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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2014	.	
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	.	

The Committee on Appropriations (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

20.19 Department of Children and Families.—There is created



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11 a Department of Children and Families.

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

13 (a) The head of the department is the Secretary of Children
14 and Families. The secretary is appointed by the Governor,
15 subject to confirmation by the Senate. The secretary serves at
16 the pleasure of the Governor.

17 (b) The secretary shall appoint a deputy secretary who
18 shall act in the absence of the secretary. The deputy secretary
19 is directly responsible to the secretary, performs such duties
20 as are assigned by the secretary, and serves at the pleasure of
21 the secretary.

22 (3) ASSISTANT SECRETARIES.—

23 (a) Child welfare.—

24 1. The secretary shall appoint an Assistant Secretary for
25 Child Welfare to lead the department in carrying out its duties
26 and responsibilities for child protection and child welfare. The
27 assistant secretary shall serve at the pleasure of the
28 secretary.

29 2. The assistant secretary must have at least 7 years of
30 experience working in organizations that deliver child
31 protective or child welfare services.

32 (b) Substance abuse and mental health.—

33 ~~(e)~~1. The secretary shall appoint an Assistant Secretary
34 for Substance Abuse and Mental Health. The assistant secretary
35 shall serve at the pleasure of the secretary and must have
36 expertise in both areas of responsibility.

37 2. The secretary shall appoint a Director for Substance
38 Abuse and Mental Health who has the requisite expertise and
39 experience to head the state's Substance Abuse and Mental Health



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40 Program Office.

41 Section 2. Paragraphs (b), (c), (g), and (k) of subsection
42 (1) of section 39.001, Florida Statutes, are amended, paragraphs
43 (o) and (p) are added to that subsection, present paragraphs (f)
44 through (h) of subsection (3) are redesignated as paragraphs (g)
45 through (i), respectively, and a new paragraph (f) is added to
46 that subsection, present subsections (4) through (11) are
47 renumbered as subsections (5) through (12), respectively, and a
48 new subsection (4) is added to that section, and paragraph (c)
49 of present subsection (8) and paragraph (b) of present
50 subsection (10) of that section are amended, to read:

51 39.001 Purposes and intent; personnel standards and
52 screening.—

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

54 (b) To recognize that most families desire to be competent
55 caregivers and providers for their children and that children
56 achieve their greatest potential when families are able to
57 support and nurture the growth and development of their
58 children. Therefore, the Legislature finds that policies and
59 procedures that provide for prevention and intervention through
60 the department's child protection system should be based on the
61 following principles:

62 1. The health and safety of the children served shall be of
63 paramount concern.

64 2. The prevention and intervention should engage families
65 in constructive, supportive, and nonadversarial relationships.

66 3. The prevention and intervention should intrude as little
67 as possible into the life of the family, be focused on clearly
68 defined objectives, and keep the safety of the child or children



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69 as the paramount concern ~~take the most parsimonious path to~~
70 ~~remedy a family's problems.~~

71 4. The prevention and intervention should be based upon
72 outcome evaluation results that demonstrate success in
73 protecting children and supporting families.

74 (c) To provide a child protection system that reflects a
75 partnership between the department, other agencies, the courts,
76 law enforcement agencies, service providers, and local
77 communities.

78 (g) To ensure that the parent or legal custodian from whose
79 custody the child has been taken assists the department to the
80 fullest extent possible in locating relatives suitable to serve
81 as caregivers for the child and provides all medical and
82 educational information, or consent for access thereto, needed
83 to help the child.

84 (k) To make every possible effort, if ~~when~~ two or more
85 children who are in the care or under the supervision of the
86 department are siblings, to place the siblings in the same home;
87 and in the event of permanent placement of the siblings, to
88 place them in the same adoptive home or, if the siblings are
89 separated while under the care or supervision of the department
90 or in a permanent placement, to keep them in contact with each
91 other.

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

94 (p) To provide protective investigations that are conducted
95 by trained persons in a complete and fair manner, that are
96 promptly concluded, and that consider the purposes of this
97 subsection and the general protections provided by law relating



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98 to child welfare.

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

102 (f) Access to sufficient supports and services for
103 medically complex children to allow them to remain in the least
104 restrictive and most nurturing environment, which includes
105 services in an amount and scope comparable to those services the
106 child would receive in out-of-home care placement.

107 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The department
108 shall maintain a program of family-centered services and
109 supports for medically complex children. The purpose of the
110 program is to prevent abuse and neglect of medically complex
111 children while enhancing the capacity of families to provide for
112 their children's needs. Program services must include outreach,
113 early intervention, and the provision of other supports and
114 services to meet the child's needs. The department shall
115 collaborate with all relevant state and local agencies to
116 provide needed services.

117 (9) ~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

119 1. Oversee the preparation and implementation of the state
120 plan established under subsection (10) ~~(9)~~ and revise and update
121 the state plan as necessary.

122 2. Provide for or make available continuing professional
123 education and training in the prevention of child abuse and
124 neglect.

125 3. Work to secure funding in the form of appropriations,
126 gifts, and grants from the state, the Federal Government, and



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127 other public and private sources in order to ensure that
128 sufficient funds are available for the promotion of adoption,
129 support of adoptive families, and child abuse prevention
130 efforts.

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

133 a. Programs and services for the promotion of adoption,
134 support of adoptive families, and prevention of child abuse and
135 neglect.

136 b. Training programs for the prevention of child abuse and
137 neglect.

138 c. Multidisciplinary and discipline-specific training
139 programs for professionals with responsibilities affecting
140 children, young adults, and families.

141 d. Efforts to promote adoption.

142 e. Postadoptive services to support adoptive families.

143 5. Monitor, evaluate, and review the development and
144 quality of local and statewide services and programs for the
145 promotion of adoption, support of adoptive families, and
146 prevention of child abuse and neglect and shall publish and
147 distribute an annual report of its findings on or before January
148 1 of each year to the Governor, the Speaker of the House of
149 Representatives, the President of the Senate, the head of each
150 state agency affected by the report, and the appropriate
151 substantive committees of the Legislature. The report shall
152 include:

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

154 b. A summary of the adoption data collected and reported to
155 the federal Adoption and Foster Care Analysis and Reporting



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156 System (AFCARS) and the federal Administration for Children and
157 Families.

158 c. A summary of the child abuse prevention data collected
159 and reported to the National Child Abuse and Neglect Data System
160 (NCANDS) and the federal Administration for Children and
161 Families.

162 d. A summary detailing the timeliness of the adoption
163 process for children adopted from within the child welfare
164 system.

165 e. Recommendations, by state agency, for the further
166 development and improvement of services and programs for the
167 promotion of adoption, support of adoptive families, and
168 prevention of child abuse and neglect.

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

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

173 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—

174 (b) The office and the other agencies and organizations
175 listed in paragraph (10) (a) ~~(9)~~ (a) shall readdress the state
176 plan and make necessary revisions every 5 years, at a minimum.
177 Such revisions shall be submitted to the Speaker of the House of
178 Representatives and the President of the Senate no later than
179 June 30 of each year divisible by 5. At least biennially, the
180 office shall review the state plan and make any necessary
181 revisions based on changing needs and program evaluation
182 results. An annual progress report shall be submitted to update
183 the state plan in the years between the 5-year intervals. In
184 order to avoid duplication of effort, these required plans may



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185 be made a part of or merged with other plans required by either
186 the state or Federal Government, so long as the portions of the
187 other state or Federal Government plan that constitute the state
188 plan for the promotion of adoption, support of adoptive
189 families, and prevention of child abuse, abandonment, and
190 neglect are clearly identified as such and are provided to the
191 Speaker of the House of Representatives and the President of the
192 Senate as required under this section ~~above~~.

193 Section 3. Present subsections (59) through (65) of section
194 39.01, Florida Statutes, are redesignated as subsections (60)
195 through (66), respectively, present subsections (67) through
196 (69) are redesignated as subsections (68) through (70),
197 respectively, present subsections (70) through (76) are
198 redesignated as subsections (72) through (78), respectively, new
199 subsections (31), (41), (59), (67), and (71) are added to that
200 section, and subsections (7), (14), (18), (22), (26), and (27)
201 and present subsections (28) through (41), (59), and (65) of
202 that section are amended, to read:

203 39.01 Definitions.—When used in this chapter, unless the
204 context otherwise requires:

205 (7) ~~“Alleged juvenile sexual offender” means:~~

206 ~~(a) A child 12 years of age or younger who is alleged to~~
207 ~~have committed a violation of chapter 794, chapter 796, chapter~~
208 ~~800, s. 827.071, or s. 847.0133; or~~

209 ~~(b) A child who is alleged to have committed any violation~~
210 ~~of law or delinquent act involving juvenile sexual abuse.~~

211 “Juvenile sexual abuse” means any sexual behavior which occurs
212 without consent, without equality, or as a result of coercion.

213 For purposes of this subsection ~~paragraph~~, the following



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214 definitions apply:

215 ~~(a)1.~~ "Coercion" means the exploitation of authority or the
216 use of bribes, threats of force, or intimidation to gain
217 cooperation or compliance.

218 ~~(b)2.~~ "Equality" means two participants operating with the
219 same level of power in a relationship, neither being controlled
220 nor coerced by the other.

221 ~~(c)3.~~ "Consent" means an agreement, including all of the
222 following:

223 ~~1.a.~~ Understanding what is proposed based on age, maturity,
224 developmental level, functioning, and experience.

225 ~~2.b.~~ Knowledge of societal standards for what is being
226 proposed.

227 ~~3.c.~~ Awareness of potential consequences and alternatives.

228 ~~4.d.~~ Assumption that agreement or disagreement will be
229 accepted equally.

230 ~~5.e.~~ Voluntary decision.

231 ~~6.f.~~ Mental competence.

232

233 Juvenile sexual ~~offender~~ behavior ranges from noncontact sexual
234 behavior such as making obscene phone calls, exhibitionism,
235 voyeurism, and the showing or taking of lewd photographs to
236 varying degrees of direct sexual contact, such as frottage,
237 fondling, digital penetration, rape, fellatio, sodomy, and
238 various other sexually aggressive acts.

239 (14) "Child who has exhibited inappropriate sexual
240 behavior" means a child ~~who is 12 years of age or younger and~~
241 who has been found by the department or the court to have
242 committed an inappropriate sexual act.



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243 (18) "Comprehensive assessment" or "assessment" means the
244 gathering of information for the evaluation of a child's and
245 caregiver's physical, psychiatric, psychological, or mental
246 health; developmental delays or challenges; and educational,
247 vocational, and social condition and family environment as they
248 relate to the child's and caregiver's need for rehabilitative
249 and treatment services, including substance abuse treatment
250 services, mental health services, developmental services,
251 literacy services, medical services, family services, and other
252 specialized services, as appropriate.

253 (22) "Diligent efforts by a parent" means a course of
254 conduct which results in a meaningful change in the behavior of
255 a parent that reduces ~~reduction in~~ risk to the child in the
256 child's home to the extent that ~~would allow~~ the child may ~~to~~ be
257 safely placed permanently back in the home as set forth in the
258 case plan.

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

261 ~~(27) "District administrator" means the chief operating~~
262 ~~officer of each service district of the department as defined in~~
263 ~~s. 20.19(5) and, where appropriate, includes any district~~
264 ~~administrator whose service district falls within the boundaries~~
265 ~~of a judicial circuit.~~

266 ~~(26)(28)~~ "Expedited termination of parental rights" means
267 proceedings wherein a case plan with the goal of reunification
268 is not being offered.

269 ~~(27)(29)~~ "False report" means a report of abuse, neglect,
270 or abandonment of a child to the central abuse hotline, which
271 report is maliciously made for the purpose of:



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- 272 (a) Harassing, embarrassing, or harming another person;
273 (b) Personal financial gain for the reporting person;
274 (c) Acquiring custody of a child; or
275 (d) Personal benefit for the reporting person in any other
276 private dispute involving a child.

277
278 The term "false report" does not include a report of abuse,
279 neglect, or abandonment of a child made in good faith to the
280 central abuse hotline.

281 ~~(28)~~ ~~(30)~~ "Family" means a collective body of persons,
282 consisting of a child and a parent, legal custodian, or adult
283 relative, in which:

- 284 (a) The persons reside in the same house or living unit; or
285 (b) The parent, legal custodian, or adult relative has a
286 legal responsibility by blood, marriage, or court order to
287 support or care for the child.

288 ~~(29)~~ ~~(31)~~ "Foster care" means care provided a child in a
289 foster family or boarding home, group home, agency boarding
290 home, child care institution, or any combination thereof.

291 ~~(30)~~ ~~(32)~~ "Harm" to a child's health or welfare can occur
292 when any person:

- 293 (a) Inflicts or allows to be inflicted upon the child
294 physical, mental, or emotional injury. In determining whether
295 harm has occurred, the following factors must be considered in
296 evaluating any physical, mental, or emotional injury to a child:
297 the age of the child; any prior history of injuries to the
298 child; the location of the injury on the body of the child; the
299 multiplicity of the injury; and the type of trauma inflicted.

300 Such injury includes, but is not limited to:



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- 301 1. Willful acts that produce the following specific
302 injuries:
303 a. Sprains, dislocations, or cartilage damage.
304 b. Bone or skull fractures.
305 c. Brain or spinal cord damage.
306 d. Intracranial hemorrhage or injury to other internal
307 organs.
308 e. Asphyxiation, suffocation, or drowning.
309 f. Injury resulting from the use of a deadly weapon.
310 g. Burns or scalding.
311 h. Cuts, lacerations, punctures, or bites.
312 i. Permanent or temporary disfigurement.
313 j. Permanent or temporary loss or impairment of a body part
314 or function.

315
316 As used in this subparagraph, the term "willful" refers to the
317 intent to perform an action, not to the intent to achieve a
318 result or to cause an injury.

319 2. Purposely giving a child poison, alcohol, drugs, or
320 other substances that substantially affect the child's behavior,
321 motor coordination, or judgment or that result in sickness or
322 internal injury. For the purposes of this subparagraph, the term
323 "drugs" means prescription drugs not prescribed for the child or
324 not administered as prescribed, and controlled substances as
325 outlined in Schedule I or Schedule II of s. 893.03.

326 3. Leaving a child without adult supervision or arrangement
327 appropriate for the child's age or mental or physical condition,
328 so that the child is unable to care for the child's own needs or
329 another's basic needs or is unable to exercise good judgment in



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330 responding to any kind of physical or emotional crisis.
331 4. Inappropriate or excessively harsh disciplinary action
332 that is likely to result in physical injury, mental injury as
333 defined in this section, or emotional injury. The significance
334 of any injury must be evaluated in light of the following
335 factors: the age of the child; any prior history of injuries to
336 the child; the location of the injury on the body of the child;
337 the multiplicity of the injury; and the type of trauma
338 inflicted. Corporal discipline may be considered excessive or
339 abusive when it results in any of the following or other similar
340 injuries:
341 a. Sprains, dislocations, or cartilage damage.
342 b. Bone or skull fractures.
343 c. Brain or spinal cord damage.
344 d. Intracranial hemorrhage or injury to other internal
345 organs.
346 e. Asphyxiation, suffocation, or drowning.
347 f. Injury resulting from the use of a deadly weapon.
348 g. Burns or scalding.
349 h. Cuts, lacerations, punctures, or bites.
350 i. Permanent or temporary disfigurement.
351 j. Permanent or temporary loss or impairment of a body part
352 or function.
353 k. Significant bruises or welts.
354 (b) Commits, or allows to be committed, sexual battery, as
355 defined in chapter 794, or lewd or lascivious acts, as defined
356 in chapter 800, against the child.
357 (c) Allows, encourages, or forces the sexual exploitation
358 of a child, which includes allowing, encouraging, or forcing a



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359 child to:

- 360 1. Solicit for or engage in prostitution; or
361 2. Engage in a sexual performance, as defined by chapter
362 827.

363 (d) Exploits a child, or allows a child to be exploited, as
364 provided in s. 450.151.

365 (e) Abandons the child. Within the context of the
366 definition of "harm," the term "abandoned the child" or
367 "abandonment of the child" means a situation in which the parent
368 or legal custodian of a child or, in the absence of a parent or
369 legal custodian, the caregiver, while being able, has made no
370 significant contribution to the child's care and maintenance or
371 has failed to establish or maintain a substantial and positive
372 relationship with the child, or both. For purposes of this
373 paragraph, "establish or maintain a substantial and positive
374 relationship" includes, but is not limited to, frequent and
375 regular contact with the child through frequent and regular
376 visitation or frequent and regular communication to or with the
377 child, and the exercise of parental rights and responsibilities.
378 Marginal efforts and incidental or token visits or
379 communications are not sufficient to establish or maintain a
380 substantial and positive relationship with a child. The term
381 "abandoned" does not include a surrendered newborn infant as
382 described in s. 383.50, a child in need of services as defined
383 in chapter 984, or a family in need of services as defined in
384 chapter 984. The incarceration, repeated incarceration, or
385 extended incarceration of a parent, legal custodian, or
386 caregiver responsible for a child's welfare may support a
387 finding of abandonment.



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388 (f) Neglects the child. Within the context of the
389 definition of "harm," the term "neglects the child" means that
390 the parent or other person responsible for the child's welfare
391 fails to supply the child with adequate food, clothing, shelter,
392 or health care, although financially able to do so or although
393 offered financial or other means to do so. However, a parent or
394 legal custodian who, by reason of the legitimate practice of
395 religious beliefs, does not provide specified medical treatment
396 for a child may not be considered abusive or neglectful for that
397 reason alone, but such an exception does not:

398 1. Eliminate the requirement that such a case be reported
399 to the department;

400 2. Prevent the department from investigating such a case;
401 or

402 3. Preclude a court from ordering, when the health of the
403 child requires it, the provision of medical services by a
404 physician, as defined in this section, or treatment by a duly
405 accredited practitioner who relies solely on spiritual means for
406 healing in accordance with the tenets and practices of a well-
407 recognized church or religious organization.

408 (g) Exposes a child to a controlled substance or alcohol.
409 Exposure to a controlled substance or alcohol is established by:

410 1. A test, administered at birth, which indicated that the
411 child's blood, urine, or meconium contained any amount of
412 alcohol or a controlled substance or metabolites of such
413 substances, the presence of which was not the result of medical
414 treatment administered to the mother or the newborn infant; or

415 2. Evidence of extensive, abusive, and chronic use of a
416 controlled substance or alcohol by a parent when the child is



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417 demonstrably adversely affected by such usage.

418

419 As used in this paragraph, the term "controlled substance" means
420 prescription drugs not prescribed for the parent or not
421 administered as prescribed and controlled substances as outlined
422 in Schedule I or Schedule II of s. 893.03.

423 (h) Uses mechanical devices, unreasonable restraints, or
424 extended periods of isolation to control a child.

425 (i) Engages in violent behavior that demonstrates a wanton
426 disregard for the presence of a child and could reasonably
427 result in serious injury to the child.

428 (j) Negligently fails to protect a child in his or her care
429 from inflicted physical, mental, or sexual injury caused by the
430 acts of another.

431 (k) Has allowed a child's sibling to die as a result of
432 abuse, abandonment, or neglect.

433 (l) Makes the child unavailable for the purpose of impeding
434 or avoiding a protective investigation unless the court
435 determines that the parent, legal custodian, or caregiver was
436 fleeing from a situation involving domestic violence.

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

442 (32)~~(33)~~ "Institutional child abuse or neglect" means
443 situations of known or suspected child abuse or neglect in which
444 the person allegedly perpetrating the child abuse or neglect is
445 an employee of a private school, public or private day care



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446 center, residential home, institution, facility, or agency or
447 any other person at such institution responsible for the child's
448 care as defined in subsection (47).

