. Section 409.16713, Florida Statutes, is
 2152 transferred, renumbered as section 409.991, Florida Statutes,
 2153 and paragraph (a) of subsection (1) of that section is amended
 2154 to read:

2155 409.991 ~~409.16713~~ Allocation of funds for community-based
 2156 care lead agencies.—

2157 (1) As used in this section, the term:

2158 (a) "Core services funding" means all funds allocated to

2159 community-based care lead agencies operating under contract with
 2160 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
 2161 following exceptions:

- 2162 1. Funds appropriated for independent living;
- 2163 2. Funds appropriated for maintenance adoption subsidies;
- 2164 3. Funds allocated by the department for protective
 2165 investigations training;
- 2166 4. Nonrecurring funds;
- 2167 5. Designated mental health wrap-around services funds;
- 2168 and

2169 6. Funds for special projects for a designated community-
 2170 based care lead agency.

2171 Section 28. Section 409.992, Florida Statutes, is created
 2172 to read:

2173 409.992 Lead agency expenditures.—

2174 (1) The procurement of commodities or contractual services
 2175 by lead agencies shall be governed by the financial guidelines
 2176 developed by the department which comply with applicable state
 2177 and federal law and follow good business practices. Pursuant to
 2178 s. 11.45, the Auditor General may provide technical advice in
 2179 the development of the financial guidelines.

2180 (2) Notwithstanding any other provision of law, a
 2181 community-based care lead agency may make expenditures for staff
 2182 cellular telephone allowances, contracts requiring deferred
 2183 payments and maintenance agreements, security deposits for
 2184 office leases, related agency professional membership dues other

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2185 than personal professional membership dues, promotional
2186 materials, and grant writing services. Expenditures for food and
2187 refreshments, other than those provided to clients in the care
2188 of the agency or to foster parents, adoptive parents, and
2189 caseworkers during training sessions, are not allowable.

2190 (3) A lead community-based care agency and its
2191 subcontractors are exempt from state travel policies as provided
2192 in s. 112.061(3)(a) for their travel expenses incurred in order
2193 to comply with the requirements of this section.

2194 Section 29. Section 409.993, Florida Statutes, is created
2195 to read:

2196 409.993 Lead agencies and subcontractor liability.—

2197 (1) FINDINGS.—

2198 (a) The Legislature finds that the state has traditionally
2199 provided foster care services to children who are the
2200 responsibility of the state. As such, foster children have not
2201 had the right to recover for injuries beyond the limitations
2202 specified in s. 768.28. The Legislature has determined that
2203 foster care and related services should be outsourced pursuant
2204 to this section and that the provision of such services is of
2205 paramount importance to the state. The purpose of such
2206 outsourcing is to increase the level of safety, security, and
2207 stability of children who are or become the responsibility of
2208 the state. One of the components necessary to secure a safe and
2209 stable environment for such children is the requirement that
2210 private providers maintain liability insurance. As such,

2211 insurance needs to be available and remain available to
 2212 nongovernmental foster care and related services providers
 2213 without the resources of such providers being significantly
 2214 reduced by the cost of maintaining such insurance.

2215 (b) The Legislature further finds that, by requiring the
 2216 following minimum levels of insurance, children in outsourced
 2217 foster care and related services will gain increased protection
 2218 and rights of recovery in the event of injury than currently
 2219 provided in s. 768.28.

2220 (2) LEAD AGENCY LIABILITY.—

2221 (a) Other than an entity to which s. 768.28 applies, an
 2222 eligible community-based care lead agency, or its employees or
 2223 officers, except as otherwise provided in paragraph (b), must,
 2224 as a part of its contract, obtain a minimum of \$1 million per
 2225 claim and \$3 million per incident in general liability insurance
 2226 coverage. The department shall verify the community-based care
 2227 lead agency's insurance coverage through its monitoring
 2228 processes. The community-based care lead agency must also
 2229 require that staff who transport client children and families in
 2230 their personal automobiles in order to carry out their job
 2231 responsibilities obtain minimum bodily injury liability
 2232 insurance in the amount of \$100,000 per claim and \$300,000 per
 2233 incident on their personal automobiles. In lieu of personal
 2234 motor vehicle insurance, the lead agency's casualty, liability,
 2235 or motor vehicle insurance carrier may provide nonowned
 2236 automobile liability coverage. Such insurance provides liability

2237 insurance for automobiles that the provider uses in connection
2238 with the agency's business but does not own, lease, rent, or
2239 borrow. Such coverage includes automobiles owned by the
2240 employees of the lead agency or a member of the employee's
2241 household but only while the automobiles are used in connection
2242 with the agency's business. The nonowned automobile coverage for
2243 the lead agency applies as excess coverage over any other
2244 collectible insurance. The personal automobile policy for the
2245 employee of the lead agency must be primary insurance, and the
2246 nonowned automobile coverage of the agency acts as excess
2247 insurance to the primary insurance. The lead agency shall
2248 provide a minimum limit of \$1 million in nonowned automobile
2249 coverage. In a tort action brought against such an eligible
2250 community-based care lead agency or employee, net economic
2251 damages shall be limited to \$1 million per liability claim and
2252 \$100,000 per automobile claim, including, but not limited to,
2253 past and future medical expenses, wage loss, and loss of earning
2254 capacity, offset by any collateral source payment paid or
2255 payable. In any tort action brought against such an eligible
2256 community-based care lead agency, noneconomic damages shall be
2257 limited to \$200,000 per claim. A claim bill may be brought on
2258 behalf of a claimant pursuant to s. 768.28 for any amount
2259 exceeding the limits specified in this paragraph. Any offset of
2260 collateral source payments made as of the date of the settlement
2261 or judgment shall be in accordance with s. 768.76. The
2262 community-based care lead agency is not liable in tort for the

2263 acts or omissions of its subcontractors or the officers, agents,
 2264 or employees of its subcontractors.