449 ~~(33)~~(34) "Judge" means the circuit judge exercising
450 jurisdiction pursuant to this chapter.

451 ~~(34)~~(35) "Legal custody" means a legal status created by a
452 court which vests in a custodian of the person or guardian,
453 whether an agency or an individual, the right to have physical
454 custody of the child and the right and duty to protect, nurture,
455 guide, and discipline the child and to provide him or her with
456 food, shelter, education, and ordinary medical, dental,
457 psychiatric, and psychological care.

458 ~~(35)~~(36) "Licensed child-caring agency" means a person,
459 society, association, or agency licensed by the department to
460 care for, receive, and board children.

461 ~~(36)~~(37) "Licensed child-placing agency" means a person,
462 society, association, or institution licensed by the department
463 to care for, receive, or board children and to place children in
464 a licensed child-caring institution or a foster or adoptive
465 home.

466 ~~(37)~~(38) "Licensed health care professional" means a
467 physician licensed under chapter 458, an osteopathic physician
468 licensed under chapter 459, a nurse licensed under part I of
469 chapter 464, a physician assistant licensed under chapter 458 or
470 chapter 459, or a dentist licensed under chapter 466.

471 ~~(38)~~(39) "Likely to injure oneself" means that, as
472 evidenced by violent or other actively self-destructive
473 behavior, it is more likely than not that within a 24-hour
474 period the child will attempt to commit suicide or inflict



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475 serious bodily harm on himself or herself.

476 (39)-(40) "Likely to injure others" means that it is more
477 likely than not that within a 24-hour period the child will
478 inflict serious and unjustified bodily harm on another person.

479 (40)-(41) "Mediation" means a process whereby a neutral
480 third person called a mediator acts to encourage and facilitate
481 the resolution of a dispute between two or more parties. It is
482 an informal and nonadversarial process with the objective of
483 helping the disputing parties reach a mutually acceptable and
484 voluntary agreement. The role of the mediator includes, but is
485 not limited to, assisting the parties in identifying issues,
486 fostering joint problem solving, and exploring settlement
487 alternatives.

488 (41) "Medical neglect" means the failure to provide or the
489 failure to allow needed care as recommended by a health care
490 practitioner for a physical injury, illness, medical condition,
491 or impairment, or the failure to seek timely and appropriate
492 medical care for a serious health problem that a reasonable
493 person would have recognized as requiring professional medical
494 attention. Medical neglect does not occur if the parent or legal
495 guardian of the child has made reasonable attempts to obtain
496 necessary health care services or the immediate health condition
497 giving rise to the allegation of neglect is a known and expected
498 complication of the child's diagnosis or treatment and:

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

502 (b) The parent or legal guardian received conflicting
503 medical recommendations for treatment from multiple



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504 practitioners and did not follow all recommendations.

505 (59) "Present danger" means a significant and clearly
506 observable family condition that is occurring at the current
507 moment and is already endangering or threatening to endanger the
508 child. Present danger threats are conspicuous and require that
509 an immediate protective action be taken to ensure the child's
510 safety.

511 (60)~~(59)~~ "Preventive services" means social services and
512 other supportive and rehabilitative services provided to the
513 parent or legal custodian of the child and to the child for the
514 purpose of averting the removal of the child from the home or
515 disruption of a family which will or could result in the
516 placement of a child in foster care. Social services and other
517 supportive and rehabilitative services shall promote the child's
518 developmental needs and need for physical, mental, and emotional
519 health and a safe, stable, living environment;; shall promote
520 family autonomy;; and shall strengthen family life, whenever
521 possible.

522 (66)~~(65)~~ "Reunification services" means social services and
523 other supportive and rehabilitative services provided to the
524 parent of the child, to the child, and, where appropriate, to
525 the relative placement, nonrelative placement, or foster parents
526 of the child, for the purpose of enabling a child who has been
527 placed in out-of-home care to safely return to his or her parent
528 at the earliest possible time. The health and safety of the
529 child shall be the paramount goal of social services and other
530 supportive and rehabilitative services. The services shall
531 promote the child's need for physical, developmental, mental,
532 and emotional health and a safe, stable, living environment;;



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533 shall promote family autonomy;⁷ and shall strengthen family
534 life, whenever possible.

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

539 (71) "Sibling" means:

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

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

544 Section 4. Subsection (12) is added to section 39.013,
545 Florida Statutes, to read:

546 39.013 Procedures and jurisdiction; right to counsel.—

547 (12) The department shall be represented by counsel in each
548 dependency proceeding. Through its attorneys, the department
549 shall make recommendations to the court on issues before the
550 court and may support its recommendations through testimony and
551 other evidence by its own employees, employees of sheriff's
552 offices providing child protection services, employees of its
553 contractors, employees of its contractor's subcontractors, or
554 from any other relevant source.

555 Section 5. Paragraph (c) of subsection (2) of section
556 39.201, Florida Statutes, is amended to read:

557 39.201 Mandatory reports of child abuse, abandonment, or
558 neglect; mandatory reports of death; central abuse hotline.—

559 (2)

560 (c) Reports involving ~~a known or suspected~~ juvenile sexual
561 abuse offender or a child who has exhibited inappropriate sexual



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562 behavior shall be made and received by the department. An
563 alleged incident of juvenile sexual abuse involving a child who
564 is in the custody of or protective supervision of the department
565 shall be reported to the department's central abuse hotline.

566 ~~1. The department shall determine the age of the alleged~~
567 ~~offender, if known.~~

568 ~~2. If the alleged offender is 12 years of age or younger,~~
569 The central abuse hotline shall immediately electronically
570 transfer the report or call to the county sheriff's office. The
571 department shall conduct an assessment and assist the family in
572 receiving appropriate services pursuant to s. 39.307, and send a
573 written report of the allegation to the appropriate county
574 sheriff's office within 48 hours after the initial report is
575 made to the central abuse hotline.

576 2. The department shall ensure that the facts and results
577 of any investigation of child sexual abuse involving a child in
578 the custody of or under the protective supervision of the
579 department are made known to the court at the next hearing or
580 included in the next report to the court concerning the child.

581 ~~3. If the alleged offender is 13 years of age or older, the~~
582 ~~central abuse hotline shall immediately electronically transfer~~
583 ~~the report or call to the appropriate county sheriff's office~~
584 ~~and send a written report to the appropriate county sheriff's~~
585 ~~office within 48 hours after the initial report to the central~~
586 ~~abuse hotline.~~

587 Section 6. Effective January 1, 2015, section 39.2015,
588 Florida Statutes, is created to read:

589 39.2015 Critical incident rapid response team.-

590 (1) As part of the department's quality assurance program,



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591 the department shall provide an immediate multiagency
592 investigation of certain child deaths or other serious
593 incidents. The purpose of such investigation is to identify root
594 causes and rapidly determine the need to change policies and
595 practices related to child protection and child welfare.

596 (2) An immediate onsite investigation conducted by a
597 critical incident rapid response team is required for all child
598 deaths reported to the department if the child or another child
599 in his or her family was the subject of a verified report of
600 suspected abuse or neglect during the previous 12 months. The
601 secretary may direct an immediate investigation for other cases
602 involving serious injury to a child.

603 (3) Each investigation shall be conducted by a multiagency
604 team of at least five professionals with expertise in child
605 protection, child welfare, and organizational management. The
606 team may consist of employees of the department, community-based
607 care lead agencies, Children's Medical Services, and community-
608 based care provider organizations; faculty from the institute
609 consisting of public and private universities offering degrees
610 in social work established pursuant to s. 1004.615; or any other
611 person with the required expertise. The majority of the team
612 must reside in judicial circuits outside the location of the
613 incident. The secretary shall appoint a team leader for each
614 group assigned to an investigation.

615 (4) An investigation shall be initiated as soon as
616 possible, but not later than 2 business days after the case is
617 reported to the department. A preliminary report on each case
618 shall be provided to the secretary no later than 30 days after
619 the investigation begins.



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

622 (6) All employees of the department or other state agencies
623 and all personnel from community-based care lead agencies and
624 community-based care lead agency subcontractors must cooperate
625 with the investigation by participating in interviews and timely
626 responding to any requests for information. The members of the
627 team may only access the records and information of contracted
628 provider organizations which are available to the department by
629 law.

630 (7) The secretary shall develop cooperative agreements with
631 other entities and organizations as necessary to facilitate the
632 work of the team.

633 (8) The members of the team may be reimbursed by the
634 department for per diem, mileage, and other reasonable expenses
635 as provided in s. 112.061. The department may also reimburse the
636 team member's employer for the associated salary and benefits
637 during the time the team member is fulfilling the duties
638 required under this section.

639 (9) Upon completion of the investigation, the department
640 shall make the team's final report, excluding any confidential
641 information, available on its website.

642 (10) The secretary, in conjunction with the institute
643 established pursuant to s. 1004.615, shall develop guidelines
644 for investigations conducted by critical incident rapid response
645 teams and provide training to team members. Such guidelines must
646 direct the teams in the conduct of a root-cause analysis that
647 identifies, classifies, and attributes responsibility for both
648 direct and latent causes for the death or other incident,



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649 including organizational factors, preconditions, and specific
650 acts or omissions resulting from either error or a violation of
651 procedures.

652 (11) The secretary shall appoint an advisory committee made
653 up of experts in child protection and child welfare, including
654 the Statewide Medical Director for Child Protection under the
655 Department of Health, to conduct an independent review of
656 investigative reports from the critical incident rapid response
657 teams and make recommendations to improve policies and practices
658 related to child protection and child welfare services. By
659 October 1 of each year, the advisory committee shall submit a
660 report to the secretary that includes findings and
661 recommendations. The secretary shall submit the report to the
662 Governor, the President of the Senate, and the Speaker of the
663 House of Representatives.

664 Section 7. Section 39.2022, Florida Statutes, is created to
665 read:

666 39.2022 Public disclosure of reported child deaths.-

667 (1) It is the intent of the Legislature to provide prompt
668 disclosure of the basic facts of all deaths of children from
669 birth through 18 years of age which occur in this state and
670 which are reported to the department's central abuse hotline.
671 Disclosure shall be posted on the department's public website.
672 This section does not limit the public access to records under
673 any other provision of law.

674 (2) Notwithstanding s. 39.202, if a child death is reported
675 to the central abuse hotline, the department shall post on its
676 website all of the following:

677 (a) The date of the child's death.



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678 (b) Any allegations of the cause of death or the
679 preliminary cause of death, and the verified cause of death, if
680 known.

681 (c) The county where the child resided.

682 (d) The name of the community-based care lead agency, case
683 management agency, or out-of-home licensing agency involved with
684 the child, family, or licensed caregiver, if applicable.

685 (e) Whether the child has been the subject of any prior
686 verified reports to the department's central abuse hotline.

687 Section 8. Subsections (9) and (14) of section 39.301,
688 Florida Statutes, are amended to read:

689 39.301 Initiation of protective investigations.-

690 (9) (a) For each report received from the central abuse
691 hotline and accepted for investigation, the department or the
692 sheriff providing child protective investigative services under
693 s. 39.3065, shall perform the following child protective
694 investigation activities to determine child safety:

695 1. Conduct a review of all relevant, available information
696 specific to the child and family and alleged maltreatment;
697 family child welfare history; local, state, and federal criminal
698 records checks; and requests for law enforcement assistance
699 provided by the abuse hotline. Based on a review of available
700 information, including the allegations in the current report, a
701 determination shall be made as to whether immediate consultation
702 should occur with law enforcement, the child protection team, a
703 domestic violence shelter or advocate, or a substance abuse or
704 mental health professional. Such consultations should include
705 discussion as to whether a joint response is necessary and
706 feasible. A determination shall be made as to whether the person



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707 making the report should be contacted before the face-to-face
708 interviews with the child and family members.

709 2. Conduct face-to-face interviews with the child; other
710 siblings, if any; and the parents, legal custodians, or
711 caregivers.

712 3. Assess the child's residence, including a determination
713 of the composition of the family and household, including the
714 name, address, date of birth, social security number, sex, and
715 race of each child named in the report; any siblings or other
716 children in the same household or in the care of the same
717 adults; the parents, legal custodians, or caregivers; and any
718 other adults in the same household.

719 4. Determine whether there is any indication that any child
720 in the family or household has been abused, abandoned, or
721 neglected; the nature and extent of present or prior injuries,
722 abuse, or neglect, and any evidence thereof; and a determination
723 as to the person or persons apparently responsible for the
724 abuse, abandonment, or neglect, including the name, address,
725 date of birth, social security number, sex, and race of each
726 such person.

727 5. Complete assessment of immediate child safety for each
728 child based on available records, interviews, and observations
729 with all persons named in subparagraph 2. and appropriate
730 collateral contacts, which may include other professionals. The
731 department's child protection investigators are hereby
732 designated a criminal justice agency for the purpose of
733 accessing criminal justice information to be used for enforcing
734 this state's laws concerning the crimes of child abuse,
735 abandonment, and neglect. This information shall be used solely



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736 for purposes supporting the detection, apprehension,
737 prosecution, pretrial release, posttrial release, or
738 rehabilitation of criminal offenders or persons accused of the
739 crimes of child abuse, abandonment, or neglect and may not be
740 further disseminated or used for any other purpose.

741 6. Document the present and impending dangers to each child
742 based on the identification of inadequate protective capacity
743 through utilization of a standardized safety assessment
744 instrument. If present or impending danger is identified, the
745 child protective investigator must implement a safety plan or
746 take the child into custody. If present danger is identified and
747 the child is not removed, the child protective investigator
748 shall create and implement a safety plan before leaving the home
749 or the location where there is present danger. If impending
750 danger is identified, the child protective investigator shall
751 create and implement a safety plan as soon as necessary to
752 protect the safety of the child. The child protective
753 investigator may modify the safety plan if he or she identifies
754 additional impending danger.

755 a. If the child protective investigator implements a safety
756 plan, the plan must be specific, sufficient, feasible, and
757 sustainable in response to the realities of the present or
758 impending danger. A safety plan may be an in-home plan or an
759 out-of-home plan, or a combination of both. A safety plan may
760 not rely solely on promissory commitments by the parent,
761 caregiver, or legal custodian who is currently not able to
762 protect the child or on services that are not available or will
763 not result in the safety of the child. A safety plan may not be
764 implemented if for any reason the parents, guardian, or legal



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765 custodian lacks the capacity or ability to comply with the plan.
766 If the department is not able to develop a plan that is
767 specific, sufficient, feasible, and sustainable, the department
768 shall file a shelter petition. A child protective investigator
769 shall implement separate safety plans for the perpetrator of
770 domestic violence and the parent who is a victim of domestic
771 violence as defined in s. 741.28. If the perpetrator of domestic
772 violence is not the parent, guardian, or legal custodian of the
773 child, the child protective investigator shall seek issuance of
774 an injunction authorized by s. 39.504 to implement a safety plan
775 for the perpetrator and impose any other conditions to protect
776 the child. The safety plan for the parent who is a victim of
777 domestic violence may not be shared with the perpetrator. If any
778 party to a safety plan fails to comply with the safety plan
779 resulting in the child being unsafe, the department shall file a
780 shelter petition.

781 b. The child protective investigator shall collaborate with
782 the community-based care lead agency in the development of the
783 safety plan as necessary to ensure that the safety plan is
784 specific, sufficient, feasible, and sustainable. The child
785 protective investigator shall identify services necessary for
786 the successful implementation of the safety plan. The child
787 protective investigator and the community-based care lead agency
788 shall mobilize service resources to assist all parties in
789 complying with the safety plan. The community-based care lead
790 agency shall prioritize safety plan services to families who
791 have multiple risk factors, including, but not limited to, two
792 or more of the following:

793 (I) The parent or legal custodian is of young age;



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794 (II) The parent or legal custodian, or an adult currently
795 living in or frequently visiting the home, has a history of
796 substance abuse, mental illness, or domestic violence;

797 (III) The parent or legal custodian, or an adult currently
798 living in or frequently visiting the home, has been previously
799 found to have physically or sexually abused a child;

800 (IV) The parent or legal custodian or an adult currently
801 living in or frequently visiting the home has been the subject
802 of multiple allegations by reputable reports of abuse or
803 neglect;

804 (V) The child is physically or developmentally disabled; or

805 (VI) The child is 3 years of age or younger.

806 c. The child protective investigator shall monitor the
807 implementation of the plan to ensure the child's safety until
808 the case is transferred to the lead agency at which time the
809 lead agency shall monitor the implementation.

810 ~~(b) Upon completion of the immediate safety assessment, the~~
811 ~~department shall determine the additional activities necessary~~
812 ~~to assess impending dangers, if any, and close the~~
813 ~~investigation.~~

814 (b)(e) For each report received from the central abuse
815 hotline, the department or the sheriff providing child
816 protective investigative services under s. 39.3065, shall
817 determine the protective, treatment, and ameliorative services
818 necessary to safeguard and ensure the child's safety and well-
819 being and development, and cause the delivery of those services
820 through the early intervention of the department or its agent.
821 As applicable, child protective investigators must inform
822 parents and caregivers how and when to use the injunction



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823 process under s. 741.30 to remove a perpetrator of domestic
824 violence from the home as an intervention to protect the child.

825 1. If the department or the sheriff providing child
826 protective investigative services determines that the interests
827 of the child and the public will be best served by providing the
828 child care or other treatment voluntarily accepted by the child
829 and the parents or legal custodians, the parent or legal
830 custodian and child may be referred for such care, case
831 management, or other community resources.

832 2. If the department or the sheriff providing child
833 protective investigative services determines that the child is
834 in need of protection and supervision, the department may file a
835 petition for dependency.

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

839 4. At the close of an investigation, the department or the
840 sheriff providing child protective services shall provide to the
841 person who is alleged to have caused the abuse, neglect, or
842 abandonment and the parent or legal custodian a summary of
843 findings from the investigation and provide information about
844 their right to access confidential reports in accordance with s.
845 39.202.

846 (14) (a) If the department or its agent determines that a
847 child requires immediate or long-term protection through~~+~~

848 ~~1-~~ medical or other health care~~+~~ or

849 ~~2-~~ homemaker care, day care, protective supervision, or
850 other services to stabilize the home environment, including
851 intensive family preservation services through the Intensive



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852 Crisis Counseling Program, such services shall first be offered
853 for voluntary acceptance unless:

854 1. There are high-risk factors that may impact the ability
855 of the parents or legal custodians to exercise judgment. Such
856 factors may include the parents' or legal custodians' young age
857 or history of substance abuse, mental illness, or domestic
858 violence; or

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

862 (b) The parents or legal custodians shall be informed of
863 the right to refuse services, as well as the responsibility of
864 the department to protect the child regardless of the acceptance
865 or refusal of services. If the services are refused, a
866 collateral contact shall include a relative, if the protective
867 investigator has knowledge of and the ability to contact a
868 relative. If the services are refused and the department deems
869 that the child's need for protection ~~se~~ requires services, the
870 department shall take the child into protective custody or
871 petition the court as provided in this chapter. At any time
872 after the commencement of a protective investigation, a relative
873 may submit in writing to the protective investigator or case
874 manager a request to receive notification of all proceedings and
875 hearings in accordance with s. 39.502. The request shall include
876 the relative's name, address, and phone number and the
877 relative's relationship to the child. The protective
878 investigator or case manager shall forward such request to the
879 attorney for the department. The failure to provide notice to
880 either a relative who requests it pursuant to this subsection or



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881 to a relative who is providing out-of-home care for a child may
882 not result in any previous action of the court at any stage or
883 proceeding in dependency or termination of parental rights under
884 any part of this chapter being set aside, reversed, modified, or
885 in any way changed absent a finding by the court that a change
886 is required in the child's best interests.