2265 (b) The liability of an eligible community-based care lead
 2266 agency described in this section shall be exclusive and in place
 2267 of all other liability of such lead agency. The same immunities
 2268 from liability enjoyed by such lead agencies shall extend to
 2269 each employee of the lead agency when such employee is acting in
 2270 furtherance of the agency's business, including the
 2271 transportation of clients served, as described in this
 2272 subsection, in privately owned vehicles. Such immunities are not
 2273 applicable to a lead agency or an employee who acts in a
 2274 culpably negligent manner or with willful and wanton disregard
 2275 or unprovoked physical aggression if such acts result in injury
 2276 or death or if such acts proximately cause such injury or death.
 2277 Such immunities are not applicable to employees of the same lead
 2278 agency when each is operating in the furtherance of the agency's
 2279 business but they are assigned primarily to unrelated work
 2280 within private or public employment. The same immunity
 2281 provisions enjoyed by a lead agency also apply to any sole
 2282 proprietor, partner, corporate officer or director, supervisor,
 2283 or other person who in the course and scope of his or her duties
 2284 acts in a managerial or policymaking capacity and the conduct
 2285 that caused the alleged injury arose within the course and scope
 2286 of those managerial or policymaking duties. As used in this
 2287 subsection and subsection (3), the term "culpably negligent
 2288 manner" means reckless indifference or grossly careless

2289 disregard of human life.

2290 (3) SUBCONTRACTOR LIABILITY.—

2291 (a) A subcontractor of an eligible community-based care

2292 lead agency that is a direct provider of foster care and related

2293 services to children and families, and its employees or

2294 officers, except as otherwise provided in paragraph (b), must,

2295 as a part of its contract, obtain a minimum of \$1 million per

2296 claim and \$3 million per incident in general liability insurance

2297 coverage. The subcontractor of an eligible community-based care

2298 lead agency must also require that staff who transport client

2299 children and families in their personal automobiles in order to

2300 carry out their job responsibilities obtain minimum bodily

2301 injury liability insurance in the amount of \$100,000 per claim

2302 and \$300,000 per incident on their personal automobiles. In lieu

2303 of personal motor vehicle insurance, the subcontractor's

2304 casualty, liability, or motor vehicle insurance carrier may

2305 provide nonowned automobile liability coverage. Such insurance

2306 provides liability insurance for automobiles that the

2307 subcontractor uses in connection with the subcontractor's

2308 business but does not own, lease, rent, or borrow. Such coverage

2309 includes automobiles owned by the employees of the subcontractor

2310 or a member of the employee's household but only while the

2311 automobiles are used in connection with the subcontractor's

2312 business. The nonowned automobile coverage for the subcontractor

2313 applies as excess coverage over any other collectible insurance.

2314 The personal automobile policy for the employee of the

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2315 subcontractor shall be primary insurance, and the nonowned
2316 automobile coverage of the subcontractor acts as excess
2317 insurance to the primary insurance. The subcontractor shall
2318 provide a minimum limit of \$1 million in nonowned automobile
2319 coverage. In a tort action brought against such subcontractor or
2320 employee, net economic damages shall be limited to \$1 million
2321 per liability claim and \$100,000 per automobile claim,
2322 including, but not limited to, past and future medical expenses,
2323 wage loss, and loss of earning capacity, offset by any
2324 collateral source payment paid or payable. In a tort action
2325 brought against such subcontractor, noneconomic damages shall be
2326 limited to \$200,000 per claim. A claims bill may be brought on
2327 behalf of a claimant pursuant to s. 768.28 for any amount
2328 exceeding the limits specified in this paragraph. Any offset of
2329 collateral source payments made as of the date of the settlement
2330 or judgment shall be in accordance with s. 768.76.

2331 (b) The liability of a subcontractor of an eligible
2332 community-based care lead agency that is a direct provider of
2333 foster care and related services as described in this section
2334 shall be exclusive and in place of all other liability of such
2335 provider. The same immunities from liability enjoyed by such
2336 subcontractor provider shall extend to each employee of the
2337 subcontractor when such employee is acting in furtherance of the
2338 subcontractor's business, including the transportation of
2339 clients served, as described in this subsection, in privately
2340 owned vehicles. Such immunities are not applicable to a

2341 subcontractor or an employee who acts in a culpably negligent
 2342 manner or with willful and wanton disregard or unprovoked
 2343 physical aggression if such acts result in injury or death or if
 2344 such acts proximately cause such injury or death. Such
 2345 immunities are not applicable to employees of the same
 2346 subcontractor when each is operating in the furtherance of the
 2347 subcontractor's business but they are assigned primarily to
 2348 unrelated works within private or public employment. The same
 2349 immunity provisions enjoyed by a subcontractor also apply to any
 2350 sole proprietor, partner, corporate officer or director,
 2351 supervisor, or other person who in the course and scope of his
 2352 or her duties acts in a managerial or policymaking capacity and
 2353 the conduct that caused the alleged injury arose within the
 2354 course and scope of those managerial or policymaking duties.

2355 Section 30. Section 409.1675, Florida Statutes, is
 2356 transferred, renumbered as section 409.994, Florida Statutes,
 2357 and amended to read:

2358 409.994 ~~409.1675~~ ~~Lead~~ Community-based care lead agencies
 2359 providers; receivership.-

2360 (1) The Department of Children and Families ~~Family~~
 2361 ~~Services~~ may petition a court of competent jurisdiction for the
 2362 appointment of a receiver for a ~~lead~~ community-based care lead
 2363 agency provider established pursuant to s. 409.987 if ~~s.~~
 2364 ~~409.1671~~ when any of the following conditions exist:

2365 (a) The lead agency ~~community-based provider~~ is operating
 2366 without a license as a child-placing agency.

2367 (b) The lead agency ~~community-based provider~~ has given
 2368 less than 120 days' notice of its intent to cease operations,
 2369 and arrangements have not been made for another lead agency
 2370 ~~community-based provider~~ or for the department to continue the
 2371 uninterrupted provision of services.

2372 (c) The department determines that conditions exist in the
 2373 lead agency ~~community-based provider~~ which present an imminent
 2374 danger to the health, safety, or welfare of the dependent
 2375 children under that agency's ~~provider's~~ care or supervision.
 2376 Whenever possible, the department shall make a reasonable effort
 2377 to facilitate the continued operation of the program.

2378 (d) The lead agency ~~community-based provider~~ cannot meet
 2379 its current financial obligations to its employees, contractors,
 2380 or foster parents. Issuance of bad checks or the existence of
 2381 delinquent obligations for payment of salaries, utilities, or
 2382 invoices for essential services or commodities shall constitute
 2383 prima facie evidence that the lead agency ~~community-based~~
 2384 ~~provider~~ lacks the financial ability to meet its financial
 2385 obligations.

2386 (2) (a) The petition for receivership shall take precedence
 2387 over other court business unless the court determines that some
 2388 other pending proceeding, having statutory precedence, has
 2389 priority.

2390 (b) A hearing shall be conducted within 5 days after the
 2391 filing of the petition, at which time interested parties shall
 2392 have the opportunity to present evidence as to whether a

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2393 receiver should be appointed. The department shall give
2394 reasonable notice of the hearing on the petition to the lead
2395 agency ~~community-based provider~~.

2396 (c) The court shall grant the petition upon finding that
2397 one or more of the conditions in subsection (1) exists and the
2398 continued existence of the condition or conditions jeopardizes
2399 the health, safety, or welfare of dependent children. A receiver
2400 may be appointed ex parte when the court determines that one or
2401 more of the conditions in subsection (1) exists. After such
2402 finding, the court may appoint any person, including an employee
2403 of the department who is qualified by education, training, or
2404 experience to carry out the duties of the receiver pursuant to
2405 this section, except that the court may ~~shall~~ not appoint any
2406 member of the governing board or any officer of the lead agency
2407 ~~community-based provider~~. The receiver may be selected from a
2408 list of persons qualified to act as receivers which is developed
2409 by the department and presented to the court with each petition
2410 of receivership.

2411 (d) A receiver may be appointed for up to 90 days, and the
2412 department may petition the court for additional 30-day
2413 extensions. Sixty days after appointment of a receiver and every
2414 30 days thereafter until the receivership is terminated, the
2415 department shall submit to the court an assessment of the lead
2416 agency's ~~community-based provider's~~ ability to ensure the
2417 health, safety, and welfare of the dependent children under its
2418 supervision.

2419 (3) The receiver shall take such steps as are reasonably
 2420 necessary to ensure the continued health, safety, and welfare of
 2421 the dependent children under the supervision of the lead agency
 2422 ~~community-based provider~~ and shall exercise those powers and
 2423 perform those duties set out by the court, including, but not
 2424 limited to:

2425 (a) Taking such action as is reasonably necessary to
 2426 protect or conserve the assets or property of the lead agency
 2427 ~~community-based provider~~. The receiver may use the assets and
 2428 property and any proceeds from any transfer thereof only in the
 2429 performance of the powers and duties provided ~~set forth~~ in this
 2430 section and by order of the court.

2431 (b) Using the assets of the lead agency ~~community-based~~
 2432 ~~provider~~ in the provision of care and services to dependent
 2433 children.

2434 (c) Entering into contracts and hiring agents and
 2435 employees to carry out the powers and duties of the receiver
 2436 under this section.

2437 (d) Having full power to direct, manage, hire, and
 2438 discharge employees of the lead agency ~~community-based provider~~.
 2439 The receiver shall hire and pay new employees at the rate of
 2440 compensation, including benefits, approved by the court.

2441 (e) Honoring all leases, mortgages, and contractual
 2442 obligations of the lead agency ~~community-based provider~~, but
 2443 only to the extent of payments that become due during the period
 2444 of the receivership.

2445 (4) (a) The receiver shall deposit funds received in a
 2446 separate account and shall use this account for all
 2447 disbursements.

2448 (b) A payment to the receiver of any sum owing to the lead
 2449 agency ~~community-based provider~~ shall discharge any obligation
 2450 to the provider to the extent of the payment.

2451 (5) A receiver may petition the court for temporary relief
 2452 from obligations entered into by the lead agency ~~community-based~~
 2453 ~~provider~~ if the rent, price, or rate of interest required to be
 2454 paid under the agreement was substantially in excess of a
 2455 reasonable rent, price, or rate of interest at the time the
 2456 contract was entered into, or if any material provision of the
 2457 agreement was unreasonable when compared to contracts negotiated
 2458 under similar conditions. Any relief in this form provided by
 2459 the court shall be limited to the life of the receivership,
 2460 unless otherwise determined by the court.

2461 (6) The court shall set the compensation of the receiver,
 2462 which shall be considered a necessary expense of a receivership
 2463 and may grant to the receiver such other authority necessary to
 2464 ensure the health, safety, and welfare of the children served.

2465 (7) A receiver may be held liable in a personal capacity
 2466 only for the receiver's own gross negligence, intentional acts,
 2467 or breaches of fiduciary duty. This section may ~~shall~~ not be
 2468 interpreted to be a waiver of sovereign immunity should the
 2469 department be appointed receiver.

2470 (8) If the receiver is not the department, the court may

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2471 require a receiver to post a bond to ensure the faithful
2472 performance of these duties.

2473 (9) The court may terminate a receivership when:

2474 (a) The court determines that the receivership is no
2475 longer necessary because the conditions that gave rise to the
2476 receivership no longer exist; or

2477 (b) The department has entered into a contract with a new
2478 lead agency ~~community-based provider~~ pursuant to s. 409.987 s.
2479 ~~409.1671~~, and that contractor is ready and able to assume the
2480 duties of the previous lead agency ~~provider~~.

2481 (10) Within 30 days after the termination, unless this
2482 time period is extended by the court, the receiver shall give
2483 the court a complete accounting of all property of which the
2484 receiver has taken possession, of all funds collected and
2485 disbursed, and of the expenses of the receivership.

2486 (11) ~~Nothing in~~ This section does not ~~shall be construed~~
2487 ~~to~~ relieve any employee of the lead agency ~~community-based~~
2488 ~~provider~~ placed in receivership of any civil or criminal
2489 liability incurred, or any duty imposed by law, by reason of
2490 acts or omissions of the employee before ~~prior to~~ the
2491 appointment of a receiver, and; ~~nor shall anything contained in~~
2492 this section does not ~~be construed to~~ suspend during the
2493 receivership any obligation of the employee for payment of taxes
2494 or other operating or maintenance expenses of the lead agency
2495 ~~community-based provider~~ or for the payment of mortgages or
2496 liens. The lead agency ~~community-based provider~~ shall retain the

2497 right to sell or mortgage any facility under receivership,
 2498 subject to the prior approval of the court that ordered the
 2499 receivership.

2500 Section 31. Section 409.996, Florida Statutes, is created
 2501 to read:

2502 409.996 Duties of the Department of Children and
 2503 Families.—The department shall contract for the delivery,
 2504 administration, or management of care for children in the child
 2505 protection and child welfare system. In doing so, the department
 2506 retains responsibility for the quality of contracted services
 2507 and programs and shall ensure that services are delivered in
 2508 accordance with applicable federal and state statutes and
 2509 regulations.