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

889 1. Criteria that are factors requiring that the department
890 take the child into custody, petition the court as provided in
891 this chapter, or, if the child is not taken into custody or a
892 petition is not filed with the court, conduct an administrative
893 review. Such factors must include, but are not limited to,
894 noncompliance with a safety plan or the case plan developed by
895 the department, and the family under this chapter, and prior
896 abuse reports with findings that involve the child, the child's
897 sibling, or the child's caregiver.

898 2. Requirements that if after an administrative review the
899 department determines not to take the child into custody or
900 petition the court, the department shall document the reason for
901 its decision in writing and include it in the investigative
902 file. For all cases that were accepted by the local law
903 enforcement agency for criminal investigation pursuant to
904 subsection (2), the department must include in the file written
905 documentation that the administrative review included input from
906 law enforcement. In addition, for all cases that must be
907 referred to child protection teams pursuant to s. 39.303(2) and
908 (3), the file must include written documentation that the
909 administrative review included the results of the team's



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910 ~~evaluation. Factors that must be included in the development of~~
911 ~~the rule include noncompliance with the case plan developed by~~
912 ~~the department, or its agent, and the family under this chapter~~
913 ~~and prior abuse reports with findings that involve the child or~~
914 ~~caregiver.~~

915 Section 9. Section 39.303, Florida Statutes, is amended to
916 read:

917 39.303 Child protection teams; services; eligible cases.—
918 The Children's Medical Services Program in the Department of
919 Health shall develop, maintain, and coordinate the services of
920 one or more multidisciplinary child protection teams in each of
921 the service districts of the Department of Children and Families
922 ~~Family Services~~. Such teams may be composed of appropriate
923 representatives of school districts and appropriate health,
924 mental health, social service, legal service, and law
925 enforcement agencies. ~~The Legislature finds that optimal~~
926 ~~coordination of child protection teams and sexual abuse~~
927 ~~treatment programs requires collaboration between~~ The Department
928 of Health and the Department of Children and Families ~~Family~~
929 ~~Services~~. ~~The two departments~~ shall maintain an interagency
930 agreement that establishes protocols for oversight and
931 operations of child protection teams and sexual abuse treatment
932 programs. The State Surgeon General and the Deputy Secretary for
933 Children's Medical Services, in consultation with the Secretary
934 of Children and Families ~~Family Services~~, shall maintain the
935 responsibility for the screening, employment, and, if necessary,
936 the termination of child protection team medical directors, at
937 headquarters and in the 15 districts. Child protection team
938 medical directors shall be responsible for oversight of the



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939 teams in the districts.

940 (1) The Department of Health shall use ~~utilize~~ and convene
941 the teams to supplement the assessment and protective
942 supervision activities of the family safety and preservation
943 program of the Department of Children and Families ~~Family~~
944 ~~Services~~. ~~Nothing in~~ This section does not ~~shall be construed to~~
945 remove or reduce the duty and responsibility of any person to
946 report pursuant to this chapter all suspected or actual cases of
947 child abuse, abandonment, or neglect or sexual abuse of a child.
948 The role of the teams shall be to support activities of the
949 program and to provide services deemed by the teams to be
950 necessary and appropriate to abused, abandoned, and neglected
951 children upon referral. The specialized diagnostic assessment,
952 evaluation, coordination, consultation, and other supportive
953 services that a child protection team shall be capable of
954 providing include, but are not limited to, the following:

955 (a) Medical diagnosis and evaluation services, including
956 provision or interpretation of X rays and laboratory tests, and
957 related services, as needed, and documentation of related
958 findings ~~relative thereto~~.

959 (b) Telephone consultation services in emergencies and in
960 other situations.

961 (c) Medical evaluation related to abuse, abandonment, or
962 neglect, as defined by policy or rule of the Department of
963 Health.

964 (d) Such psychological and psychiatric diagnosis and
965 evaluation services for the child or the child's parent or
966 parents, legal custodian or custodians, or other caregivers, or
967 any other individual involved in a child abuse, abandonment, or



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968 neglect case, as the team may determine to be needed.

969 (e) Expert medical, psychological, and related professional
970 testimony in court cases.

971 (f) Case staffings to develop treatment plans for children
972 whose cases have been referred to the team. A child protection
973 team may provide consultation with respect to a child who is
974 alleged or is shown to be abused, abandoned, or neglected, which
975 consultation shall be provided at the request of a
976 representative of the family safety and preservation program or
977 at the request of any other professional involved with a child
978 or the child's parent or parents, legal custodian or custodians,
979 or other caregivers. In every such child protection team case
980 staffing, consultation, or staff activity involving a child, a
981 family safety and preservation program representative shall
982 attend and participate.

983 (g) Case service coordination and assistance, including the
984 location of services available from other public and private
985 agencies in the community.

986 (h) Such training services for program and other employees
987 of the Department of Children and Families ~~Family Services~~,
988 employees of the Department of Health, and other medical
989 professionals as is deemed appropriate to enable them to develop
990 and maintain their professional skills and abilities in handling
991 child abuse, abandonment, and neglect cases.

992 (i) Educational and community awareness campaigns on child
993 abuse, abandonment, and neglect in an effort to enable citizens
994 more successfully to prevent, identify, and treat child abuse,
995 abandonment, and neglect in the community.

996 (j) Child protection team assessments that include, as



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997 appropriate, medical evaluations, medical consultations, family
998 psychosocial interviews, specialized clinical interviews, or
999 forensic interviews.

1000

1001 All medical personnel participating on a child protection team
1002 must successfully complete the required child protection team
1003 training curriculum as set forth in protocols determined by the
1004 Deputy Secretary for Children's Medical Services and the
1005 Statewide Medical Director for Child Protection. A child
1006 protection team that is evaluating a report of medical neglect
1007 and assessing the health care needs of a medically complex child
1008 shall consult with a physician who has experience in treating
1009 children with the same condition.

1010 (2) The child abuse, abandonment, and neglect reports that
1011 must be referred by the department to child protection teams of
1012 the Department of Health for an assessment and other appropriate
1013 available support services as set forth in subsection (1) must
1014 include cases involving:

1015 (a) Injuries to the head, bruises to the neck or head,
1016 burns, or fractures in a child of any age.

1017 (b) Bruises anywhere on a child 5 years of age or under.

1018 (c) Any report alleging sexual abuse of a child.

1019 (d) Any sexually transmitted disease in a prepubescent
1020 child.

1021 (e) Reported malnutrition of a child and failure of a child
1022 to thrive.

1023 (f) Reported medical neglect of a child.

1024 (g) Any family in which one or more children have been
1025 pronounced dead on arrival at a hospital or other health care



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1026 facility, or have been injured and later died, as a result of
1027 suspected abuse, abandonment, or neglect, when any sibling or
1028 other child remains in the home.

1029 (h) Symptoms of serious emotional problems in a child when
1030 emotional or other abuse, abandonment, or neglect is suspected.

1031 (3) All abuse and neglect cases transmitted for
1032 investigation to a district by the hotline must be
1033 simultaneously transmitted to the Department of Health child
1034 protection team for review. For the purpose of determining
1035 whether face-to-face medical evaluation by a child protection
1036 team is necessary, all cases transmitted to the child protection
1037 team which meet the criteria in subsection (2) must be timely
1038 reviewed by:

1039 (a) A physician licensed under chapter 458 or chapter 459
1040 who holds board certification in pediatrics and is a member of a
1041 child protection team;

1042 (b) A physician licensed under chapter 458 or chapter 459
1043 who holds board certification in a specialty other than
1044 pediatrics, who may complete the review only when working under
1045 the direction of a physician licensed under chapter 458 or
1046 chapter 459 who holds board certification in pediatrics and is a
1047 member of a child protection team;

1048 (c) An advanced registered nurse practitioner licensed
1049 under chapter 464 who has a specialty ~~speciality~~ in pediatrics
1050 or family medicine and is a member of a child protection team;

1051 (d) A physician assistant licensed under chapter 458 or
1052 chapter 459, who may complete the review only when working under
1053 the supervision of a physician licensed under chapter 458 or
1054 chapter 459 who holds board certification in pediatrics and is a



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1055 member of a child protection team; or

1056 (e) A registered nurse licensed under chapter 464, who may
1057 complete the review only when working under the direct
1058 supervision of a physician licensed under chapter 458 or chapter
1059 459 who holds certification in pediatrics and is a member of a
1060 child protection team.

1061 (4) A face-to-face medical evaluation by a child protection
1062 team is not necessary when:

1063 (a) The child was examined for the alleged abuse or neglect
1064 by a physician who is not a member of the child protection team,
1065 and a consultation between the child protection team board-
1066 certified pediatrician, advanced registered nurse practitioner,
1067 physician assistant working under the supervision of a child
1068 protection team board-certified pediatrician, or registered
1069 nurse working under the direct supervision of a child protection
1070 team board-certified pediatrician, and the examining physician
1071 concludes that a further medical evaluation is unnecessary;

1072 (b) The child protective investigator, with supervisory
1073 approval, has determined, after conducting a child safety
1074 assessment, that there are no indications of injuries as
1075 described in paragraphs (2) (a)-(h) as reported; or

1076 (c) The child protection team board-certified pediatrician,
1077 as authorized in subsection (3), determines that a medical
1078 evaluation is not required.

1079
1080 Notwithstanding paragraphs (a), (b), and (c), a child protection
1081 team pediatrician, as authorized in subsection (3), may
1082 determine that a face-to-face medical evaluation is necessary.

1083 (5) In all instances in which a child protection team is



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1084 providing certain services to abused, abandoned, or neglected
1085 children, other offices and units of the Department of Health,
1086 and offices and units of the Department of Children and Families
1087 ~~Family Services~~, shall avoid duplicating the provision of those
1088 services.

1089 (6) The Department of Health child protection team quality
1090 assurance program and the Family Safety Program Office of the
1091 Department of Children and Families ~~Family Services' Family~~
1092 ~~Safety Program Office quality assurance program~~ shall
1093 collaborate to ensure referrals and responses to child abuse,
1094 abandonment, and neglect reports are appropriate. Each quality
1095 assurance program shall include a review of records in which
1096 there are no findings of abuse, abandonment, or neglect, and the
1097 findings of these reviews shall be included in each department's
1098 quality assurance reports.

1099 Section 10. Section 39.3068, Florida Statutes, is created
1100 to read:

1101 39.3068 Reports of medical neglect.-

1102 (1) Upon receiving a report alleging medical neglect, the
1103 department or sheriff's office shall assign the case to a child
1104 protective investigator who has specialized training in
1105 addressing medical neglect or working with medically complex
1106 children, if such investigator is available. If a child
1107 protective investigator with specialized training is not
1108 available, the child protective investigator shall consult with
1109 department staff with such expertise.

1110 (2) The child protective investigator who has interacted
1111 with the child and the child's family shall promptly contact and
1112 provide information to the child protection team. The child



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1113 protection team shall assist the child protective investigator
1114 in identifying immediate responses to address the medical needs
1115 of the child with the priority of maintaining the child in the
1116 home if the parents will be able to meet the needs of the child
1117 with additional services. The child protective investigator and
1118 the child protection team must use a family-centered approach to
1119 assess the capacity of the family to meet those needs. A family-
1120 centered approach is intended to increase independence on the
1121 part of the family, accessibility to programs and services
1122 within the community, and collaboration between families and
1123 their service providers. The ethnic, cultural, economic, racial,
1124 social, and religious diversity of families must be respected
1125 and considered in the development and provision of services.

1126 (3) The child shall be evaluated by the child protection
1127 team as soon as practicable. After receipt of the report from
1128 the child protection team, the department shall convene a case
1129 staffing which shall be attended, at a minimum, by the child
1130 protective investigator; department legal staff; and
1131 representatives from the child protection team that evaluated
1132 the child, Children's Medical Services, the Agency for Health
1133 Care Administration, the community-based care lead agency, and
1134 any providers of services to the child. However, the Agency for
1135 Health Care Administration is not required to attend the
1136 staffing if the child is not Medicaid-eligible. The staffing
1137 shall consider, at a minimum, available services, given the
1138 family's eligibility for services; services that are effective
1139 in addressing conditions leading to medical neglect allegations;
1140 and services that would enable the child to safely remain at
1141 home. Any services that are available and effective, shall be



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1142 provided.

1143 Section 11. Section 39.307, Florida Statutes, is amended to
1144 read:

1145 39.307 Reports of child-on-child sexual abuse.—

1146 (1) Upon receiving a report alleging juvenile sexual abuse
1147 or inappropriate sexual behavior as defined in s. 39.01~~(7)~~, the
1148 department shall assist the family, child, and caregiver in
1149 receiving appropriate services to address the allegations of the
1150 report.

1151 (a) The department shall ensure that information describing
1152 the child's history of child sexual abuse is included in the
1153 child's electronic record. This record must also include
1154 information describing the services the child has received as a
1155 result of his or her involvement with child sexual abuse.

1156 (b) Placement decisions for a child who has been involved
1157 with child sexual abuse must include consideration of the needs
1158 of the child and any other children in the placement.

1159 (c) The department shall monitor the occurrence of child
1160 sexual abuse and the provision of services to children involved
1161 in child sexual abuse, juvenile sexual abuse, or who have
1162 displayed inappropriate sexual behavior.

1163 (2) The department, contracted sheriff's office providing
1164 protective investigation services, or contracted case management
1165 personnel responsible for providing services, at a minimum,
1166 shall adhere to the following procedures:

1167 (a) The purpose of the response to a report alleging
1168 juvenile sexual abuse behavior or inappropriate sexual behavior
1169 shall be explained to the caregiver.

1170 1. The purpose of the response shall be explained in a



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1171 manner consistent with legislative purpose and intent provided
1172 in this chapter.

1173 2. The name and office telephone number of the person
1174 responding shall be provided to the caregiver of the alleged
1175 abuser ~~juvenile sexual offender~~ or child who has exhibited
1176 inappropriate sexual behavior and the victim's caregiver.

1177 3. The possible consequences of the department's response,
1178 including outcomes and services, shall be explained to the
1179 caregiver of the alleged abuser ~~juvenile sexual offender~~ or
1180 child who has exhibited inappropriate sexual behavior and the
1181 victim's caregiver.

1182 (b) The caregiver of the alleged abuser ~~juvenile sexual~~
1183 ~~offender~~ or child who has exhibited inappropriate sexual
1184 behavior and the victim's caregiver shall be involved to the
1185 fullest extent possible in determining the nature of the sexual
1186 behavior concerns and the nature of any problem or risk to other
1187 children.

1188 (c) The assessment of risk and the perceived treatment
1189 needs of the alleged abuser ~~juvenile sexual offender~~ or child
1190 who has exhibited inappropriate sexual behavior, the victim, and
1191 respective caregivers shall be conducted by the district staff,
1192 the child protection team of the Department of Health, and other
1193 providers under contract with the department to provide services
1194 to the caregiver of the alleged offender, the victim, and the
1195 victim's caregiver.

1196 (d) The assessment shall be conducted in a manner that is
1197 sensitive to the social, economic, and cultural environment of
1198 the family.

1199 (e) If necessary, the child protection team of the



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1200 Department of Health shall conduct a physical examination of the
1201 victim, which is sufficient to meet forensic requirements.

1202 (f) Based on the information obtained from the alleged
1203 abuser ~~juvenile sexual offender~~ or child who has exhibited
1204 inappropriate sexual behavior, his or her caregiver, the victim,
1205 and the victim's caregiver, an assessment of service and
1206 treatment needs must be completed and, if needed, a case plan
1207 developed within 30 days.

1208 (g) The department shall classify the outcome of the report
1209 as follows:

1210 1. Report closed. Services were not offered because the
1211 department determined that there was no basis for intervention.

1212 2. Services accepted by alleged abuser ~~juvenile sexual~~
1213 ~~offender~~. Services were offered to the alleged abuser ~~juvenile~~
1214 ~~sexual offender~~ or child who has exhibited inappropriate sexual
1215 behavior and accepted by the caregiver.

1216 3. Report closed. Services were offered to the alleged
1217 abuser ~~juvenile sexual offender~~ or child who has exhibited
1218 inappropriate sexual behavior, but were rejected by the
1219 caregiver.

1220 4. Notification to law enforcement. The risk to the
1221 victim's safety and well-being cannot be reduced by the
1222 provision of services or the caregiver rejected services, and
1223 notification of the alleged delinquent act or violation of law
1224 to the appropriate law enforcement agency was initiated.

1225 5. Services accepted by victim. Services were offered to
1226 the victim and accepted by the caregiver.

1227 6. Report closed. Services were offered to the victim but
1228 were rejected by the caregiver.



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1229 (3) If services have been accepted by the alleged abuser
1230 ~~juvenile sexual offender~~ or child who has exhibited
1231 inappropriate sexual behavior, the victim, and respective
1232 caregivers, the department shall designate a case manager and
1233 develop a specific case plan.

1234 (a) Upon receipt of the plan, the caregiver shall indicate
1235 its acceptance of the plan in writing.

1236 (b) The case manager shall periodically review the progress
1237 toward achieving the objectives of the plan in order to:

1238 1. Make adjustments to the plan or take additional action
1239 as provided in this part; or

1240 2. Terminate the case if indicated by successful or
1241 substantial achievement of the objectives of the plan.

1242 (4) Services provided to the alleged abuser ~~juvenile sexual~~
1243 ~~offender~~ or child who has exhibited inappropriate sexual
1244 behavior, the victim, and respective caregivers or family must
1245 be voluntary and of necessary duration.

1246 (5) If the family or caregiver of the alleged abuser
1247 ~~juvenile sexual offender~~ or child who has exhibited
1248 inappropriate sexual behavior fails to adequately participate or
1249 allow for the adequate participation of the child in the
1250 services or treatment delineated in the case plan, the case
1251 manager may recommend that the department:

1252 (a) Close the case;

1253 (b) Refer the case to mediation or arbitration, if
1254 available; or

1255 (c) Notify the appropriate law enforcement agency of
1256 failure to comply.

1257 (6) At any time, as a result of additional information,



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1258 findings of facts, or changing conditions, the department may
1259 pursue a child protective investigation as provided in this
1260 chapter.

1261 (7) The department may adopt ~~is authorized to develop~~ rules
1262 ~~and other policy directives necessary to administer~~ implement
1263 ~~the provisions of~~ this section.

1264 Section 12. Paragraph (h) of subsection (8) and subsection
1265 (9) of section 39.402, Florida Statutes, are amended to read:

1266 39.402 Placement in a shelter.—

1267 (8)

1268 (h) The order for placement of a child in shelter care must
1269 identify the parties present at the hearing and must contain
1270 written findings:

1271 1. That placement in shelter care is necessary based on the
1272 criteria in subsections (1) and (2).

1273 2. That placement in shelter care is in the best interest
1274 of the child.

1275 3. That continuation of the child in the home is contrary
1276 to the welfare of the child because the home situation presents
1277 a substantial and immediate danger to the child's physical,
1278 mental, or emotional health or safety which cannot be mitigated
1279 by the provision of preventive services.

1280 4. That based upon the allegations of the petition for
1281 placement in shelter care, there is probable cause to believe
1282 that the child is dependent or that the court needs additional
1283 time, which may not exceed 72 hours, in which to obtain and
1284 review documents pertaining to the family in order to
1285 appropriately determine the risk to the child.