2510 (1) The department shall enter into contracts with lead
 2511 agencies to perform the duties of a lead agency pursuant to s.
 2512 409.988. At a minimum, the contracts must:

2513 (a) Provide for the services needed to accomplish the
 2514 duties established in s. 409.988 and provide information to the
 2515 department that is necessary to meet the requirements for a
 2516 quality assurance program pursuant to subsection (18) and the
 2517 child welfare results-oriented accountability system pursuant to
 2518 s. 409.997.

2519 (b) Provide for graduated penalties for failure to comply
 2520 with contract terms. Such penalties may include financial
 2521 penalties, enhanced monitoring and reporting, corrective action
 2522 plans, and early termination of contracts or other appropriate

2523 action to ensure contract compliance.

2524 (c) Ensure that the lead agency shall furnish current and
2525 accurate information on its activities in all cases in client
2526 case records in the state's statewide automated child welfare
2527 information system.

2528 (d) Specify the procedures to be used by the parties to
2529 resolve differences in interpreting the contract or to resolve
2530 disputes as to the adequacy of the parties' compliance with
2531 their respective obligations under the contract.

2532 (2) The department must adopt written policies and
2533 procedures for monitoring the contract for delivery of services
2534 by lead agencies which must be posted on the department's
2535 website. These policies and procedures must, at a minimum,
2536 address the evaluation of fiscal accountability and program
2537 operations, including provider achievement of performance
2538 standards, provider monitoring of subcontractors, and timely
2539 follow up of corrective actions for significant monitoring
2540 findings related to providers and subcontractors. These policies
2541 and procedures must also include provisions for reducing the
2542 duplication of the department's program monitoring activities
2543 both internally and with other agencies, to the extent possible.
2544 The department's written procedures must ensure that the written
2545 findings, conclusions, and recommendations from monitoring the
2546 contract for services of lead agencies are communicated to the
2547 director of the provider agency and the community alliance as
2548 expeditiously as possible.

2549 (3) The department shall receive federal and state funds
 2550 as appropriated for the operation of the child welfare system
 2551 and shall transmit these funds to the lead agencies as agreed to
 2552 in the contract. The department retains responsibility for the
 2553 appropriate spending of these funds. The department shall
 2554 monitor lead agencies to assess compliance with the financial
 2555 guidelines established pursuant to s. 409.992 and other
 2556 applicable state and federal laws.

2557 (4) The department shall provide technical assistance and
 2558 consultation to lead agencies in the provision of care to
 2559 children in the child protection and child welfare system.

2560 (5) The department retains the responsibility for the
 2561 review, approval or denial, and issuances of all foster home
 2562 licenses.

2563 (6) The department shall process all applications
 2564 submitted by lead agencies for the Interstate Compact on the
 2565 Placement of Children and the Interstate Compact on Adoption and
 2566 Medical Assistance.

2567 (7) The department shall assist lead agencies with access
 2568 to and coordination with other service programs within the
 2569 department.

2570 (8) The department shall determine Medicaid eligibility
 2571 for all referred children and shall coordinate services with the
 2572 Agency for Health Care Administration.

2573 (9) The department shall develop, in cooperation with the
 2574 lead agencies and the third-party credentialing entity approved

2575 pursuant to s. 402.40(3), a standardized competency-based
 2576 curriculum for certification training for child protection
 2577 staff.

2578 (10) The department shall maintain the statewide adoptions
 2579 website and provide information and training to the lead
 2580 agencies relating to the website.

2581 (11) The department shall provide training and assistance
 2582 to lead agencies regarding the responsibility of lead agencies
 2583 relating to children receiving supplemental security income,
 2584 social security, railroad retirement, or veterans' benefits.

2585 (12) With the assistance of a lead agency, the department
 2586 shall develop and implement statewide and local interagency
 2587 agreements needed to coordinate services for children and
 2588 parents involved in the child welfare system who are also
 2589 involved with the Agency for Persons with Disabilities, the
 2590 Department of Juvenile Justice, the Department of Education, the
 2591 Department of Health, and other governmental organizations that
 2592 share responsibilities for children or parents in the child
 2593 welfare system.

2594 (13) With the assistance of a lead agency, the department
 2595 shall develop and implement a working agreement between the lead
 2596 agency and the substance abuse and mental health managing entity
 2597 to integrate services and supports for children and parents
 2598 serviced in the child welfare system.

2599 (14) The department shall work with the Agency for Health
 2600 Care Administration to provide each Medicaid-eligible child with

2601 early and periodic screening, diagnosis, and treatment,
2602 including 72-hour screening, periodic child health checkups, and
2603 prescribed follow up for ordered services, including, but not
2604 limited to, medical, dental, and vision care.

2605 (15) The department shall assist lead agencies in
2606 developing an array of services in compliance with the Title IV-
2607 E waiver and shall monitor the provision of such services.

2608 (16) The department shall provide a mechanism to allow
2609 lead agencies to request a waiver of department policies and
2610 procedures that create inefficiencies or inhibit the performance
2611 of the lead agency's duties.

2612 (17) The department shall directly or through contract
2613 provide attorneys to prepare and present cases in dependency
2614 court and shall ensure that the court is provided with adequate
2615 information for informed decisionmaking in dependency cases,
2616 including a fact sheet for each case that lists the names and
2617 contact information for any child protective investigator, child
2618 protective investigation supervisor, case manager, and case
2619 manager supervisor, and the regional department official
2620 responsible for the lead agency contract. For the Sixth Judicial
2621 Circuit, the department shall contract with the state attorney
2622 for the provision of these services.

2623 (18) The department, in consultation with lead agencies,
2624 shall establish a quality assurance program for contracted
2625 services to dependent children. The quality assurance program
2626 shall be based on standards established by federal and state law

2627 and national accrediting organizations.

2628 (a) The department must evaluate each lead agency under
2629 contract at least annually. These evaluations shall cover the
2630 programmatic, operational, and fiscal operations of the lead
2631 agency and must be consistent with the child welfare results-
2632 oriented accountability system required by s. 409.997. The
2633 department must consult with dependency judges in the circuit or
2634 circuits served by the lead agency on the performance of the
2635 lead agency.

2636 (b) The department shall, to the extent possible, use
2637 independent financial audits provided by the lead agency to
2638 eliminate or reduce the ongoing contract and administrative
2639 reviews conducted by the department. If the department
2640 determines that such independent financial audits are
2641 inadequate, other audits, as necessary, may be conducted by the
2642 department. This paragraph does not abrogate the requirements of
2643 s. 215.97.

2644 (c) The department may suggest additional items to be
2645 included in such independent financial audits to meet the
2646 department's needs.

2647 (d) The department may outsource programmatic,
2648 administrative, or fiscal monitoring oversight of lead agencies.

2649 (e) A lead agency must assure that all subcontractors are
2650 subject to the same quality assurance activities as the lead
2651 agency.

2652 Section 32. Section 409.997, Florida Statutes, is created

2653 to read:

2654 409.997 Child welfare results-oriented accountability
 2655 system.—

2656 (1) The department and its contract providers, including
 2657 lead agencies, community-based care providers, and other
 2658 community partners participating in the state's child protection
 2659 and child welfare system, share the responsibility for achieving
 2660 the outcome goals specified in s. 409.986(2).

2661 (2) In order to assess the achievement of the outcome
 2662 goals specified in s. 409.986(2), the department shall maintain
 2663 a comprehensive, results-oriented accountability system that
 2664 monitors the use of resources, the quality and amount of
 2665 services provided, and child and family outcomes through data
 2666 analysis, research review, evaluation, and quality improvement.
 2667 The system shall provide information about individual entities'
 2668 performance as well as the performance of groups of entities
 2669 working together as an integrated system of care on a local,
 2670 regional, and statewide basis. In maintaining the accountability
 2671 system, the department shall:

2672 (a) Identify valid and reliable outcome measures for each
 2673 of the goals specified in this subsection. The outcome data set
 2674 must consist of a limited number of understandable measures
 2675 using available data to quantify outcomes as children move
 2676 through the system of care. Such measures may aggregate multiple
 2677 variables that affect the overall achievement of the outcome
 2678 goals. Valid and reliable measures must be based on adequate

2679 sample sizes, be gathered over suitable time periods, and
2680 reflect authentic rather than spurious results, and may not be
2681 susceptible to manipulation.

2682 (b) Implement a monitoring system to track the identified
2683 outcome measures on a statewide, regional, and provider-specific
2684 basis. The monitoring system must identify trends and chart
2685 progress toward achievement of the goals specified in this
2686 section. The requirements of the monitoring system may be
2687 incorporated into the quality assurance program required under
2688 s. 409.996(18).

2689 (c) Develop and maintain an analytical system that builds
2690 on the outcomes monitoring system to assess the statistical
2691 validity of observed associations between child welfare
2692 interventions and the measured outcomes. The analysis must use
2693 quantitative methods to adjust for variations in demographic or
2694 other conditions. The analysis must include longitudinal studies
2695 to evaluate longer term outcomes such as continued safety,
2696 family permanence, and transition to self-sufficiency. The
2697 analysis may also include qualitative research methods to
2698 provide insight into statistical patterns.

2699 (d) Develop and maintain a program of research review to
2700 identify interventions that are supported by evidence as
2701 causally linked to improved outcomes.

2702 (e) Support an ongoing process of evaluation to determine
2703 the efficacy and effectiveness of various interventions.

2704 Efficacy evaluation is intended to determine the validity of a

2705 causal relationship between an intervention and an outcome.
2706 Effectiveness evaluation is intended to determine the extent to
2707 which the results can be generalized.

2708 (f) Develop and maintain an inclusive, interactive, and
2709 evidence-supported program of quality improvement that promotes
2710 individual skill building as well as organizational learning.

2711 (g) Develop and implement a method for making the results
2712 of the accountability system transparent for all parties
2713 involved in the child welfare system as well as policymakers and
2714 the public. The presentation shall provide a comprehensible,
2715 visual report card for the state and each community-based care
2716 region, indicating the current status relative to each goal and
2717 trends in that status over time. The presentation shall identify
2718 and report outcome measures that assess the performance of the
2719 department, community-based care lead agency, and its
2720 subcontractors working together as an integrated system of care.

2721 (3) The department shall establish a technical advisory
2722 panel consisting of representatives from the Florida Institute
2723 for Child Welfare established pursuant to s. 1004.615, lead
2724 agencies, community-based care providers, other contract
2725 providers, community alliances, and family representatives. The
2726 President of the Senate and the Speaker of the House of
2727 Representatives shall each appoint a member to serve as a
2728 legislative liaison to the panel. The technical advisory panel
2729 shall advise the department on meeting the requirements of this
2730 section.

2731 (4) The accountability system may not rank or compare
2732 performance among community-based care regions unless adequate
2733 and specific adjustments are adopted that account for the
2734 diversity in regions' demographics, resources, and other
2735 relevant characteristics.

2736 (5) The results of the accountability system must provide
2737 the basis for performance incentives if funds for such payments
2738 are made available through the General Appropriations Act.

2739 (6) At least quarterly, the department shall make the
2740 results of the accountability system available to the public
2741 through publication on its website. The website must allow for
2742 custom searches of the performance data.

2743 (7) By October 1 of each year, the department shall submit
2744 a report on the statewide and individual community-based care
2745 lead agency results for child protection and child welfare
2746 systems. The department shall use the accountability system and
2747 consult with the community alliance and the chief judge or
2748 judges in the community-based care service area to prepare the
2749 report. The report shall be submitted to the Governor, the
2750 President of the Senate, and the Speaker of the House of
2751 Representatives.

2752 Section 33. Section 409.998, Florida Statutes, is created
2753 to read:

2754 409.998 Community-based care; oversight by community
2755 alliances.—To provide independent, community-focused oversight
2756 of child protection and child welfare services and the local

2757 system of community-based care, community alliances created in
2758 s. 20.19(5) shall, with the assistance of the department,
2759 perform the following duties:

2760 (1) Conduct a needs assessment and establish community
2761 priorities for child protection and child welfare services.

2762 (2) Review the performance of the department, the
2763 sheriff's office, if the office provides child protective
2764 services, and the lead agency individually and as an integrated
2765 system of care, and advise the department, the sheriff's office,
2766 if applicable, and the lead agency regarding concerns and
2767 suggested areas of improvement.

2768 (3) Recommend a competitive procurement for the lead
2769 agency if programmatic or financial performance is poor. The
2770 community alliance shall make recommendations on the development
2771 of the procurement document for such competitive procurement and
2772 may suggest specific requirements relating to local needs and
2773 services.