1286 5. That the department has made reasonable efforts to



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1287 prevent or eliminate the need for removal of the child from the
1288 home. A finding of reasonable effort by the department to
1289 prevent or eliminate the need for removal may be made and the
1290 department is deemed to have made reasonable efforts to prevent
1291 or eliminate the need for removal if:

1292 a. The first contact of the department with the family
1293 occurs during an emergency;

1294 b. The appraisal of the home situation by the department
1295 indicates that the home situation presents a substantial and
1296 immediate danger to the child's physical, mental, or emotional
1297 health or safety which cannot be mitigated by the provision of
1298 preventive services;

1299 c. The child cannot safely remain at home, either because
1300 there are no preventive services that can ensure the health and
1301 safety of the child or because, even with appropriate and
1302 available services being provided, the health and safety of the
1303 child cannot be ensured; or

1304 d. The parent or legal custodian is alleged to have
1305 committed any of the acts listed as grounds for expedited
1306 termination of parental rights in s. 39.806(1)(f)-(i).

1307 6. That the department has made reasonable efforts to keep
1308 siblings together if they are removed and placed in out-of-home
1309 care unless such placement is not in the best interest of each
1310 child. Reasonable efforts shall include short-term placement in
1311 a group home with the ability to accommodate sibling groups if
1312 such a placement is available. The department shall report to
1313 the court its efforts to place siblings together unless the
1314 court finds that such placement is not in the best interest of a
1315 child or his or her sibling.



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1316 ~~7.6.~~ That the court notified the parents, relatives that
1317 are providing out-of-home care for the child, or legal
1318 custodians of the time, date, and location of the next
1319 dependency hearing and of the importance of the active
1320 participation of the parents, relatives that are providing out-
1321 of-home care for the child, or legal custodians in all
1322 proceedings and hearings.

1323 ~~8.7.~~ That the court notified the parents or legal
1324 custodians of their right to counsel to represent them at the
1325 shelter hearing and at each subsequent hearing or proceeding,
1326 and the right of the parents to appointed counsel, pursuant to
1327 the procedures set forth in s. 39.013.

1328 ~~9.8.~~ That the court notified relatives who are providing
1329 out-of-home care for a child as a result of the shelter petition
1330 being granted that they have the right to attend all subsequent
1331 hearings, to submit reports to the court, and to speak to the
1332 court regarding the child, if they so desire.

1333 (9) (a) At any shelter hearing, the department shall provide
1334 to the court a recommendation for scheduled contact between the
1335 child and parents, if appropriate. The court shall determine
1336 visitation rights absent a clear and convincing showing that
1337 visitation is not in the best interest of the child. Any order
1338 for visitation or other contact must conform to ~~the provisions~~
1339 ~~of~~ s. 39.0139. If visitation is ordered but will not commence
1340 within 72 hours of the shelter hearing, the department shall
1341 provide justification to the court.

1342 (b) If siblings who are removed from the home cannot be
1343 placed together, the department shall provide to the court a
1344 recommendation for frequent visitation or other ongoing



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1345 interaction between the siblings unless this interaction would
1346 be contrary to a sibling's safety or well-being. If visitation
1347 among siblings is ordered but will not commence within 72 hours
1348 after the shelter hearing, the department shall provide
1349 justification to the court for the delay.

1350 Section 13. Paragraph (d) of subsection (3) of section
1351 39.501, Florida Statutes, is amended to read:

1352 39.501 Petition for dependency.—

1353 (3)

1354 (d) The petitioner must state in the petition, if known,
1355 whether:

1356 1. A parent or legal custodian named in the petition has
1357 previously unsuccessfully participated in voluntary services
1358 offered by the department;

1359 2. A parent or legal custodian named in the petition has
1360 participated in mediation and whether a mediation agreement
1361 exists;

1362 3. A parent or legal custodian has rejected the voluntary
1363 services offered by the department;

1364 4. A parent or legal custodian named in the petition has
1365 not fully complied with a safety plan; or

1366 ~~5.4.~~ The department has determined that voluntary services
1367 are not appropriate for the parent or legal custodian and the
1368 reasons for such determination.

1369
1370 If the department is the petitioner, it shall provide all safety
1371 plans as defined in s. 39.01 involving the parent or legal
1372 custodian to the court.

1373 Section 14. Paragraph (a) of subsection (4) of section



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1374 39.504, Florida Statutes, is amended to read:

1375 39.504 Injunction pending disposition of petition;
1376 penalty.—

1377 (4) If an injunction is issued under this section, the
1378 primary purpose of the injunction must be to protect and promote
1379 the best interests of the child, taking the preservation of the
1380 child's immediate family into consideration.

1381 (a) The injunction applies to the alleged or actual
1382 offender in a case of child abuse or acts of domestic violence.
1383 The conditions of the injunction shall be determined by the
1384 court, which may include ordering the alleged or actual offender
1385 to:

1386 1. Refrain from further abuse or acts of domestic violence.

1387 2. Participate in a specialized treatment program.

1388 3. Limit contact or communication with the child victim,
1389 other children in the home, or any other child.

1390 4. Refrain from contacting the child at home, school, work,
1391 or wherever the child may be found.

1392 5. Have limited or supervised visitation with the child.

1393 6. Vacate the home in which the child resides.

1394 7. Comply with the terms of a safety plan implemented in
1395 the injunction pursuant to s. 39.301.

1396 Section 15. Section 39.5085, Florida Statutes, is amended
1397 to read:

1398 39.5085 Relative Caregiver Program.—

1399 (1) It is the intent of the Legislature in enacting this
1400 section to:

1401 (a) Provide for the establishment of procedures and
1402 protocols that serve to advance the continued safety of children



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1403 by acknowledging the valued resource uniquely available through
1404 grandparents, ~~and~~ relatives of children, and specified
1405 nonrelatives of children pursuant to subparagraph (2)(a)3.

1406 (b) Recognize family relationships in which a grandparent
1407 or other relative is the head of a household that includes a
1408 child otherwise at risk of foster care placement.

1409 (c) Enhance family preservation and stability by
1410 recognizing that most children in such placements with
1411 grandparents and other relatives do not need intensive
1412 supervision of the placement by the courts or by the department.

1413 (d) Recognize that permanency in the best interests of the
1414 child can be achieved through a variety of permanency options,
1415 including permanent guardianship under s. 39.6221 if the
1416 guardian is a relative, by permanent placement with a fit and
1417 willing relative under s. 39.6231, by a relative, guardianship
1418 under chapter 744, or adoption, by providing additional
1419 placement options and incentives that will achieve permanency
1420 and stability for many children who are otherwise at risk of
1421 foster care placement because of abuse, abandonment, or neglect,
1422 but who may successfully be able to be placed by the dependency
1423 court in the care of such relatives.

1424 (e) Reserve the limited casework and supervisory resources
1425 of the courts and the department for those cases in which
1426 children do not have the option for safe, stable care within the
1427 family.

1428 (f) Recognize that a child may have a close relationship
1429 with a person who is not a blood relative or a relative by
1430 marriage and that such person should be eligible for financial
1431 assistance under this section if he or she is able and willing



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1432 to care for the child and provide a safe, stable home
1433 environment.

1434 (2) (a) The Department of Children and Families ~~Family~~
1435 ~~Services~~ shall establish and operate the Relative Caregiver
1436 Program pursuant to eligibility guidelines established in this
1437 section as further implemented by rule of the department. The
1438 Relative Caregiver Program shall, within the limits of available
1439 funding, provide financial assistance to:

1440 1. Relatives who are within the fifth degree by blood or
1441 marriage to the parent or stepparent of a child and who are
1442 caring full-time for that dependent child in the role of
1443 substitute parent as a result of a court's determination of
1444 child abuse, neglect, or abandonment and subsequent placement
1445 with the relative under this chapter.

1446 2. Relatives who are within the fifth degree by blood or
1447 marriage to the parent or stepparent of a child and who are
1448 caring full-time for that dependent child, and a dependent half-
1449 brother or half-sister of that dependent child, in the role of
1450 substitute parent as a result of a court's determination of
1451 child abuse, neglect, or abandonment and subsequent placement
1452 with the relative under this chapter.

1453 3. Nonrelatives who are willing to assume custody and care
1454 of a dependent child in the role of substitute parent as a
1455 result of a court's determination of child abuse, neglect, or
1456 abandonment and subsequent placement with the nonrelative
1457 caregiver under this chapter. The court must find that a
1458 proposed placement under this subparagraph is in the best
1459 interest of the child.

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1461 The placement may be court-ordered temporary legal custody to
1462 the relative or nonrelative under protective supervision of the
1463 department pursuant to s. 39.521(1)(b)3., or court-ordered
1464 placement in the home of a relative or nonrelative as a
1465 permanency option under s. 39.6221 or s. 39.6231 or under former
1466 s. 39.622 if the placement was made before July 1, 2006. The
1467 Relative Caregiver Program shall offer financial assistance to
1468 caregivers ~~who are relatives and~~ who would be unable to serve in
1469 that capacity without the ~~relative~~ caregiver payment because of
1470 financial burden, thus exposing the child to the trauma of
1471 placement in a shelter or in foster care.

1472 (b) Caregivers ~~who are relatives and~~ who receive assistance
1473 under this section must be capable, as determined by a home
1474 study, of providing a physically safe environment and a stable,
1475 supportive home for the children under their care, and must
1476 assure that the children's well-being is met, including, but not
1477 limited to, the provision of immunizations, education, and
1478 mental health services as needed.

1479 (c) Relatives or nonrelatives who qualify for and
1480 participate in the Relative Caregiver Program are not required
1481 to meet foster care licensing requirements under s. 409.175.

1482 (d) Relatives or nonrelatives who are caring for children
1483 placed with them by the court pursuant to this chapter shall
1484 receive a special monthly ~~relative~~ caregiver benefit established
1485 by rule of the department. The amount of the special benefit
1486 payment shall be based on the child's age within a payment
1487 schedule established by rule of the department and subject to
1488 availability of funding. The statewide average monthly rate for
1489 children judicially placed with relatives or nonrelatives who



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1490 are not licensed as foster homes may not exceed 82 percent of
1491 the statewide average foster care rate, and ~~nor may~~ the cost of
1492 providing the assistance described in this section to any
1493 ~~relative~~ caregiver may not exceed the cost of providing out-of-
1494 home care in emergency shelter or foster care.

1495 (e) Children receiving cash benefits under this section are
1496 not eligible to simultaneously receive WAGES cash benefits under
1497 chapter 414.

1498 (f) Within available funding, the Relative Caregiver
1499 Program shall provide ~~relative~~ caregivers with family support
1500 and preservation services, flexible funds in accordance with s.
1501 409.165, school readiness, and other available services in order
1502 to support the child's safety, growth, and healthy development.
1503 Children living with ~~relative~~ caregivers who are receiving
1504 assistance under this section shall be eligible for Medicaid
1505 coverage.

1506 (g) The department may use appropriate available state,
1507 federal, and private funds to operate the Relative Caregiver
1508 Program. The department may develop liaison functions to be
1509 available to relatives or nonrelatives who care for children
1510 pursuant to this chapter to ensure placement stability in
1511 extended family settings.

1512 Section 16. Subsections (3) and (4) of section 39.604,
1513 Florida Statutes, are amended to read:

1514 39.604 Rilya Wilson Act; short title; legislative intent;
1515 requirements; attendance and reporting responsibilities.—

1516 (3) REQUIREMENTS.—A child from birth to the age of ~~who is~~
1517 ~~age 3 years to~~ school entry, under court-ordered ~~court-ordered~~
1518 protective supervision or in the custody of the Family Safety



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1519 Program Office of the Department of Children and Families ~~Family~~
1520 ~~Services~~ or a community-based lead agency, and enrolled in a
1521 licensed early education or child care program must attend ~~be~~
1522 ~~enrolled to participate in~~ the program 5 days a week.

1523 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of
1524 Children and Families ~~Family Services~~ must notify operators of
1525 the licensed early education or child care program, subject to
1526 the reporting requirements of this act, of the enrollment of any
1527 child from birth to the age of ~~age 3 years to~~ school entry,
1528 under court-ordered ~~court-ordered~~ protective supervision or in
1529 the custody of the Family Safety Program Office of the
1530 Department of Children and Families ~~Family Services~~ or a
1531 community-based lead agency. When a child is enrolled in an
1532 early education or child care program regulated by the
1533 department, the child's attendance in the program must be a
1534 required action in the safety plan or the case plan developed
1535 for the ~~a~~ child pursuant to this chapter ~~who is enrolled in a~~
1536 ~~licensed early education or child care program must contain the~~
1537 ~~participation in this program as a required action.~~ An exemption
1538 to participating in the licensed early education or child care
1539 program 5 days a week may be granted by the court.

1540 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1541 (a) A child enrolled in a licensed early education or child
1542 care program who meets the requirements of subsection (3) may
1543 not be withdrawn from the program without the prior written
1544 approval of the Family Safety Program Office of the Department
1545 of Children and Families ~~Family Services~~ or the community-based
1546 lead agency.

1547 (b)1. If a child covered by this section is absent from the



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1548 program on a day when he or she is supposed to be present, the
1549 person with whom the child resides must report the absence to
1550 the program by the end of the business day. If the person with
1551 whom the child resides, whether the parent or caregiver, fails
1552 to timely report the absence, the absence is considered to be
1553 unexcused. The program shall report any unexcused absence or
1554 seven consecutive excused absences of a child who is enrolled in
1555 the program and covered by this act to the local designated
1556 staff of the Family Safety Program Office of the Department of
1557 Children and Families ~~Family Services~~ or the community-based
1558 lead agency by the end of the business day following the
1559 unexcused absence or seventh consecutive excused absence.

1560 2. The department or community-based lead agency shall
1561 conduct a site visit to the residence of the child upon
1562 receiving a report of two consecutive unexcused absences or
1563 seven consecutive excused absences.

1564 3. If the site visit results in a determination that the
1565 child is missing, the department or community-based lead agency
1566 shall report the child as missing to a law enforcement agency
1567 and proceed with the necessary actions to locate the child
1568 pursuant to procedures for locating missing children.

1569 4. If the site visit results in a determination that the
1570 child is not missing, the parent or caregiver shall be notified
1571 that failure to ensure that the child attends the licensed early
1572 education or child care program is a violation of the safety
1573 plan or the case plan. If more than two site visits are
1574 conducted pursuant to this subsection, staff shall initiate
1575 action to notify the court of the parent or caregiver's
1576 noncompliance with the case plan.



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1577 Section 17. Paragraph (c) of subsection (2) and paragraph
1578 (a) of subsection (3) of section 39.701, Florida Statutes, are
1579 amended to read:

1580 39.701 Judicial review.—

1581 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1582 AGE.—

1583 (c) *Review determinations.*—The court and any citizen review
1584 panel shall take into consideration the information contained in
1585 the social services study and investigation and all medical,
1586 psychological, and educational records that support the terms of
1587 the case plan; testimony by the social services agency, the
1588 parent, the foster parent or legal custodian, the guardian ad
1589 litem or surrogate parent for educational decisionmaking if one
1590 has been appointed for the child, and any other person deemed
1591 appropriate; and any relevant and material evidence submitted to
1592 the court, including written and oral reports to the extent of
1593 their probative value. These reports and evidence may be
1594 received by the court in its effort to determine the action to
1595 be taken with regard to the child and may be relied upon to the
1596 extent of their probative value, even though not competent in an
1597 adjudicatory hearing. In its deliberations, the court and any
1598 citizen review panel shall seek to determine:

1599 1. If the parent was advised of the right to receive
1600 assistance from any person or social service agency in the
1601 preparation of the case plan.

1602 2. If the parent has been advised of the right to have
1603 counsel present at the judicial review or citizen review
1604 hearings. If not so advised, the court or citizen review panel
1605 shall advise the parent of such right.



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1606 3. If a guardian ad litem needs to be appointed for the
1607 child in a case in which a guardian ad litem has not previously
1608 been appointed or if there is a need to continue a guardian ad
1609 litem in a case in which a guardian ad litem has been appointed.

1610 4. Who holds the rights to make educational decisions for
1611 the child. If appropriate, the court may refer the child to the
1612 district school superintendent for appointment of a surrogate
1613 parent or may itself appoint a surrogate parent under the
1614 Individuals with Disabilities Education Act and s. 39.0016.

1615 5. The compliance or lack of compliance of all parties with
1616 applicable items of the case plan, including the parents'
1617 compliance with child support orders.

1618 6. The compliance or lack of compliance with a visitation
1619 contract between the parent and the social service agency for
1620 contact with the child, including the frequency, duration, and
1621 results of the parent-child visitation and the reason for any
1622 noncompliance.

1623 7. The frequency, kind, and duration of contacts among
1624 siblings who have been separated during placement, as well as
1625 any efforts undertaken to reunite separated siblings if doing so
1626 is in the best interest of the child.

1627 ~~8.7.~~ The compliance or lack of compliance of the parent in
1628 meeting specified financial obligations pertaining to the care
1629 of the child, including the reason for failure to comply, if
1630 applicable such is the case.

1631 ~~9.8.~~ Whether the child is receiving safe and proper care
1632 according to s. 39.6012, including, but not limited to, the
1633 appropriateness of the child's current placement, including
1634 whether the child is in a setting that is as family-like and as



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1635 close to the parent's home as possible, consistent with the
1636 child's best interests and special needs, and including
1637 maintaining stability in the child's educational placement, as
1638 documented by assurances from the community-based care provider
1639 that:

1640 a. The placement of the child takes into account the
1641 appropriateness of the current educational setting and the
1642 proximity to the school in which the child is enrolled at the
1643 time of placement.

1644 b. The community-based care agency has coordinated with
1645 appropriate local educational agencies to ensure that the child
1646 remains in the school in which the child is enrolled at the time
1647 of placement.

1648 ~~10.9.~~ A projected date likely for the child's return home
1649 or other permanent placement.

1650 ~~11.10.~~ When appropriate, the basis for the unwillingness or
1651 inability of the parent to become a party to a case plan. The
1652 court and the citizen review panel shall determine if the
1653 efforts of the social service agency to secure party
1654 participation in a case plan were sufficient.

1655 ~~12.11.~~ For a child who has reached 13 years of age but is
1656 not yet 18 years of age, the adequacy of the child's preparation
1657 for adulthood and independent living.

1658 ~~13.12.~~ If amendments to the case plan are required.
1659 Amendments to the case plan must be made under s. 39.6013.

1660 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1661 (a) In addition to the review and report required under
1662 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
1663 a judicial review hearing within 90 days after a child's 17th



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1664 birthday. The court shall also issue an order, separate from the
1665 order on judicial review, that the disability of nonage of the
1666 child has been removed pursuant to ss. 743.044, 743.045, and
1667 743.046, and for any of these disabilities that the court finds
1668 is in the child's best interest to remove. The court ~~s. 743.045~~
1669 ~~and~~ shall continue to hold timely judicial review hearings. If
1670 necessary, the court may review the status of the child more
1671 frequently during the year before the child's 18th birthday. At
1672 each review hearing held under this subsection, in addition to
1673 any information or report provided to the court by the foster
1674 parent, legal custodian, or guardian ad litem, the child shall
1675 be given the opportunity to address the court with any
1676 information relevant to the child's best interest, particularly
1677 in relation to independent living transition services. The
1678 department shall include in the social study report for judicial
1679 review written verification that the child has:

1680 1. A current Medicaid card and all necessary information
1681 concerning the Medicaid program sufficient to prepare the child
1682 to apply for coverage upon reaching the age of 18, if such
1683 application is appropriate.

1684 2. A certified copy of the child's birth certificate and,
1685 if the child does not have a valid driver license, a Florida
1686 identification card issued under s. 322.051.

1687 3. A social security card and information relating to
1688 social security insurance benefits if the child is eligible for
1689 those benefits. If the child has received such benefits and they
1690 are being held in trust for the child, a full accounting of
1691 these funds must be provided and the child must be informed as
1692 to how to access those funds.



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1693 4. All relevant information related to the Road-to-
1694 Independence Program, including, but not limited to, eligibility
1695 requirements, information on participation, and assistance in
1696 gaining admission to the program. If the child is eligible for
1697 the Road-to-Independence Program, he or she must be advised that
1698 he or she may continue to reside with the licensed family home
1699 or group care provider with whom the child was residing at the
1700 time the child attained his or her 18th birthday, in another
1701 licensed family home, or with a group care provider arranged by
1702 the department.

1703 5. An open bank account or the identification necessary to
1704 open a bank account and to acquire essential banking and
1705 budgeting skills.

1706 6. Information on public assistance and how to apply for
1707 public assistance.

1708 7. A clear understanding of where he or she will be living
1709 on his or her 18th birthday, how living expenses will be paid,
1710 and the educational program or school in which he or she will be
1711 enrolled.

1712 8. Information related to the ability of the child to
1713 remain in care until he or she reaches 21 years of age under s.
1714 39.013.

1715 9. A letter providing the dates that the child is under the
1716 jurisdiction of the court.

1717 10. A letter stating that the child is in compliance with
1718 financial aid documentation requirements.

1719 11. The child's educational records.

1720 12. The child's entire health and mental health records.

1721 13. The process for accessing his or her case file.



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1722 14. A statement encouraging the child to attend all
1723 judicial review hearings occurring after the child's 17th
1724 birthday.

1725 Section 18. Subsection (2) of section 39.802, Florida
1726 Statutes, is amended to read:

1727 39.802 Petition for termination of parental rights; filing;
1728 elements.—

1729 (2) The form of the petition is governed by the Florida
1730 Rules of Juvenile Procedure. The petition must be in writing and
1731 signed by the petitioner ~~or, if the department is the~~
1732 ~~petitioner, by an employee of the department,~~ under oath stating
1733 the petitioner's good faith in filing the petition.

1734 Section 19. Paragraphs (e), (f), and (h) of subsection (1)
1735 of section 39.806, Florida Statutes, are amended to read:

1736 39.806 Grounds for termination of parental rights.—

1737 (1) Grounds for the termination of parental rights may be
1738 established under any of the following circumstances:

1739 (e) When a child has been adjudicated dependent, a case
1740 plan has been filed with the court, and:

1741 1. The child continues to be abused, neglected, or
1742 abandoned by the parent or parents. The failure of the parent or
1743 parents to substantially comply with the case plan for a period
1744 of 12 months after an adjudication of the child as a dependent
1745 child or the child's placement into shelter care, whichever
1746 occurs first, constitutes evidence of continuing abuse, neglect,
1747 or abandonment unless the failure to substantially comply with
1748 the case plan was due to the parent's lack of financial
1749 resources or to the failure of the department to make reasonable
1750 efforts to reunify the parent and child. The 12-month period



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1751 begins to run only after the child's placement into shelter care
1752 or the entry of a disposition order placing the custody of the
1753 child with the department or a person other than the parent and
1754 the court's approval of a case plan having the goal of
1755 reunification with the parent, whichever occurs first; or

1756 2. The parent or parents have materially breached the case
1757 plan. Time is of the essence for permanency of children in the
1758 dependency system. In order to prove the parent or parents have
1759 materially breached the case plan, the court must find by clear
1760 and convincing evidence that the parent or parents are unlikely
1761 or unable to substantially comply with the case plan before time
1762 to comply with the case plan expires.

1763 3. The child has been in care for any 12 of the last 22
1764 months and the parents have not substantially complied with the
1765 case plan so as to permit reunification under s. 39.522(2)
1766 unless the failure to substantially comply with the case plan
1767 was due to the parent's lack of financial resources or to the
1768 failure of the department to make reasonable efforts to reunify
1769 the parent and child.

1770 (f) The parent or parents engaged in egregious conduct or
1771 had the opportunity and capability to prevent and knowingly
1772 failed to prevent egregious conduct that threatens the life,
1773 safety, or physical, mental, or emotional health of the child or
1774 the child's sibling. Proof of a nexus between egregious conduct
1775 to a child and the potential harm to the child's sibling is not
1776 required.

1777 1. As used in this subsection, the term "sibling" means
1778 another child who resides with or is cared for by the parent or
1779 parents regardless of whether the child is related legally or by



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1780 consanguinity.

1781 2. As used in this subsection, the term "egregious conduct"
1782 means abuse, abandonment, neglect, or any other conduct that is
1783 deplorable, flagrant, or outrageous by a normal standard of
1784 conduct. Egregious conduct may include an act or omission that
1785 occurred only once but was of such intensity, magnitude, or
1786 severity as to endanger the life of the child.

1787 (h) The parent or parents have committed the murder,
1788 manslaughter, aiding or abetting the murder, or conspiracy or
1789 solicitation to murder the other parent or another child, or a
1790 felony battery that resulted in serious bodily injury to the
1791 child or to another child. Proof of a nexus between the murder,
1792 manslaughter, aiding or abetting the murder, or conspiracy or
1793 solicitation to murder the other parent or another child, or a
1794 felony battery to a child and the potential harm to a child or
1795 another child is not required.

1796 Section 20. Paragraph (g) of subsection (1) of section
1797 63.212, Florida Statutes, is amended to read:

1798 63.212 Prohibited acts; penalties for violation.-

1799 (1) It is unlawful for any person:

1800 (g) Except an adoption entity, to advertise or offer to the
1801 public, in any way, by any medium whatever that a minor is
1802 available for adoption or that a minor is sought for adoption;
1803 and, further, it is unlawful for any person to publish or
1804 broadcast any such advertisement or assist an unlicensed person
1805 or entity in publishing or broadcasting any such advertisement
1806 without including a Florida license number of the agency or
1807 attorney placing the advertisement.

1808 1. Only a person who is an attorney licensed to practice



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1809 law in this state or an adoption entity licensed under the laws
1810 of this state may place a paid advertisement or paid listing of
1811 the person's telephone number, on the person's own behalf, in a
1812 telephone directory that:

1813 a. A child is offered or wanted for adoption; or

1814 b. The person is able to place, locate, or receive a child
1815 for adoption.

1816 2. A person who publishes a telephone directory that is
1817 distributed in this state:

1818 ~~a.~~ shall include, at the beginning of any classified
1819 heading for adoption and adoption services, a statement that
1820 informs directory users that only attorneys licensed to practice
1821 law in this state and licensed adoption entities may legally
1822 provide adoption services under state law.

1823 ~~3.b.~~ A person who places ~~may publish~~ an advertisement
1824 described in subparagraph 1. in a ~~the~~ telephone directory must
1825 include only if the advertisement contains the following
1826 information:

1827 ~~a.(I)~~ For an attorney licensed to practice law in this
1828 state, the person's Florida Bar number.

1829 ~~b.(II)~~ For a child placing agency licensed under the laws
1830 of this state, the number on the person's adoption entity
1831 license.

1832 Section 21. Subsection (1), paragraph (b) of subsection
1833 (2), and paragraphs (c) and (d) of subsection (3) of section
1834 383.402, Florida Statutes, are amended to read:

1835 383.402 Child abuse death review; State Child Abuse Death
1836 Review Committee; local child abuse death review committees.—

1837 (1) It is the intent of the Legislature to establish a



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1838 statewide multidisciplinary, multiagency child abuse death
1839 assessment and prevention system that consists of state and
1840 local review committees. The state and local review committees
1841 shall review the facts and circumstances of all deaths of
1842 children from birth through age 18 which occur in this state and
1843 are reported to the central abuse hotline of the Department of
1844 Children and Families as the result of verified child abuse or
1845 neglect. The purpose of the review shall be to:

1846 (a) Achieve a greater understanding of the causes and
1847 contributing factors of deaths resulting from child abuse.

1848 (b) Whenever possible, develop a communitywide approach to
1849 address such cases and contributing factors.

1850 (c) Identify any gaps, deficiencies, or problems in the
1851 delivery of services to children and their families by public
1852 and private agencies which may be related to deaths that are the
1853 result of child abuse.

1854 (d) Make and implement recommendations for changes in law,
1855 rules, and policies, as well as develop practice standards that
1856 support the safe and healthy development of children and reduce
1857 preventable child abuse deaths.

1858 (2)

1859 (b) In addition, the State Surgeon General shall appoint
1860 the following members to the state committee, based on
1861 recommendations from the Department of Health and the agencies
1862 listed in paragraph (a), and ensuring that the committee
1863 represents the regional, gender, and ethnic diversity of the
1864 state to the greatest extent possible:

1865 1. The Statewide Medical Director for Child Protection A
1866 board-certified pediatrician.



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- 1867 2. A public health nurse.
- 1868 3. A mental health professional who treats children or
1869 adolescents.
- 1870 4. An employee of the Department of Children and Family
1871 Services who supervises family services counselors and who has
1872 at least 5 years of experience in child protective
1873 investigations.
- 1874 5. The medical director of a child protection team.
- 1875 6. A member of a child advocacy organization.
- 1876 7. A social worker who has experience in working with
1877 victims and perpetrators of child abuse.
- 1878 8. A person trained as a paraprofessional in patient
1879 resources who is employed in a child abuse prevention program.
- 1880 9. A law enforcement officer who has at least 5 years of
1881 experience in children's issues.
- 1882 10. A representative of the Florida Coalition Against
1883 Domestic Violence.
- 1884 11. A representative from a private provider of programs on
1885 preventing child abuse and neglect.
- 1886 (3) The State Child Abuse Death Review Committee shall:
- 1887 (c) Prepare an annual statistical report on the incidence
1888 and causes of death resulting from reported child abuse in the
1889 state during the prior calendar year. The state committee shall
1890 submit a copy of the report by October 1 ~~December 31~~ of each
1891 year to the Governor, the President of the Senate, and the
1892 Speaker of the House of Representatives. The report must include
1893 recommendations to the Department of Children and Families
1894 regarding ~~for state and local action, including specific policy~~
1895 and ~~procedural~~ changes to the child protection and child



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1896 welfare system and~~r~~ regulatory~~r~~ or statutory changes~~r~~ and any
1897 other recommended preventive action.

1898 (d) Provide training to ~~Encourage and assist in developing~~
1899 ~~the~~ local child abuse death review committee members on the
1900 dynamics and impact of domestic violence, substance abuse, or
1901 mental health disorders when there is a co-occurrence of child
1902 abuse committees. Training shall be provided by the Florida
1903 Coalition Against Domestic Violence, the Florida Alcohol and
1904 Drug Abuse Association, and the Florida Council for Community
1905 Mental Health in each entity's respective area of expertise.

1906 Section 22. Subsection (5) of section 402.40, Florida
1907 Statutes, is amended, and paragraph (g) is added to subsection
1908 (3) of that section, to read:

1909 402.40 Child welfare training and certification.—

1910 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
1911 shall approve one or more third-party credentialing entities for
1912 the purpose of developing and administering child welfare
1913 certification programs for persons who provide child welfare
1914 services. A third-party credentialing entity shall request such
1915 approval in writing from the department. In order to obtain
1916 approval, the third-party credentialing entity must:

1917 (g) Maintain an advisory committee, including
1918 representatives from each region of the department, each
1919 sheriff's office providing child protective services, and each
1920 community-based care lead agency, who shall be appointed by the
1921 organization they represent. The third-party credentialing
1922 entity may appoint additional members to the advisory committee.

1923 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

1924 (a) The Department of Children and Families ~~Family Services~~



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1925 shall approve the core competencies and related preservice
1926 curricula that ensures that each person delivering child welfare
1927 services obtains the knowledge, skills, and abilities to
1928 competently carry out his or her work responsibilities.

1929 (b) The identification of these core competencies and
1930 development of preservice curricula shall be a collaborative
1931 effort that includes professionals who have expertise in child
1932 welfare services, department-approved third-party credentialing
1933 entities, and providers that will be affected by the curriculum,
1934 including, but not limited to, representatives from the
1935 community-based care lead agencies, the Florida Coalition
1936 Against Domestic Violence, the Florida Alcohol and Drug Abuse
1937 Association, the Florida Council for Community Mental Health,
1938 sheriffs' offices conducting child protection investigations,
1939 and child welfare legal services providers.

1940 (c) Community-based care agencies, sheriffs' offices, and
1941 the department may contract for the delivery of preservice and
1942 any additional training for persons delivering child welfare
1943 services if the curriculum satisfies the department-approved
1944 core competencies.

1945 (d) The department may also approve certifications
1946 involving specializations in serving specific populations or in
1947 skills relevant to child protection to be awarded to persons
1948 delivering child welfare services by a third-party credentialing
1949 entity approved pursuant to subsection (3).

1950 (e) ~~(d)~~ Department-approved credentialing entities shall,
1951 for a period of at least 12 months after implementation of the
1952 third-party child welfare certification programs, grant
1953 reciprocity and award a child welfare certification to



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1954 individuals who hold current department-issued child welfare
1955 certification in good standing, at no cost to the department or
1956 the certificateholder.

1957 Section 23. Section 402.402, Florida Statutes, is created
1958 to read:

1959 402.402 Child protection and child welfare personnel;
1960 attorneys employed by the department.-

1961 (1) DEFINITIONS.-As used in this section, the term:

1962 (a) "Child protection and child welfare personnel" includes
1963 child protective investigators and child protective
1964 investigation supervisors employed by the department and case
1965 managers and case manager supervisors employed by a community-
1966 based care lead agency or a subcontractor of a community-based
1967 care lead agency.

1968 (b) "Human services-related field" means psychology,
1969 sociology, counseling, special education, human development,
1970 child development, family development, marriage and family
1971 therapy, and nursing.

1972 (2) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF
1973 REQUIREMENTS.-The department is responsible for recruitment of
1974 qualified professional staff to serve as child protective
1975 investigators and child protective investigation supervisors.
1976 The department shall make every effort to recruit and hire
1977 persons qualified by their education and experience to perform
1978 social work functions. The department's efforts shall be guided
1979 by the goal that by July 1, 2019, at least half of all child
1980 protective investigators and supervisors will have a bachelor's
1981 degree or a master's degree in social work from a college or
1982 university social work program accredited by the Council on



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1983 Social Work Education. The department, in collaboration with the
1984 lead agencies, subcontracted provider organizations, the Florida
1985 Institute for Child Welfare created pursuant to s. 1004.615, and
1986 other partners in the child welfare system, shall develop a
1987 protocol for screening candidates for child protective positions
1988 which reflects the preferences specified in paragraphs (a)-(f).
1989 The following persons shall be given preference in the
1990 recruitment of qualified professional staff, but the preferences
1991 serve only as guidance and do not limit the department's
1992 discretion to select the best available candidates:

1993 (a) Child protective investigators with bachelor's degrees
1994 in social work and child protective investigation supervisors
1995 with master's degrees in social work from a college or
1996 university social work program accredited by the Council on
1997 Social Work Education.

1998 (b) Child protective investigators and supervisors with
1999 baccalaureate or master's degrees in a human service-related
2000 field such as counseling, sociology, special education, human
2001 development, child development, family development, marriage and
2002 family therapy, and nursing.

2003 (c) Child protective investigators and supervisors with
2004 work experience demonstrating critical thinking skills, formal
2005 assessment processes, communication skills, problem solving, and
2006 empathy.

2007 (d) Child protective investigators and supervisors with a
2008 combination of work and volunteer experience in public service
2009 fields, especially those related to children's services.

2010 (e) Child protective investigators and supervisors with a
2011 commitment to helping children and families, a capacity to work



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2012 as part of a team, and an interest in continuous development of
2013 skills and knowledge.

2014 (f) Child protective investigators and supervisors with
2015 personal strength and resilience to manage competing demands and
2016 handle workplace stresses.

2017 (3) REPORT.—By each October 1, the department shall submit
2018 a report on the educational qualifications, turnover, and
2019 working conditions of the child protective investigators and
2020 supervisors to the Governor, the President of the Senate, and
2021 the Speaker of the House of Representatives.

2022 (4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
2023 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose
2024 primary responsibility is representing the department in child
2025 welfare cases shall, within the first 6 months of employment,
2026 receive training in:

2027 (a) The dependency court process, including the attorney's
2028 role in preparing and reviewing documents prepared for
2029 dependency court for accuracy and completeness;

2030 (b) Preparing and presenting child welfare cases, including
2031 at least 1 week shadowing an experienced children's legal
2032 services attorney preparing and presenting cases;

2033 (c) Safety assessment, safety decisionmaking tools, and
2034 safety plans;

2035 (d) Developing information presented by investigators and
2036 case managers to support decisionmaking in the best interest of
2037 children; and

2038 (e) The experiences and techniques of case managers and
2039 investigators, including shadowing an experienced child
2040 protective investigator and an experienced case manager for at



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2041 least 8 hours.

2042 Section 24. Section 402.403, Florida Statutes, is created
2043 to read:

2044 402.403 Child Protection and Child Welfare Personnel
2045 Tuition Exemption Program.-

2046 (1) There is established within the department the Child
2047 Protection and Child Welfare Personnel Tuition Exemption Program
2048 for the purpose of recruiting and retaining high-performing
2049 individuals who are employed as child protection and child
2050 welfare personnel as defined in s. 402.402 and who do not
2051 possess a master's degree in social work or a certificate in an
2052 area related to child welfare.

2053 (2) Child protection and child welfare personnel who meet
2054 the requirements specified in subsection (3) are exempt from the
2055 payment of tuition and fees at a state university.

2056 (3) The department may approve child protection and child
2057 welfare personnel for the tuition and fee exemption if such
2058 personnel:

2059 (a) Are employed as child protection and child welfare
2060 personnel and are determined by their employers to perform at a
2061 high level as established by their personnel evaluations; and

2062 (b) Are accepted in a graduate-level social work program or
2063 a certificate program related to child welfare which is
2064 accredited by the Council on Social Work Education.

2065 (4) Child protection and child welfare personnel who meet
2066 the requirements specified in subsection (3) may enroll for up
2067 to 6 credit hours of courses per term.

2068 (5) Child protection and child welfare personnel who are
2069 accepted into a graduate-level social work program or a



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2070 certificate program related to child welfare which is accredited
2071 by the Council on Social Work Education shall take courses
2072 associated with the degree or certificate program online if such
2073 courses are offered online.

2074 (6) All child protection and child welfare personnel who
2075 participate in the tuition exemption program established under
2076 this section must remain employed by the department, a state
2077 agency, or a contracted provider for 5 years after completion of
2078 a graduate level social work program. If employment ends before
2079 the 5-year period, the benefit shall be repaid according to a
2080 pro rata calculation based on the number of years of service.

2081 Section 25. Section 402.404, Florida Statutes, is created
2082 to read:

2083 402.404 Child Protection and Child Welfare Personnel
2084 Student Loan Forgiveness Program.—

2085 (1) There is established within the department the Child
2086 Protection and Child Welfare Personnel Student Loan Forgiveness
2087 Program. The purpose of the program is to increase employment
2088 and retention of high-performing individuals who have either a
2089 bachelor's degree or a master's degree in social work and work
2090 in child protection or child welfare for the department, a
2091 community-based care lead agency, or a community-based care
2092 subcontractor by making payments toward loans received by
2093 students from federal or state programs or commercial lending
2094 institutions for the support of prior postsecondary study in
2095 accredited social work programs.