2774 (4) Recommend a contract extension for the lead agency if
2775 programmatic and financial performance is superior.

2776 (5) In partnership with the Florida Institute for Child
2777 Welfare established pursuant to s. 1004.615, develop
2778 recommendations and submit such recommendations to the
2779 department and the community-based care lead agency to improve
2780 child protection and child welfare policies and practices.

2781 (6) Promote greater community involvement in community-
2782 based care through participation in community-based care lead

2783 agency services and activities, recruitment and retention of
 2784 community volunteers, and public awareness efforts.

2785 Section 34. Section 827.10, Florida Statutes, is created
 2786 to read:

2787 827.10 Unlawful abandonment of a child.—

2788 (1) As used in this section, the term:

2789 (a) "Abandons" or "abandonment" means to leave a child in
 2790 a place or with a person other than a relative with the intent
 2791 not to return to the child and with the intent not to provide
 2792 for the care of the child.

2793 (b) "Care" means support and services necessary to
 2794 maintain the child's physical and mental health, including, but
 2795 not limited to, food, nutrition, clothing, shelter, supervision,
 2796 medicine, and medical services that a prudent person would
 2797 consider essential for the well-being of the child.

2798 (c) "Caregiver" has the same meaning as provided in s.
 2799 39.01(10).

2800 (d) "Child" means a child for whose care the caregiver is
 2801 legally responsible.

2802 (e) "Relative" has the same meaning as provided in s.
 2803 39.01(64).

2804 (2) A caregiver who abandons a child under circumstances
 2805 in which the caregiver knew or should have known that the
 2806 abandonment exposes the child to unreasonable risk of harm
 2807 commits a felony of the third degree, punishable as provided in
 2808 s. 775.082, s. 775.083, or s. 775.084.

2809 (3) This section does not apply to a person who surrenders
 2810 a newborn infant in compliance with s. 383.50.

2811 (4) This section does not preclude prosecution for a
 2812 criminal act under any other law, including, but not limited to,
 2813 prosecution of child abuse or neglect of a child under s.
 2814 827.03.

2815 Section 35. Section 1004.615, Florida Statutes, is created
 2816 to read:

2817 1004.615 Florida Institute for Child Welfare.-

2818 (1) There is established the Florida Institute for Child
 2819 Welfare within the Florida State University College of Social
 2820 Work. The purpose of the institute is to advance the well-being
 2821 of children and families by improving the performance of child
 2822 protection and child welfare services through research, policy
 2823 analysis, evaluation, and leadership development. The institute
 2824 shall consist of a consortium of public and private universities
 2825 offering degrees in social work and shall be housed within the
 2826 Florida State University College of Social Work.

2827 (2) Using such resources as authorized in the General
 2828 Appropriations Act, the Department of Children and Families
 2829 shall contract with the institute for performance of the duties
 2830 described in subsection (4).

2831 (3) The institute shall work with the department, sheriffs
 2832 providing child protective investigative services, community-
 2833 based care lead agencies, community-based care provider
 2834 organizations, the court system, the Department of Juvenile

2835 Justice, the federally recognized statewide association for
2836 Florida's certified domestic violence centers, and other
2837 partners who contribute to and participate in providing child
2838 protection and child welfare services.

2839 (4) The institute shall:

2840 (a) Maintain a program of research that contributes to
2841 scientific knowledge and informs both policy and practice
2842 related to child safety, permanency, and child and family well-
2843 being.

2844 (b) Advise the department and other organizations
2845 participating in the child protection and child welfare system
2846 regarding scientific evidence on policy and practice related to
2847 child safety, permanency, and child and family well-being.

2848 (c) Provide advice regarding management practices and
2849 administrative processes used by the department and other
2850 organizations participating in the child protection and child
2851 welfare system and recommend improvements that reduce
2852 burdensome, ineffective requirements for frontline staff and
2853 their supervisors while enhancing their ability to effectively
2854 investigate, analyze, problem-solve, and supervise.

2855 (d) Assess the performance of child protection and child
2856 welfare services based on specific outcome measures.

2857 (e) Evaluate the scope and effectiveness of preservice and
2858 inservice training for child protection and child welfare
2859 employees and advise and assist the department in efforts to
2860 improve such training.

2861 (f) Assess the readiness of social work graduates to
 2862 assume job responsibilities in the child protection and child
 2863 welfare system and identify gaps in education that can be
 2864 addressed through the modification of curricula or the
 2865 establishment of industry certifications.

2866 (g) Develop and maintain a program of professional support
 2867 including training courses and consulting services that assist
 2868 both individuals and organizations in implementing adaptive and
 2869 resilient responses to workplace stress.

2870 (h) Participate in the department's critical incident
 2871 response team, assist in the preparation of reports about such
 2872 incidents, and support the committee review of reports and
 2873 development of recommendations.

2874 (i) Identify effective policies and promising practices,
 2875 including, but not limited to, innovations in coordination
 2876 between entities participating in the child protection and child
 2877 welfare system, data analytics, working with the local
 2878 community, and management of human service organizations and
 2879 communicate these findings to the department and other
 2880 organizations participating in the child protection and child
 2881 welfare system.

2882 (5) The President of the Florida State University shall
 2883 appoint a director of the institute. The director must be a
 2884 child welfare professional with a doctoral degree in social work
 2885 who holds a faculty appointment in the Florida State University
 2886 College of Social Work. The institute shall be administered by

2887 the director, and the director's office shall be located at the
2888 Florida State University. The director is responsible for
2889 overall management of the institute and for developing and
2890 executing the work of the institute consistent with the
2891 responsibilities in subsection (4). The director shall engage
2892 individuals in other state universities with accredited colleges
2893 of social work to participate in the institute. Individuals from
2894 other university programs relevant to the institute's work,
2895 including, but not limited to, economics, management, law,
2896 medicine, and education, may also be invited by the director to
2897 contribute to the institute. The universities involved in the
2898 institute shall provide facilities, staff, and other resources
2899 to the institute to establish statewide access to institute
2900 programs and services.

2901 (6) By October 1 of each year, the institute shall provide
2902 a written report to the Governor, the President of the Senate,
2903 and the Speaker of the House of Representatives that outlines
2904 its activities in the preceding year, reports significant
2905 research findings, as well as results of other programs, and
2906 provides specific recommendations for improving child protection
2907 and child welfare services.