2096 (2) To be eligible for the program, a candidate must:

2097 (a) Be employed by the department as a child protective
2098 investigator or a child protective investigation supervisor or



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2099 be employed by a community-based care lead agency or
2100 subcontractor as a case manager or case manager supervisor;
2101 (b) Be determined by the department or his or her employer
2102 to have a high level of performance based on his or her personal
2103 evaluation; and
2104 (c) Have graduated from an accredited social work program
2105 with either a bachelor's degree or a master's degree in social
2106 work.
2107 (3) Only loans to pay the costs of tuition, books, fees,
2108 and living expenses shall be covered.
2109 (4) The department or lead agency may make loan payments of
2110 up to \$3,000 each year for up to 4 years on behalf of selected
2111 graduates of an accredited social work program from the funds
2112 appropriated for this purpose. All payments are contingent upon
2113 continued proof of employment and shall be made directly to the
2114 holder of the loan.
2115 (5) A student who receives a tuition exemption pursuant to
2116 s. 402.403 is not eligible to participate in the Child
2117 Protection and Child Welfare Personnel Student Loan Forgiveness
2118 Program.
2119 (6) All child protection and child welfare personnel who
2120 participate in the student loan forgiveness program established
2121 under this section must remain employed by the department, a
2122 state agency, or a contracted provider for 5 years after
2123 completion of a graduate level social work program. If
2124 employment ends before the 5-year period, the benefit shall be
2125 repaid according to a pro rata calculation based on the number
2126 of years of service.
2127 (7) The department shall prioritize funds appropriated for



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2128 this purpose to regions with high average caseloads and low
2129 workforce retention rates.

2130 Section 26. Section 409.165, Florida Statutes, is amended
2131 to read:

2132 409.165 Alternate care for children.—

2133 (1) Within funds appropriated, the department shall
2134 establish and supervise a program of emergency shelters, runaway
2135 shelters, foster homes, group homes, agency-operated group
2136 treatment homes, nonpsychiatric residential group care
2137 facilities, psychiatric residential treatment facilities, and
2138 other appropriate facilities to provide shelter and care for
2139 dependent children who must be placed away from their families.
2140 The department, in accordance with outcome ~~established~~ goals
2141 established in s. 409.986, shall contract for the provision of
2142 such shelter and care by counties, municipalities, nonprofit
2143 corporations, and other entities capable of providing needed
2144 services if:

2145 (a) The services ~~se~~ provided comply with all department
2146 standards, policies, and procedures ~~are available~~;

2147 (b) The services can be ~~se~~ provided at a reasonable cost
2148 ~~are more cost-effective than those provided by the department~~;
2149 and

2150 (c) Unless otherwise provided by law, such providers of
2151 shelter and care are licensed by the department.

2152
2153 ~~It is the legislative intent that the~~

2154 (2) Funds appropriated for the alternate care of children
2155 as described in this section may be used to meet the needs of
2156 children in their own homes or those of relatives if the



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2157 children can be safely served in such settings ~~their own homes,~~
2158 ~~or the homes of relatives,~~ and the expenditure of funds in such
2159 manner is equal to or less than the cost of out-of-home
2160 placement ~~calculated by the department to be an eventual cost~~
2161 ~~savings over placement of children.~~

2162 (3)-(2) The department shall ~~may~~ cooperate with all child
2163 service institutions or agencies within the state which meet the
2164 department's standards in order to maintain a comprehensive,
2165 coordinated, and inclusive system for promoting and protecting
2166 the well-being of children, consistent with the goals
2167 established in s. 409.986 ~~rules for proper care and supervision~~
2168 ~~prescribed by the department for the well-being of children.~~

2169 (a) The department shall work with the Department of Health
2170 in the development, use, and monitoring of medical foster homes
2171 for medically complex children.

2172 (b) The department shall collaborate with all relevant
2173 state and local agencies to provide such supports and services
2174 as may be necessary to maintain medically complex children in
2175 the least restrictive and most nurturing environment.

2176 (4)-(3) With the written consent of parents, custodians, or
2177 guardians, or in accordance with those provisions in chapter 39
2178 that relate to dependent children, the department, under rules
2179 properly adopted, may place a child:

2180 (a) With a relative;

2181 (b) With an adult nonrelative approved by the court for
2182 long-term custody;

2183 (c) With a person who is considering the adoption of a
2184 child in the manner provided for by law;

2185 (d) When limited, except as provided in paragraph (b), to



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2186 temporary emergency situations, with a responsible adult
2187 approved by the court;
2188 (e) With a person or family approved by the department to
2189 serve as a medical foster home;
2190 (f)-(e) With a person or agency licensed by the department
2191 in accordance with s. 409.175; or
2192 (g)-(f) In a subsidized independent living situation,
2193 subject to the provisions of s. 409.1451(4)(c),
2194
2195 under such conditions as are determined to be for the best
2196 interests or the welfare of the child. Any child placed in an
2197 institution or in a family home by the department or its agency
2198 may be removed by the department or its agency, and such other
2199 disposition may be made as is for the best interest of the
2200 child, including transfer of the child to another institution,
2201 another home, or the home of the child. Expenditure of funds
2202 appropriated for out-of-home care can be used to meet the needs
2203 of a child in the child's own home or the home of a relative if
2204 the child can be safely served in the child's own home or that
2205 of a relative if placement can be avoided by the expenditure of
2206 such funds, and if the expenditure of such funds in this manner
2207 is equal to or less than the cost of out-of-home placement
2208 ~~calculated by the department to be a potential cost savings.~~
2209 Section 27. Paragraph (c) of subsection (2) of section
2210 409.967, Florida Statutes, is amended to read:
2211 409.967 Managed care plan accountability.—
2212 (2) The agency shall establish such contract requirements
2213 as are necessary for the operation of the statewide managed care
2214 program. In addition to any other provisions the agency may deem



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2215 necessary, the contract must require:

2216 (c) *Access.*—

2217 1. The agency shall establish specific standards for the
2218 number, type, and regional distribution of providers in managed
2219 care plan networks to ensure access to care for both adults and
2220 children. Each plan must maintain a regionwide network of
2221 providers in sufficient numbers to meet the access standards for
2222 specific medical services for all recipients enrolled in the
2223 plan. The exclusive use of mail-order pharmacies may not be
2224 sufficient to meet network access standards. Consistent with the
2225 standards established by the agency, provider networks may
2226 include providers located outside the region. A plan may
2227 contract with a new hospital facility before the date the
2228 hospital becomes operational if the hospital has commenced
2229 construction, will be licensed and operational by January 1,
2230 2013, and a final order has issued in any civil or
2231 administrative challenge. Each plan shall establish and maintain
2232 an accurate and complete electronic database of contracted
2233 providers, including information about licensure or
2234 registration, locations and hours of operation, specialty
2235 credentials and other certifications, specific performance
2236 indicators, and such other information as the agency deems
2237 necessary. The database must be available online to both the
2238 agency and the public and have the capability to compare the
2239 availability of providers to network adequacy standards and to
2240 accept and display feedback from each provider's patients. Each
2241 plan shall submit quarterly reports to the agency identifying
2242 the number of enrollees assigned to each primary care provider.

2243 2. Each managed care plan must publish any prescribed drug



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2244 formulary or preferred drug list on the plan's website in a
2245 manner that is accessible to and searchable by enrollees and
2246 providers. The plan must update the list within 24 hours after
2247 making a change. Each plan must ensure that the prior
2248 authorization process for prescribed drugs is readily accessible
2249 to health care providers, including posting appropriate contact
2250 information on its website and providing timely responses to
2251 providers. For Medicaid recipients diagnosed with hemophilia who
2252 have been prescribed anti-hemophilic-factor replacement
2253 products, the agency shall provide for those products and
2254 hemophilia overlay services through the agency's hemophilia
2255 disease management program.

2256 3. Managed care plans, and their fiscal agents or
2257 intermediaries, must accept prior authorization requests for any
2258 service electronically.

2259 4. Managed care plans serving children in the care and
2260 custody of the Department of Children and Families or serving
2261 parents of such children must maintain complete medical, dental,
2262 and behavioral health information and provide such information
2263 to the department for inclusion in the state's child welfare
2264 data system. Using such documentation, the agency and the
2265 department shall determine the plan's compliance with standards
2266 for access to medical, dental, and behavioral health services;
2267 the use of psychotropic medications; and followup on all
2268 medically necessary services recommended as a result of early
2269 and periodic screening, diagnosis, and treatment.

2270 Section 28. Paragraph (f) is added to subsection (2) of
2271 section 409.972, Florida Statutes, to read:

2272 409.972 Mandatory and voluntary enrollment.-



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2273 (2) The following Medicaid-eligible persons are exempt from
2274 mandatory managed care enrollment required by s. 409.965, and
2275 may voluntarily choose to participate in the managed medical
2276 assistance program:

2277 (f) Medicaid recipients residing in a group home facility
2278 licensed under chapter 393.

2279 Section 29. The Division of Law Revision and Information is
2280 directed to create part V of chapter 409, Florida Statutes,
2281 consisting of ss. 409.986-409.997, to be entitled "Community-
2282 based child welfare."

2283 Section 30. Section 409.986, Florida Statutes, is created
2284 to read:

2285 409.986 Legislative findings and intent; child protection
2286 and child welfare outcomes; definitions.-

2287 (1) LEGISLATIVE FINDINGS AND INTENT.-

2288 (a) It is the intent of the Legislature that the Department
2289 of Children and Families provide child protection and child
2290 welfare services to children through contracting with community-
2291 based care lead agencies. Counties that provide children and
2292 family services with at least 40 licensed residential group care
2293 beds by July 1, 2003, and that provide at least \$2 million
2294 annually in county general revenue funds to supplement foster
2295 and family care services shall continue to contract directly
2296 with the state. It is the further intent of the Legislature that
2297 communities have responsibility for and participate in ensuring
2298 safety, permanence, and well-being for all children in the
2299 state.

2300 (b) The Legislature finds that when private entities assume
2301 responsibility for the care of children in the child protection



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2302 and child welfare system, comprehensive oversight of the
2303 programmatic, administrative, and fiscal operation of those
2304 entities is essential. The Legislature further finds that the
2305 appropriate care of children is ultimately the responsibility of
2306 the state and that outsourcing such care does not relieve the
2307 state of its responsibility to ensure that appropriate care is
2308 provided.

2309 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the
2310 goal of the department to protect the best interest of children
2311 by achieving the following outcomes in conjunction with the
2312 community-based care lead agency, community-based
2313 subcontractors, and the community alliance:

2314 (a) Children are first and foremost protected from abuse
2315 and neglect.

2316 (b) Children are safely maintained in their homes, if
2317 possible and appropriate.

2318 (c) Services are provided to protect children and prevent
2319 their removal from their home.

2320 (d) Children have permanency and stability in their living
2321 arrangements.

2322 (e) Family relationships and connections are preserved for
2323 children.

2324 (f) Families have enhanced capacity to provide for their
2325 children's needs.

2326 (g) Children receive appropriate services to meet their
2327 educational needs.

2328 (h) Children receive services to meet their physical and
2329 mental health needs.

2330 (i) Children develop the capacity for independent living



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2331 and competence as an adult.

2332 (3) DEFINITIONS.—As used in this part, except as otherwise
2333 provided, the term:

2334 (a) "Care" means services of any kind which are designed to
2335 facilitate a child remaining safely in his or her own home,
2336 returning safely to his or her own home if he or she is removed
2337 from the home, or obtaining an alternative permanent home if he
2338 or she cannot remain at home or be returned home. The term
2339 includes, but is not be limited to, prevention, diversion, and
2340 related services.

2341 (b) "Child" or "children" has the same meaning as provided
2342 in s. 39.01.

2343 (c) "Community alliance" or "alliance" means the group of
2344 stakeholders, community leaders, client representatives, and
2345 funders of human services established pursuant to s. 20.19(5) to
2346 provide a focal point for community participation and oversight
2347 of community-based services.

2348 (d) "Community-based care lead agency" or "lead agency"
2349 means a single entity with which the department has a contract
2350 for the provision of care for children in the child protection
2351 and child welfare system in a community that is no smaller than
2352 a county and no larger than two contiguous judicial circuits.
2353 The secretary of the department may authorize more than one
2354 eligible lead agency within a single county if doing so will
2355 result in more effective delivery of services to children.

2356 (e) "Related services" includes, but is not limited to,
2357 family preservation, independent living, emergency shelter,
2358 residential group care, foster care, therapeutic foster care,
2359 intensive residential treatment, foster care supervision, case



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2360 management, coordination of mental health services,
2361 postplacement supervision, permanent foster care, and family
2362 reunification.

2363 Section 31. Section 409.987, Florida Statutes, is created
2364 to read:

2365 409.987 Lead agency procurement.-

2366 (1) Community-based care lead agencies shall be procured by
2367 the department through a competitive process as required under
2368 chapter 287.

2369 (2) The department shall produce a schedule for the
2370 procurement of community-based care lead agencies and provide
2371 the schedule to the community alliances established pursuant to
2372 s. 20.19(5) and post the schedule on the department's website.

2373 (3) Notwithstanding s. 287.057, the department shall use 5-
2374 year contracts with lead agencies.

2375 (4) In order to serve as a lead agency, an entity must:

2376 (a) Be organized as a Florida corporation or a governmental
2377 entity.

2378 (b) Be governed by a board of directors or a board
2379 committee composed of board members. The membership of the board
2380 of directors or board committee must be described in the bylaws
2381 or articles of incorporation of each lead agency, which must
2382 provide that at least 75 percent of the membership of the board
2383 of directors or board committee must consist of persons residing
2384 in this state, and at least 51 percent of the state residents on
2385 the board of directors must reside within the service area of
2386 the lead agency. However, for procurements of lead agency
2387 contracts initiated on or after July 1, 2014:

2388 1. At least 75 percent of the membership of the board of



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2389 directors must consist of persons residing in this state, and at
2390 least 51 percent of the membership of the board of directors
2391 must consist of persons residing within the service area of the
2392 lead agency. If a board committee governs the lead agency, 100
2393 percent of its membership must consist of persons residing
2394 within the service area of the lead agency.

2395 2. The powers of the board of directors or board committee
2396 include, are not limited to, approving the lead agency's budget
2397 and setting the lead agency's operational policy and procedures.
2398 A board of directors must additionally have the power to hire
2399 the lead agency's executive director, unless a board committee
2400 governs the lead agency, in which case the board committee must
2401 have the power to confirm the selection of the lead agency's
2402 executive director.

2403 (c) Demonstrate financial responsibility through an
2404 organized plan for regular fiscal audits and the posting of a
2405 performance bond.

2406 (5) The department's procurement team procuring any lead
2407 agencies' contracts must include individuals from the community
2408 alliance in the area to be served under the contract. All
2409 meetings at which vendors make presentations to or negotiate
2410 with the procurement team shall be held in the area to be served
2411 by the contract.

2412 Section 32. Section 409.988, Florida Statutes, is created
2413 to read:

2414 409.988 Lead agency duties; general provisions.-

2415 (1) DUTIES.-A lead agency:

2416 (a) Shall serve all children referred as a result of a
2417 report of abuse, neglect, or abandonment to the department's



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2418 central abuse hotline, including, but not limited to, children
2419 who are the subject of verified reports and children who are not
2420 the subject of verified reports but who are at moderate to
2421 extremely high risk of abuse, neglect, or abandonment, as
2422 determined using the department's risk assessment instrument,
2423 regardless of the level of funding allocated to the lead agency
2424 by the state if all related funding is transferred. The lead
2425 agency may also serve children who have not been the subject of
2426 reports of abuse, neglect, or abandonment, but who are at risk
2427 of abuse, neglect, or abandonment, to prevent their entry into
2428 the child protection and child welfare system.

2429 (b) Shall provide accurate and timely information necessary
2430 for oversight by the department pursuant to the child welfare
2431 results-oriented accountability system required by s. 409.997.

2432 (c) Shall follow the financial guidelines developed by the
2433 department and provide for a regular independent auditing of its
2434 financial activities. Such financial information shall be
2435 provided to the community alliance established under s.
2436 20.19(5).

2437 (d) Shall post on its website the current budget for the
2438 lead agency, including the Internal Revenue Service Form 990 for
2439 the agency's chief executive officer, chief financial officer,
2440 and chief operating officer, or their equivalents.

2441 (e) Shall prepare all judicial reviews, case plans, and
2442 other reports necessary for court hearings for dependent
2443 children, except those related to the investigation of a
2444 referral from the department's child abuse hotline, and shall
2445 submit these documents timely to the department's attorneys for
2446 review, any necessary revision, and filing with the court. The



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2447 lead agency shall make the necessary staff available to
2448 department attorneys for preparation for dependency proceedings,
2449 and shall provide testimony and other evidence required for
2450 dependency court proceedings in coordination with the
2451 department's attorneys. This duty does not include the
2452 preparation of legal pleadings or other legal documents, which
2453 remain the responsibility of the department.

2454 (f) Shall ensure that all individuals providing care for
2455 dependent children receive appropriate training and meet the
2456 minimum employment standards established by the department.

2457 (g) Shall maintain eligibility to receive all available
2458 federal child welfare funds.

2459 (h) Shall maintain written agreements with Healthy Families
2460 Florida lead entities in its service area pursuant to s. 409.153
2461 to promote cooperative planning for the provision of prevention
2462 and intervention services.

2463 (i) Shall comply with federal and state statutory
2464 requirements and agency rules in the provision of contractual
2465 services.

2466 (j) May subcontract for the provision of services required
2467 by the contract with the lead agency and the department;
2468 however, the subcontracts must specify how the provider will
2469 contribute to the lead agency meeting the performance standards
2470 established pursuant to the child welfare results-oriented
2471 accountability system required by s. 409.997. The lead agency
2472 shall directly provide no more than 35 percent of all child
2473 welfare services provided.

2474 (k) Shall post on its website by the 15th day of each month
2475 at a minimum the information contained in subparagraphs 1.-4.



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2476 for the preceding calendar month regarding its case management
2477 services. The following information shall be reported by each
2478 individual subcontracted case management provider, by the lead
2479 agency, if the lead agency provides case management services,
2480 and in total for all case management services subcontracted or
2481 directly provided by the lead agency:

2482 1. The average caseload of case managers, including only
2483 filled positions;

2484 2. The turnover rate for case managers and case management
2485 supervisors for the previous 12 months;

2486 3. The percentage of required home visits completed; and

2487 4. Performance on outcome measures required pursuant to s.
2488 409.997 for the previous 12 months.

2489 (2) LICENSURE.—

2490 (a) A lead agency must be licensed as a child-caring or
2491 child-placing agency by the department under this chapter.

2492 (b) Each foster home, therapeutic foster home, emergency
2493 shelter, or other placement facility operated by the lead agency
2494 must be licensed by the department under chapter 402 or this
2495 chapter.

2496 (c) Substitute care providers who are licensed under s.
2497 409.175 and who have contracted with a lead agency are also
2498 authorized to provide registered or licensed family day care
2499 under s. 402.313 if such care is consistent with federal law and
2500 if the home has met the requirements of s. 402.313.

2501 (d) In order to eliminate or reduce the number of duplicate
2502 inspections by various program offices, the department shall
2503 coordinate inspections required for licensure of agencies under
2504 this subsection.



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2505 (e) The department may adopt rules to administer this
2506 subsection.

2507 (3) SERVICES.—A lead agency must serve dependent children
2508 through services that are supported by research or are best
2509 child welfare practices. The agency may also provide innovative
2510 services, including, but not limited to, family-centered,
2511 cognitive-behavioral, trauma-informed interventions designed to
2512 mitigate out-of-home placements.

2513 (4) LEAD AGENCY ACTING AS GUARDIAN.—

2514 (a) If a lead agency or other provider has accepted case
2515 management responsibilities for a child who is sheltered or
2516 found to be dependent and who is assigned to the care of the
2517 lead agency or other provider, the agency or provider may act as
2518 the child's guardian for the purpose of registering the child in
2519 school if a parent or guardian of the child is unavailable and
2520 his or her whereabouts cannot reasonably be ascertained.

2521 (b) The lead agency or other provider may also seek
2522 emergency medical attention for the child, but only if a parent
2523 or guardian of the child is unavailable, the parent or
2524 guardian's whereabouts cannot reasonably be ascertained, and a
2525 court order for such emergency medical services cannot be
2526 obtained because of the severity of the emergency or because it
2527 is after normal working hours.

2528 (c) A lead agency or other provider may not consent to
2529 sterilization, abortion, or termination of life support.

2530 (d) If a child's parents' rights have been terminated, the
2531 lead agency shall act as guardian of the child in all
2532 circumstances.

2533 Section 33. Section 409.990, Florida Statutes, is created



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2534 to read:

2535 409.990 Funding for lead agencies.—A contract established
2536 between the department and a lead agency must be funded by a
2537 grant of general revenue, other applicable state funds, or
2538 applicable federal funding sources.

2539 (1) The method of payment for a fixed-price contract with a
2540 lead agency must provide for a 2-month advance payment at the
2541 beginning of each fiscal year and equal monthly payments
2542 thereafter.

2543 (2) Notwithstanding s. 215.425, all documented federal
2544 funds earned for the current fiscal year by the department and
2545 lead agencies which exceed the amount appropriated by the
2546 Legislature shall be distributed to all entities that
2547 contributed to the excess earnings based on a schedule and
2548 methodology developed by the department and approved by the
2549 Executive Office of the Governor.

2550 (a) Distribution shall be pro rata, based on total
2551 earnings, and shall be made only to those entities that
2552 contributed to excess earnings.

2553 (b) Excess earnings of lead agencies shall be used only in
2554 the service district in which they were earned.

2555 (c) Additional state funds appropriated by the Legislature
2556 for lead agencies or made available pursuant to the budgetary
2557 amendment process described in s. 216.177 shall be transferred
2558 to the lead agencies.

2559 (d) The department shall amend a lead agency's contract to
2560 permit expenditure of the funds.

2561 (3) Notwithstanding any other provision of this section,
2562 the amount of the annual contract for a lead agency may be



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2563 increased by excess federal funds earned in accordance with s.
2564 216.181(11).

2565 (4) Each contract with a lead agency shall provide for the
2566 payment by the department to the lead agency of a reasonable
2567 administrative cost in addition to funding for the provision of
2568 services.

2569 (5) A lead agency may carry forward documented unexpended
2570 state funds from one fiscal year to the next; however, the
2571 cumulative amount carried forward may not exceed 8 percent of
2572 the total contract. Any unexpended state funds in excess of that
2573 percentage must be returned to the department.

2574 (a) The funds carried forward may not be used in any way
2575 that would create increased recurring future obligations, and
2576 such funds may not be used for any type of program or service
2577 that is not currently authorized by the existing contract with
2578 the department.

2579 (b) Expenditures of funds carried forward must be
2580 separately reported to the department.

2581 (c) Any unexpended funds that remain at the end of the
2582 contract period shall be returned to the department.

2583 (d) Funds carried forward may be retained through any
2584 contract renewals and any new procurements as long as the same
2585 lead agency is retained by the department.

2586 (6) It is the intent of the Legislature to improve services
2587 and local participation in community-based care initiatives by
2588 fostering community support and providing enhanced prevention
2589 and in-home services, thereby reducing the risk otherwise faced
2590 by lead agencies. A community partnership matching grant program
2591 is established and shall be operated by the department to



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2592 encourage local participation in community-based care for
2593 children in the child welfare system. A children's services
2594 council or another local entity that makes a financial
2595 commitment to a community-based care lead agency may be eligible
2596 for a matching grant. The total amount of the local contribution
2597 may be matched on a one-to-one basis up to a maximum annual
2598 amount of \$500,000 per lead agency. Awarded matching grant funds
2599 may be used for any prevention or in-home services that can be
2600 reasonably expected to reduce the number of children entering
2601 the child welfare system. Funding available for the matching
2602 grant program is subject to legislative appropriation of
2603 nonrecurring funds provided for this purpose.

2604 (7) (a) The department, in consultation with the Florida
2605 Coalition for Children, Inc., shall develop and implement a
2606 community-based care risk pool initiative to mitigate the
2607 financial risk to eligible lead agencies. This initiative must
2608 include:

2609 1. A risk pool application and protocol developed by the
2610 department which outlines submission criteria, including, but
2611 not limited to, financial and program management, descriptive
2612 data requirements, and timeframes for submission of
2613 applications. Requests for funding from risk pool applicants
2614 must be based on relevant and verifiable service trends and
2615 changes that have occurred during the current fiscal year. The
2616 application must confirm that expenditure of approved risk pool
2617 funds by the lead agency will be completed within the current
2618 fiscal year.

2619 2. A risk pool peer review committee, appointed by the
2620 secretary and consisting of department staff and representatives



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2621 from at least three nonapplicant lead agencies, which reviews
2622 and assesses all risk pool applications. Upon completion of each
2623 application review, the peer review committee shall report its
2624 findings and recommendations to the secretary, providing, at a
2625 minimum, the following information:

2626 a. Justification for the specific funding amount required
2627 by the risk pool applicant based on the current year's service
2628 trend data, including validation that the applicant's financial
2629 need was caused by circumstances beyond the control of the lead
2630 agency management;

2631 b. Verification that the proposed use of risk pool funds
2632 meets at least one of the purposes specified in paragraph (c);
2633 and

2634 c. Evidence of technical assistance provided in an effort
2635 to avoid the need to access the risk pool and recommendations
2636 for technical assistance to the lead agency to ensure that risk
2637 pool funds are expended effectively and that the agency's need
2638 for future risk pool funding is diminished.

2639 (b) Upon approval by the secretary of a risk pool
2640 application, the department may request funds from the risk pool
2641 in accordance with s. 216.181(6) (a).

2642 (c) The purposes for which the community-based care risk
2643 pool shall be used include:

2644 1. Significant changes in the number or composition of
2645 clients eligible to receive services.

2646 2. Significant changes in the services that are eligible
2647 for reimbursement.

2648 3. Continuity of care in the event of failure,
2649 discontinuance of service, or financial misconduct by a lead



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2650 agency.

2651 4. Significant changes in the mix of available funds.

2652 (d) The department may also request in its annual
2653 legislative budget request, and the Governor may recommend, that
2654 the funding necessary to effect paragraph (c) be appropriated to
2655 the department. In addition, the department may request the
2656 allocation of funds from the community-based care risk pool in
2657 accordance with s. 216.181(6) (a). Funds from the pool may be
2658 used to match available federal dollars.

2659 1. Such funds shall constitute partial security for
2660 contract performance by lead agencies and shall be used to
2661 offset the need for a performance bond.

2662 2. The department may separately require a bond to mitigate
2663 the financial consequences of potential acts of malfeasance or
2664 misfeasance or criminal violations by the service provider.

2665 Section 34. Section 409.16713, Florida Statutes, is
2666 transferred and renumbered as section 409.991, Florida Statutes,
2667 and paragraph (a) of subsection (1) of that section is amended,
2668 to read:

2669 409.991 ~~409.16713~~ Allocation of funds for community-based
2670 care lead agencies.—

2671 (1) As used in this section, the term:

2672 (a) "Core services funding" means all funds allocated to
2673 community-based care lead agencies operating under contract with
2674 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
2675 following exceptions:

- 2676 1. Funds appropriated for independent living;
2677 2. Funds appropriated for maintenance adoption subsidies;
2678 3. Funds allocated by the department for protective



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2679 investigations training;
2680 4. Nonrecurring funds;
2681 5. Designated mental health wrap-around services funds; and
2682 6. Funds for special projects for a designated community-
2683 based care lead agency.

2684 Section 35. Section 409.992, Florida Statutes, is created
2685 to read:

2686 409.992 Lead agency expenditures.—

2687 (1) The procurement of commodities or contractual services
2688 by lead agencies shall be governed by the financial guidelines
2689 developed by the department and must comply with applicable
2690 state and federal law and follow good business practices.

2691 Pursuant to s. 11.45, the Auditor General may provide technical
2692 advice in the development of the financial guidelines.

2693 (2) Notwithstanding any other provision of law, a
2694 community-based care lead agency may make expenditures for staff
2695 cellular telephone allowances, contracts requiring deferred
2696 payments and maintenance agreements, security deposits for
2697 office leases, related agency professional membership dues other
2698 than personal professional membership dues, promotional
2699 materials, and grant writing services. Expenditures for food and
2700 refreshments, other than those provided to clients in the care
2701 of the agency or to foster parents, adoptive parents, and
2702 caseworkers during training sessions, are not allowable.

2703 (3) A lead community-based care agency and its
2704 subcontractors are exempt from state travel policies as provided
2705 in s. 112.061(3)(a) for their travel expenses incurred in order
2706 to comply with the requirements of this section.

2707 Section 36. Section 409.993, Florida Statutes, is created



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2708 to read:

2709 409.993 Lead agencies and subcontractor liability.—

2710 (1) FINDINGS.—

2711 (a) The Legislature finds that the state has traditionally
2712 provided foster care services to children who are the
2713 responsibility of the state. As such, foster children have not
2714 had the right to recover for injuries beyond the limitations
2715 specified in s. 768.28. The Legislature has determined that
2716 foster care and related services should be outsourced pursuant
2717 to this section and that the provision of such services is of
2718 paramount importance to the state. The purpose of such
2719 outsourcing is to increase the level of safety, security, and
2720 stability of children who are or become the responsibility of
2721 the state. One of the components necessary to secure a safe and
2722 stable environment for such children is the requirement that
2723 private providers maintain liability insurance. As such,
2724 insurance needs to be available and remain available to
2725 nongovernmental foster care and related services providers
2726 without the resources of such providers being significantly
2727 reduced by the cost of maintaining such insurance.

2728 (b) The Legislature further finds that, by requiring the
2729 following minimum levels of insurance, children in outsourced
2730 foster care and related services will gain increased protection
2731 and rights of recovery in the event of injury than currently
2732 provided in s. 768.28.

2733 (2) LEAD AGENCY LIABILITY.—

2734 (a) Other than an entity to which s. 768.28 applies, an
2735 eligible community-based care lead agency, or its employees or
2736 officers, except as otherwise provided in paragraph (b), shall,



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2737 as a part of its contract, obtain a minimum of \$1 million per
2738 occurrence with a policy period aggregate limit of \$3 million in
2739 general liability insurance coverage. The lead agency must also
2740 require that staff who transport client children and families in
2741 their personal automobiles in order to carry out their job
2742 responsibilities obtain minimum bodily injury liability
2743 insurance in the amount of \$100,000 per person per any one
2744 automobile accident, and subject to such limits for each person,
2745 \$300,000 for all damages resulting from any one automobile
2746 accident, on their personal automobiles. In lieu of personal
2747 motor vehicle insurance, the lead agency's casualty, liability,
2748 or motor vehicle insurance carrier may provide nonowned
2749 automobile liability coverage. This insurance provides liability
2750 insurance for an automobile that the lead agency uses in
2751 connection with the lead agency's business but does not own,
2752 lease, rent, or borrow. This coverage includes an automobile
2753 owned by an employee of the lead agency or a member of the
2754 employee's household but only while the automobile is used in
2755 connection with the lead agency's business. The nonowned
2756 automobile coverage for the lead agency applies as excess
2757 coverage over any other collectible insurance. The personal
2758 automobile policy for the employee of the lead agency shall be
2759 primary insurance, and the nonowned automobile coverage of the
2760 lead agency acts as excess insurance to the primary insurance.
2761 The lead agency shall provide a minimum limit of \$1 million in
2762 nonowned automobile coverage. In a tort action brought against
2763 such a lead agency or employee, net economic damages shall be
2764 limited to \$2 million per liability claim and \$200,000 per
2765 automobile claim, including, but not limited to, past and future



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2766 medical expenses, wage loss, and loss of earning capacity,
2767 offset by any collateral source payment paid or payable. In any
2768 tort action brought against a lead agency, noneconomic damages
2769 shall be limited to \$400,000 per claim. A claims bill may be
2770 brought on behalf of a claimant pursuant to s. 768.28 for any
2771 amount exceeding the limits specified in this paragraph. Any
2772 offset of collateral source payments made as of the date of the
2773 settlement or judgment shall be in accordance with s. 768.76.
2774 The lead agency is not liable in tort for the acts or omissions
2775 of its subcontractors or the officers, agents, or employees of
2776 its subcontractors.

2777 (b) The liability of a lead agency described in this
2778 section shall be exclusive and in place of all other liability
2779 of such lead agency. The same immunities from liability enjoyed
2780 by such lead agencies shall extend to each employee of the lead
2781 agency if he or she is acting in furtherance of the lead
2782 agency's business, including the transportation of clients
2783 served, as described in this subsection, in privately owned
2784 vehicles. Such immunities are not applicable to a lead agency or
2785 an employee who acts in a culpably negligent manner or with
2786 willful and wanton disregard or unprovoked physical aggression
2787 if such acts result in injury or death or such acts proximately
2788 cause such injury or death. Such immunities are not applicable
2789 to employees of the same lead agency when each is operating in
2790 the furtherance of the agency's business, but they are assigned
2791 primarily to unrelated work within private or public employment.
2792 The same immunity provisions enjoyed by a lead agency also apply
2793 to any sole proprietor, partner, corporate officer or director,
2794 supervisor, or other person who, in the course and scope of his



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2795 or her duties, acts in a managerial or policymaking capacity and
2796 the conduct that caused the alleged injury arose within the
2797 course and scope of those managerial or policymaking duties. As
2798 used in this subsection and subsection (3), the term "culpably
2799 negligent manner" means reckless indifference or grossly
2800 careless disregard of human life.

2801 (3) SUBCONTRACTOR LIABILITY.-

2802 (a) A subcontractor of an eligible community-based care
2803 lead agency that is a direct provider of foster care and related
2804 services to children and families, and its employees or
2805 officers, except as otherwise provided in paragraph (b), must,
2806 as a part of its contract, obtain a minimum of \$1 million per
2807 occurrence with a policy period aggregate limit of \$3 million in
2808 general liability insurance coverage. The subcontractor of a
2809 lead agency must also require that staff who transport client
2810 children and families in their personal automobiles in order to
2811 carry out their job responsibilities obtain minimum bodily
2812 injury liability insurance in the amount of \$100,000 per person
2813 in any one automobile accident, and subject to such limits for
2814 each person, \$300,000 for all damages resulting from any one
2815 automobile accident, on their personal automobiles. In lieu of
2816 personal motor vehicle insurance, the subcontractor's casualty,
2817 liability, or motor vehicle insurance carrier may provide
2818 nonowned automobile liability coverage. This insurance provides
2819 liability insurance for automobiles that the subcontractor uses
2820 in connection with the subcontractor's business but does not
2821 own, lease, rent, or borrow. This coverage includes automobiles
2822 owned by the employees of the subcontractor or a member of the
2823 employee's household but only while the automobiles are used in



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2824 connection with the subcontractor's business. The nonowned
2825 automobile coverage for the subcontractor applies as excess
2826 coverage over any other collectible insurance. The personal
2827 automobile policy for the employee of the subcontractor shall be
2828 primary insurance, and the nonowned automobile coverage of the
2829 subcontractor acts as excess insurance to the primary insurance.
2830 The subcontractor shall provide a minimum limit of \$1 million in
2831 nonowned automobile coverage. In a tort action brought against
2832 such subcontractor or employee, net economic damages shall be
2833 limited to \$2 million per liability claim and \$200,000 per
2834 automobile claim, including, but not limited to, past and future
2835 medical expenses, wage loss, and loss of earning capacity,
2836 offset by any collateral source payment paid or payable. In a
2837 tort action brought against such subcontractor, noneconomic
2838 damages shall be limited to \$400,000 per claim. A claims bill
2839 may be brought on behalf of a claimant pursuant to s. 768.28 for
2840 any amount exceeding the limits specified in this paragraph. Any
2841 offset of collateral source payments made as of the date of the
2842 settlement or judgment shall be in accordance with s. 768.76.

2843 (b) The liability of a subcontractor of a lead agency that
2844 is a direct provider of foster care and related services as
2845 described in this section is exclusive and in place of all other
2846 liability of such provider. The same immunities from liability
2847 enjoyed by such subcontractor provider extend to each employee
2848 of the subcontractor when such employee is acting in furtherance
2849 of the subcontractor's business, including the transportation of
2850 clients served, as described in this subsection, in privately
2851 owned vehicles. Such immunities are not applicable to a
2852 subcontractor or an employee who acts in a culpably negligent



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2853 manner or with willful and wanton disregard or unprovoked
2854 physical aggression if such acts result in injury or death or if
2855 such acts proximately cause such injury or death. Such
2856 immunities are not applicable to employees of the same
2857 subcontractor who are operating in the furtherance of the
2858 subcontractor's business but are assigned primarily to unrelated
2859 works within private or public employment. The same immunity
2860 provisions enjoyed by a subcontractor also apply to any sole
2861 proprietor, partner, corporate officer or director, supervisor,
2862 or other person who, in the course and scope of his or her
2863 duties, acts in a managerial or policymaking capacity and the
2864 conduct that caused the alleged injury arose within the course
2865 and scope of those managerial or policymaking duties.

2866 (4) LIMITATIONS ON DAMAGES.—The Legislature is cognizant of
2867 the increasing costs of goods and services each year and
2868 recognizes that fixing a set amount of compensation has the
2869 effect of a reduction in compensation each year. Accordingly,
2870 the conditional limitations on damages in this section shall be
2871 increased at the rate of 5 percent each year, prorated from July
2872 1, 2014, to the date at which damages subject to such
2873 limitations are awarded by final judgment or settlement.

2874 Section 37. Section 409.1675, Florida Statutes, is
2875 transferred, renumbered as section 409.994, Florida Statutes,
2876 and amended to read:

2877 409.994 409.1675 ~~Lead~~ Community-based care lead agencies
2878 ~~providers~~; receivership.—

2879 (1) The Department of Children and Families ~~Family Services~~
2880 may petition a court of competent jurisdiction for the
2881 appointment of a receiver for a ~~lead~~ community-based care lead



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2882 ~~agency provider~~ established pursuant to s. 409.987 if ~~s.~~
2883 ~~409.1671~~ when any of the following conditions exist:

2884 (a) The lead agency ~~community-based provider~~ is operating
2885 without a license as a child-placing agency.

2886 (b) The lead agency ~~community-based provider~~ has given less
2887 than 120 days' notice of its intent to cease operations, and
2888 arrangements have not been made for another lead agency
2889 ~~community-based provider~~ or for the department to continue the
2890 uninterrupted provision of services.

2891 (c) The department determines that conditions exist in the
2892 lead agency ~~community-based provider~~ which present an imminent
2893 danger to the health, safety, or welfare of the dependent
2894 children under that agency's ~~provider's~~ care or supervision.
2895 Whenever possible, the department shall make a reasonable effort
2896 to facilitate the continued operation of the program.