2908 (a) The institute shall include an evaluation of the
2909 results of the educational and training requirements for child
2910 protection and child welfare personnel established under this
2911 act and recommendations for application of the results to child
2912 protection personnel employed by sheriff's offices providing

2913 child protection services in its report due October 1, 2017.

2914 (b) The institute shall include an evaluation of the
2915 effects of the other provisions of this act and recommendations
2916 for improvements in child protection and child welfare services
2917 in its report due October 1, 2018.

2918 (7) (a) The institute, or the Florida State University
2919 College of Social Work until the institute is operational, shall
2920 convene a task force to make recommendations for improving the
2921 state's child welfare system. The task force shall include, but
2922 not be limited to, representatives of the department, the
2923 Department of Juvenile Justice, community-based care lead
2924 agencies, the Florida Coalition for Children, Inc., child
2925 welfare services providers, including case management providers,
2926 the court system, the federally recognized statewide association
2927 for Florida's certified domestic violence centers, and child
2928 welfare advocates. The task force shall include individuals
2929 working directly with children and families, administrators, and
2930 experts. Individual members of the task force shall be
2931 responsible for their own travel expenses. The task force may
2932 meet in person, telephonically, through web-based technology, or
2933 through any combination thereof.

2934 (b) The task force shall establish individual workgroups
2935 on the following topics, which may include additional members
2936 with directly relevant experience and expertise to make specific
2937 recommendations:

2938 1. Reducing paperwork and increasing the retention of case

2939 managers.

2940 2. Care of medically complex children within the child
 2941 welfare system, with the goal of allowing the child to remain in
 2942 the least restrictive and most nurturing environment.

2943 (c) The institute, or the Florida State University College
 2944 of Social Work until the institute is operational, shall submit
 2945 interim reports from the task force and workgroups by February
 2946 1, 2015, and final reports by November 1, 2015, to the Governor,
 2947 the President of the Senate, and the Speaker of the House of
 2948 Representatives.

2949 Section 36. Paragraph (h) is added to subsection (1) of
 2950 section 1009.25, Florida Statutes, to read:

2951 1009.25 Fee exemptions.—

2952 (1) The following students are exempt from the payment of
 2953 tuition and fees, including lab fees, at a school district that
 2954 provides workforce education programs, Florida College System
 2955 institution, or state university:

2956 (h) Pursuant to s. 402.403, child protection and child
 2957 welfare personnel, as defined in s. 402.402(1)(a), who are
 2958 enrolled in an accredited bachelor's degree or master's degree
 2959 in social work program or completing coursework required
 2960 pursuant to s. 402.402(2)(a)2. and 3., provided that the student
 2961 attains at least a grade of "B" in all courses for which tuition
 2962 and fees are exempted.

2963 Section 37. Section 409.1671, Florida Statutes, is
 2964 repealed.

2965 Section 38. Section 409.16745, Florida Statutes, is
 2966 repealed.

2967 Section 39. Paragraph (g) of subsection (1) of section
 2968 39.201, Florida Statutes, is amended to read:

2969 39.201 Mandatory reports of child abuse, abandonment, or
 2970 neglect; mandatory reports of death; central abuse hotline.—

2971 (1)

2972 (g) Nothing in this chapter or in the contracting with
 2973 community-based care providers for foster care and related
 2974 services as specified in s. 409.987 ~~s. 409.1671~~ shall be
 2975 construed to remove or reduce the duty and responsibility of any
 2976 person, including any employee of the community-based care
 2977 provider, to report a suspected or actual case of child abuse,
 2978 abandonment, or neglect or the sexual abuse of a child to the
 2979 department's central abuse hotline.

2980 Section 40. Paragraph (a) of subsection (1) of section
 2981 409.16713, Florida Statutes, is amended to read:

2982 409.16713 Allocation of funds for community-based care
 2983 lead agencies.—

2984 (1) As used in this section, the term:

2985 (a) "Core services funding" means all funds allocated to
 2986 community-based care lead agencies operating under contract with
 2987 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
 2988 following exceptions:

- 2989 1. Funds appropriated for independent living;
- 2990 2. Funds appropriated for maintenance adoption subsidies;

- 2991 3. Funds allocated by the department for protective
 2992 investigations training;
 2993 4. Nonrecurring funds;
 2994 5. Designated mental health wrap-around services funds;
 2995 and
 2996 6. Funds for special projects for a designated community-
 2997 based care lead agency.

2998 Section 41. Subsection (1) and paragraph (b) of subsection
 2999 (9) of section 409.1675, Florida Statutes, are amended to read:

3000 409.1675 Lead community-based providers; receivership.—

3001 (1) The Department of Children and Families ~~Family~~
 3002 ~~Services~~ may petition a court of competent jurisdiction for the
 3003 appointment of a receiver for a lead community-based provider
 3004 established pursuant to s. 409.987 ~~s. 409.1671~~ when any of the
 3005 following conditions exist:

3006 (a) The lead community-based provider is operating without
 3007 a license as a child-placing agency.

3008 (b) The lead community-based provider has given less than
 3009 120 days' notice of its intent to cease operations, and
 3010 arrangements have not been made for another lead community-based
 3011 provider or for the department to continue the uninterrupted
 3012 provision of services.

3013 (c) The department determines that conditions exist in the
 3014 lead community-based provider which present an imminent danger
 3015 to the health, safety, or welfare of the dependent children
 3016 under that provider's care or supervision. Whenever possible,

3017 | the department shall make a reasonable effort to facilitate the
 3018 | continued operation of the program.

3019 | (d) The lead community-based provider cannot meet its
 3020 | current financial obligations to its employees, contractors, or
 3021 | foster parents. Issuance of bad checks or the existence of
 3022 | delinquent obligations for payment of salaries, utilities, or
 3023 | invoices for essential services or commodities shall constitute
 3024 | prima facie evidence that the lead community-based provider
 3025 | lacks the financial ability to meet its financial obligations.

3026 | (9) The court may terminate a receivership when:

3027 | (b) The department has entered into a contract with a new
 3028 | lead community-based provider pursuant to s. 409.987 ~~s.~~
 3029 | ~~409.1671~~, and that contractor is ready and able to assume the
 3030 | duties of the previous provider.

3031 | Section 42. Subsections (1), (3), and (5) of section
 3032 | 409.1676, Florida Statutes, are amended to read:

3033 | 409.1676 Comprehensive residential group care services to
 3034 | children who have extraordinary needs.—

3035 | (1) It is the intent of the Legislature to provide
 3036 | comprehensive residential group care services, including
 3037 | residential care, case management, and other services, to
 3038 | children in the child protection system who have extraordinary
 3039 | needs. These services are to be provided in a residential group
 3040 | care setting by a not-for-profit corporation or a local
 3041 | government entity under a contract with the Department of
 3042 | Children and Families ~~Family Services~~ or by a lead agency as

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3043 described in s. 409.987 ~~s. 409.1671~~. These contracts should be
3044 designed to provide an identified number of children with access
3045 to a full array of services for a fixed price. Further, it is
3046 the intent of the Legislature that the Department of Children
3047 and Families ~~Family Services~~ and the Department of Juvenile
3048 Justice establish an interagency agreement by December 1, 2002,
3049 which describes respective agency responsibilities for referral,
3050 placement, service provision, and service coordination for
3051 dependent and delinquent youth who are referred to these
3052 residential group care facilities. The agreement must require
3053 interagency collaboration in the development of terms,
3054 conditions, and performance outcomes for residential group care
3055 contracts serving the youth referred who have been adjudicated
3056 both dependent and delinquent.

3057 (3) The department, in accordance with a specific
3058 appropriation for this program, shall contract with a not-for-
3059 profit corporation, a local government entity, or the lead
3060 agency that has been established in accordance with s. 409.987
3061 ~~s. 409.1671~~ for the performance of residential group care
3062 services described in this section. A lead agency that is
3063 currently providing residential care may provide this service
3064 directly with the approval of the local community alliance. The
3065 department or a lead agency may contract for more than one site
3066 in a county if that is determined to be the most effective way
3067 to achieve the goals set forth in this section.

3068 (5) The department may transfer all casework

3069 responsibilities for children served under this program to the
 3070 entity that provides this service, including case management and
 3071 development and implementation of a case plan in accordance with
 3072 current standards for child protection services. When the
 3073 department establishes this program in a community that has a
 3074 lead agency as described in s. 409.987 ~~s. 409.1671~~, the casework
 3075 responsibilities must be transferred to the lead agency.

3076 Section 43. Subsection (2) of section 409.1677, Florida
 3077 Statutes, is amended to read:

3078 409.1677 Model comprehensive residential services
 3079 programs.—

3080 (2) The department shall establish a model comprehensive
 3081 residential services program in Manatee and Miami-Dade Counties
 3082 through a contract with the designated lead agency established
 3083 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private
 3084 entity capable of providing residential group care and home-
 3085 based care and experienced in the delivery of a range of
 3086 services to foster children, if no lead agency exists. These
 3087 model programs are to serve that portion of eligible children
 3088 within each county which is specified in the contract, based on
 3089 funds appropriated, to include a full array of services for a
 3090 fixed price. The private entity or lead agency is responsible
 3091 for all programmatic functions necessary to carry out the intent
 3092 of this section.

3093 Section 44. Subsection (24) of section 409.906, Florida
 3094 Statutes, is amended to read:

3095 409.906 Optional Medicaid services.—Subject to specific
 3096 appropriations, the agency may make payments for services which
 3097 are optional to the state under Title XIX of the Social Security
 3098 Act and are furnished by Medicaid providers to recipients who
 3099 are determined to be eligible on the dates on which the services
 3100 were provided. Any optional service that is provided shall be
 3101 provided only when medically necessary and in accordance with
 3102 state and federal law. Optional services rendered by providers
 3103 in mobile units to Medicaid recipients may be restricted or
 3104 prohibited by the agency. Nothing in this section shall be
 3105 construed to prevent or limit the agency from adjusting fees,
 3106 reimbursement rates, lengths of stay, number of visits, or
 3107 number of services, or making any other adjustments necessary to
 3108 comply with the availability of moneys and any limitations or
 3109 directions provided for in the General Appropriations Act or
 3110 chapter 216. If necessary to safeguard the state's systems of
 3111 providing services to elderly and disabled persons and subject
 3112 to the notice and review provisions of s. 216.177, the Governor
 3113 may direct the Agency for Health Care Administration to amend
 3114 the Medicaid state plan to delete the optional Medicaid service
 3115 known as "Intermediate Care Facilities for the Developmentally
 3116 Disabled." Optional services may include:

3117 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency
 3118 for Health Care Administration, in consultation with the
 3119 Department of Children and Families ~~Family Services~~, may
 3120 establish a targeted case-management project in those counties

3121 identified by the Department of Children and Families ~~Family~~
 3122 ~~Services~~ and for all counties with a community-based child
 3123 welfare project, as authorized under s. 409.987 ~~s. 409.1671~~,
 3124 which have been specifically approved by the department. The
 3125 covered group of individuals who are eligible to receive
 3126 targeted case management include children who are eligible for
 3127 Medicaid; who are between the ages of birth through 21; and who
 3128 are under protective supervision or postplacement supervision,
 3129 under foster-care supervision, or in shelter care or foster
 3130 care. The number of individuals who are eligible to receive
 3131 targeted case management is limited to the number for whom the
 3132 Department of Children and Families ~~Family Services~~ has matching
 3133 funds to cover the costs. The general revenue funds required to
 3134 match the funds for services provided by the community-based
 3135 child welfare projects are limited to funds available for
 3136 services described under s. 409.990 ~~s. 409.1671~~. The Department
 3137 of Children and Families ~~Family Services~~ may transfer the
 3138 general revenue matching funds as billed by the Agency for
 3139 Health Care Administration.

3140 Section 45. Paragraph (d) of subsection (1) of section
 3141 420.628, Florida Statutes, is amended to read:

3142 420.628 Affordable housing for children and young adults
 3143 leaving foster care; legislative findings and intent.—

3144 (1)

3145 (d) The Legislature intends that the Florida Housing
 3146 Finance Corporation, agencies within the State Housing

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3147 Initiative Partnership Program, local housing finance agencies,
3148 public housing authorities, and their agents, and other
3149 providers of affordable housing coordinate with the Department
3150 of Children and Families ~~Family Services~~, their agents, and
3151 community-based care providers who provide services under s.
3152 409.987 ~~s. 409.1671~~ to develop and implement strategies and
3153 procedures designed to make affordable housing available
3154 whenever and wherever possible to young adults who leave the
3155 child welfare system.

3156 Section 46. This act shall take effect July 1, 2014.