2897 (d) The lead agency ~~community-based provider~~ cannot meet
2898 its current financial obligations to its employees, contractors,
2899 or foster parents. Issuance of bad checks or the existence of
2900 delinquent obligations for payment of salaries, utilities, or
2901 invoices for essential services or commodities shall constitute
2902 prima facie evidence that the lead agency ~~community-based~~
2903 ~~provider~~ lacks the financial ability to meet its financial
2904 obligations.

2905 (2) (a) The petition for receivership shall take precedence
2906 over other court business unless the court determines that some
2907 other pending proceeding, having statutory precedence, has
2908 priority.

2909 (b) A hearing shall be conducted within 5 days after the
2910 filing of the petition, at which time interested parties shall



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2911 have the opportunity to present evidence as to whether a
2912 receiver should be appointed. The department shall give
2913 reasonable notice of the hearing on the petition to the lead
2914 agency ~~community-based provider~~.

2915 (c) The court shall grant the petition upon finding that
2916 one or more of the conditions in subsection (1) exists and the
2917 continued existence of the condition or conditions jeopardizes
2918 the health, safety, or welfare of dependent children. A receiver
2919 may be appointed ex parte when the court determines that one or
2920 more of the conditions in subsection (1) exists. After such
2921 finding, the court may appoint any person, including an employee
2922 of the department who is qualified by education, training, or
2923 experience to carry out the duties of the receiver pursuant to
2924 this section, except that the court may ~~shall~~ not appoint any
2925 member of the governing board or any officer of the lead agency
2926 ~~community-based provider~~. The receiver may be selected from a
2927 list of persons qualified to act as receivers which is developed
2928 by the department and presented to the court with each petition
2929 of receivership.

2930 (d) A receiver may be appointed for up to 90 days, and the
2931 department may petition the court for additional 30-day
2932 extensions. Sixty days after appointment of a receiver and every
2933 30 days thereafter until the receivership is terminated, the
2934 department shall submit to the court an assessment of the lead
2935 agency's ~~community-based provider's~~ ability to ensure the
2936 health, safety, and welfare of the dependent children under its
2937 supervision.

2938 (3) The receiver shall take such steps as are reasonably
2939 necessary to ensure the continued health, safety, and welfare of



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2940 the dependent children under the supervision of the lead agency
2941 ~~community-based provider~~ and shall exercise those powers and
2942 perform those duties set out by the court, including, but not
2943 limited to:

2944 (a) Taking such action as is reasonably necessary to
2945 protect or conserve the assets or property of the lead agency
2946 ~~community-based provider~~. The receiver may use the assets and
2947 property and any proceeds from any transfer thereof only in the
2948 performance of the powers and duties provided ~~set forth~~ in this
2949 section and by order of the court.

2950 (b) Using the assets of the lead agency ~~community-based~~
2951 ~~provider~~ in the provision of care and services to dependent
2952 children.

2953 (c) Entering into contracts and hiring agents and employees
2954 to carry out the powers and duties of the receiver under this
2955 section.

2956 (d) Having full power to direct, manage, hire, and
2957 discharge employees of the lead agency ~~community-based provider~~.
2958 The receiver shall hire and pay new employees at the rate of
2959 compensation, including benefits, approved by the court.

2960 (e) Honoring all leases, mortgages, and contractual
2961 obligations of the lead agency ~~community-based provider~~, but
2962 only to the extent of payments that become due during the period
2963 of the receivership.

2964 (4) (a) The receiver shall deposit funds received in a
2965 separate account and shall use this account for all
2966 disbursements.

2967 (b) A payment to the receiver of any sum owing to the lead
2968 agency ~~community-based provider~~ shall discharge any obligation



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2969 to the provider to the extent of the payment.

2970 (5) A receiver may petition the court for temporary relief
2971 from obligations entered into by the lead agency ~~community-based~~
2972 ~~provider~~ if the rent, price, or rate of interest required to be
2973 paid under the agreement was substantially in excess of a
2974 reasonable rent, price, or rate of interest at the time the
2975 contract was entered into, or if any material provision of the
2976 agreement was unreasonable when compared to contracts negotiated
2977 under similar conditions. Any relief in this form provided by
2978 the court shall be limited to the life of the receivership,
2979 unless otherwise determined by the court.

2980 (6) The court shall set the compensation of the receiver,
2981 which shall be considered a necessary expense of a receivership
2982 and may grant to the receiver such other authority necessary to
2983 ensure the health, safety, and welfare of the children served.

2984 (7) A receiver may be held liable in a personal capacity
2985 only for the receiver's own gross negligence, intentional acts,
2986 or breaches of fiduciary duty. This section may ~~shall~~ not be
2987 interpreted to be a waiver of sovereign immunity should the
2988 department be appointed receiver.

2989 (8) If the receiver is not the department, the court may
2990 require a receiver to post a bond to ensure the faithful
2991 performance of these duties.

2992 (9) The court may terminate a receivership when:

2993 (a) The court determines that the receivership is no longer
2994 necessary because the conditions that gave rise to the
2995 receivership no longer exist; or

2996 (b) The department has entered into a contract with a new
2997 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~



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2998 ~~409.1671~~, and that contractor is ready and able to assume the
2999 duties of the previous lead agency provider.

3000 (10) Within 30 days after the termination, unless this time
3001 period is extended by the court, the receiver shall give the
3002 court a complete accounting of all property of which the
3003 receiver has taken possession, of all funds collected and
3004 disbursed, and of the expenses of the receivership.

3005 (11) ~~Nothing in~~ This section does not ~~shall be construed to~~
3006 relieve any employee of the lead agency ~~community-based provider~~
3007 placed in receivership of any civil or criminal liability
3008 incurred, or any duty imposed by law, by reason of acts or
3009 omissions of the employee before ~~prior to~~ the appointment of a
3010 receiver, and; ~~nor shall anything contained in this section~~ does
3011 not be construed to suspend during the receivership any
3012 obligation of the employee for payment of taxes or other
3013 operating or maintenance expenses of the lead agency ~~community-~~
3014 ~~based provider~~ or for the payment of mortgages or liens. The
3015 lead agency ~~community-based provider~~ shall retain the right to
3016 sell or mortgage any facility under receivership, subject to the
3017 prior approval of the court that ordered the receivership.

3018 Section 38. Section 409.996, Florida Statutes, is created
3019 to read:

3020 409.996 Duties of the Department of Children and Families.-
3021 The department shall contract for the delivery, administration,
3022 or management of care for children in the child protection and
3023 child welfare system. In doing so, the department retains
3024 responsibility for the quality of contracted services and
3025 programs and shall ensure that services are delivered in
3026 accordance with applicable federal and state statutes and



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3027 regulations.

3028 (1) The department shall enter into contracts with lead
3029 agencies for the performance of the duties by the lead agencies
3030 pursuant to s. 409.988. At a minimum, the contracts must:

3031 (a) Provide for the services needed to accomplish the
3032 duties established in s. 409.988 and provide information to the
3033 department which is necessary to meet the requirements for a
3034 quality assurance program pursuant to subsection (18) and the
3035 child welfare results-oriented accountability system pursuant to
3036 s. 409.997.

3037 (b) Provide for graduated penalties for failure to comply
3038 with contract terms. Such penalties may include financial
3039 penalties, enhanced monitoring and reporting, corrective action
3040 plans, and early termination of contracts or other appropriate
3041 action to ensure contract compliance.

3042 (c) Ensure that the lead agency shall furnish current and
3043 accurate information on its activities in all cases in client
3044 case records in the state's statewide automated child welfare
3045 information system.

3046 (d) Specify the procedures to be used by the parties to
3047 resolve differences in interpreting the contract or to resolve
3048 disputes as to the adequacy of the parties' compliance with
3049 their respective obligations under the contract.

3050 (2) The department must adopt written policies and
3051 procedures for monitoring the contract for delivery of services
3052 by lead agencies which must be posted on the department's
3053 website. These policies and procedures must, at a minimum,
3054 address the evaluation of fiscal accountability and program
3055 operations, including provider achievement of performance



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3056 standards, provider monitoring of subcontractors, and timely
3057 followup of corrective actions for significant monitoring
3058 findings related to providers and subcontractors. These policies
3059 and procedures must also include provisions for reducing the
3060 duplication of the department's program monitoring activities
3061 both internally and with other agencies, to the extent possible.
3062 The department's written procedures must ensure that the written
3063 findings, conclusions, and recommendations from monitoring the
3064 contract for services of lead agencies are communicated to the
3065 director of the provider agency and the community alliance as
3066 expeditiously as possible.

3067 (3) The department shall receive federal and state funds as
3068 appropriated for the operation of the child welfare system,
3069 transmit these funds to the lead agencies as agreed to in the
3070 contract, and provide information on its website of the
3071 distribution of the federal funds. The department retains
3072 responsibility for the appropriate spending of these funds. The
3073 department shall monitor lead agencies to assess compliance with
3074 the financial guidelines established pursuant to s. 409.992 and
3075 other applicable state and federal laws.

3076 (4) The department shall provide technical assistance and
3077 consultation to lead agencies in the provision of care to
3078 children in the child protection and child welfare system.

3079 (5) The department retains the responsibility for the
3080 review, approval or denial, and issuances of all foster home
3081 licenses.

3082 (6) The department shall process all applications submitted
3083 by lead agencies for the Interstate Compact on the Placement of
3084 Children and the Interstate Compact on Adoption and Medical



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3085 Assistance.

3086 (7) The department shall assist lead agencies with access
3087 to and coordination with other service programs within the
3088 department.

3089 (8) The department shall determine Medicaid eligibility for
3090 all referred children and shall coordinate services with the
3091 Agency for Health Care Administration.

3092 (9) The department shall develop, in cooperation with the
3093 lead agencies, a third-party credentialing entity approved
3094 pursuant to s. 402.40(3), and the Florida Institute for Child
3095 Welfare established pursuant to s. 1004.615, a standardized
3096 competency-based curriculum for certification training for child
3097 protection staff.

3098 (10) The department shall maintain the statewide adoptions
3099 website and provide information and training to the lead
3100 agencies relating to the website.

3101 (11) The department shall provide training and assistance
3102 to lead agencies regarding the responsibility of lead agencies
3103 relating to children receiving supplemental security income,
3104 social security, railroad retirement, or veterans' benefits.

3105 (12) With the assistance of a lead agency, the department
3106 shall develop and implement statewide and local interagency
3107 agreements needed to coordinate services for children and
3108 parents involved in the child welfare system who are also
3109 involved with the Agency for Persons with Disabilities, the
3110 Department of Juvenile Justice, the Department of Education, the
3111 Department of Health, and other governmental organizations that
3112 share responsibilities for children or parents in the child
3113 welfare system.



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3114 (13) With the assistance of a lead agency, the department
3115 shall develop and implement a working agreement between the lead
3116 agency and the substance abuse and mental health managing entity
3117 to integrate services and supports for children and parents
3118 serviced in the child welfare system.

3119 (14) The department shall work with the Agency for Health
3120 Care Administration to provide each Medicaid-eligible child with
3121 early and periodic screening, diagnosis, and treatment,
3122 including 72-hour screening, periodic child health checkups, and
3123 prescribed followup for ordered services, including, but not
3124 limited to, medical, dental, and vision care.

3125 (15) The department shall assist lead agencies in
3126 developing an array of services in compliance with the Title IV-
3127 E waiver and shall monitor the provision of such services.

3128 (16) The department shall provide a mechanism to allow lead
3129 agencies to request a waiver of department policies and
3130 procedures that create inefficiencies or inhibit the performance
3131 of the lead agency's duties.

3132 (17) The department shall directly or through contract
3133 provide attorneys to prepare and present cases in dependency
3134 court and shall ensure that the court is provided with adequate
3135 information for informed decisionmaking in dependency cases,
3136 including a face sheet for each case which lists the names and
3137 contact information for any child protective investigator, child
3138 protective investigation supervisor, case manager, and case
3139 manager supervisor, and the regional department official
3140 responsible for the lead agency contract. The department shall
3141 provide to the court the case information and recommendations
3142 provided by the lead agency or subcontractor. For the Sixth



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3143 Judicial Circuit, the department shall contract with the state
3144 attorney for the provision of these services.

3145 (18) The department, in consultation with lead agencies,
3146 shall establish a quality assurance program for contracted
3147 services to dependent children. The quality assurance program
3148 shall be based on standards established by federal and state law
3149 and national accrediting organizations.

3150 (a) The department must evaluate each lead agency under
3151 contract at least annually. These evaluations shall cover the
3152 programmatic, operational, and fiscal operations of the lead
3153 agency and must be consistent with the child welfare results-
3154 oriented accountability system required by s. 409.997. The
3155 department must consult with dependency judges in the circuit or
3156 circuits served by the lead agency on the performance of the
3157 lead agency.

3158 (b) The department and each lead agency shall monitor out-
3159 of-home placements, including the extent to which sibling groups
3160 are placed together or provisions to provide visitation and
3161 other contacts if siblings are separated. The data shall
3162 identify reasons for sibling separation. Information related to
3163 sibling placement shall be incorporated into the results-
3164 oriented accountability system required pursuant to s. 409.997
3165 and in the evaluation of the outcome specified in s.
3166 409.986(2)(e). The information related to sibling placement
3167 shall also be made available to the institute established
3168 pursuant s. 1004.615 for use in assessing the performance of
3169 child welfare services in relation to the outcome specified in
3170 s. 409.986(2)(e).

3171 (c) The department shall, to the extent possible, use



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3172 independent financial audits provided by the lead agency to
3173 eliminate or reduce the ongoing contract and administrative
3174 reviews conducted by the department. If the department
3175 determines that such independent financial audits are
3176 inadequate, other audits, as necessary, may be conducted by the
3177 department. This paragraph does not abrogate the requirements of
3178 s. 215.97.

3179 (d) The department may suggest additional items to be
3180 included in such independent financial audits to meet the
3181 department's needs.

3182 (e) The department may outsource programmatic,
3183 administrative, or fiscal monitoring oversight of lead agencies.

3184 (f) A lead agency must assure that all subcontractors are
3185 subject to the same quality assurance activities as the lead
3186 agency.

3187 (19) The department and its attorneys have the
3188 responsibility to ensure that the court is fully informed about
3189 issues before it, to make recommendations to the court, and to
3190 present competent evidence, including testimony by the
3191 department's employees, contractors, and subcontractors, as well
3192 as other individuals, to support all recommendations made to the
3193 court. The department's attorneys shall coordinate lead agency
3194 or subcontractor staff to ensure that dependency cases are
3195 presented appropriately to the court, giving deference to the
3196 information developed by the case manager and direction to the
3197 case manager if more information is needed.

3198 (20) The department, in consultation with lead agencies,
3199 shall develop a dispute resolution process so that disagreements
3200 between legal staff, investigators, and case management staff



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3201 can be resolved in the best interest of the child in question
3202 before court appearances regarding that child.

3203 (21) The department shall periodically, and before
3204 procuring a lead agency, solicit comments and recommendations
3205 from the community alliance established in s. 20.19(5), any
3206 other community groups, or public hearings. The recommendations
3207 must include, but are not limited to:

3208 (a) The current and past performance of a lead agency.

3209 (b) The relationship between a lead agency and its
3210 community partners.

3211 (c) Any local conditions or service needs in child
3212 protection and child welfare.

3213 Section 39. Effective January 1, 2015, section 409.997,
3214 Florida Statutes, is created to read:

3215 409.997 Child welfare results-oriented accountability
3216 system.—

3217 (1) The department, the community-based care lead agencies,
3218 and the lead agencies' subcontractors share the responsibility
3219 for achieving the outcome goals specified in s. 409.986(2).

3220 (2) In order to assess the achievement of the outcome goals
3221 specified in s. 409.986(2), the department shall maintain a
3222 comprehensive, results-oriented accountability system that
3223 monitors the use of resources, the quality and amount of
3224 services provided, and child and family outcomes through data
3225 analysis, research review, evaluation, and quality improvement.
3226 The system shall provide information about individual entities'
3227 performance as well as the performance of groups of entities
3228 working together as an integrated system of care on a local,
3229 regional, and statewide basis. The department shall issue a



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3230 request for information for the accountability system to
3231 identify system development and implementation approaches,
3232 technical and operational solutions, timeframes for
3233 implementation, pricing and costs, and implementation
3234 considerations; assess respondents' experience in providing
3235 similar systems and interest in providing the accountability
3236 system; and generate any other information determined by the
3237 department to be useful in establishing the system. The
3238 department shall provide a report to the Governor, the President
3239 of the Senate, and the Speaker of the House of Representatives
3240 by February 1, 2015, summarizing the responses and providing the
3241 department's recommendations regarding procurement and
3242 implementation of the system. In maintaining the accountability
3243 system, the department shall:

3244 (a) Identify valid and reliable outcome measures for each
3245 of the goals specified in this subsection. The outcome data set
3246 must consist of a limited number of understandable measures
3247 using available data to quantify outcomes as children move
3248 through the system of care. Such measures may aggregate multiple
3249 variables that affect the overall achievement of the outcome
3250 goals. Valid and reliable measures must be based on adequate
3251 sample sizes, be gathered over suitable time periods, and
3252 reflect authentic rather than spurious results, and may not be
3253 susceptible to manipulation.

3254 (b) Implement a monitoring system to track the identified
3255 outcome measures on a statewide, regional, and provider-specific
3256 basis. The monitoring system must identify trends and chart
3257 progress toward achievement of the goals specified s.
3258 409.986(2). The requirements of the monitoring system may be



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3259 incorporated into the quality assurance program required under
3260 s. 409.996(18). The monitoring system shall track the placement
3261 of siblings in the child welfare system, including the extent to
3262 which siblings are placed together and, if the siblings are not
3263 placed together, the efforts to maintain the relationship
3264 between siblings through face-to-face visitation and written and
3265 electronic contact.

3266 (c) Develop and maintain an analytical system that builds
3267 on the outcomes monitoring system to assess the statistical
3268 validity of observed associations between child welfare
3269 interventions and the measured outcomes. The analysis must use
3270 quantitative methods to adjust for variations in demographic or
3271 other conditions. The analysis must include longitudinal studies
3272 to evaluate longer-term outcomes such as continued safety,
3273 family permanence, and transition to self-sufficiency. The
3274 analysis may also include qualitative research methods to
3275 provide insight into statistical patterns.

3276 (d) Develop and maintain a program of research review to
3277 identify interventions that are supported by evidence as
3278 causally linked to improved outcomes.

3279 (e) Support an ongoing process of evaluation to determine
3280 the efficacy and effectiveness of various interventions.
3281 Efficacy evaluation is intended to determine the validity of a
3282 causal relationship between an intervention and an outcome.
3283 Effectiveness evaluation is intended to determine the extent to
3284 which the results can be generalized.

3285 (f) Develop and maintain an inclusive, interactive, and
3286 evidence-supported program of quality improvement which promotes
3287 individual skill building as well as organizational learning.



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3288 (g) Develop and implement a method for making the results
3289 of the accountability system transparent for all parties
3290 involved in the child welfare system as well as policymakers and
3291 the public. The presentation of the results shall provide a
3292 comprehensible, visual report card for the state and each
3293 community-based care region, indicating the current status
3294 relative to each goal and trends in that status over time. The
3295 presentation shall identify and report outcome measures that
3296 assess the performance of the department, the community-based
3297 care lead agency, and the lead agency's subcontractors working
3298 together as an integrated system of care.

3299 (3) The department shall establish a technical advisory
3300 panel consisting of representatives from the Florida Institute
3301 for Child Welfare established in s. 1004.615, lead agencies,
3302 community-based care providers, other contract providers,
3303 community alliances, and family representatives. The President
3304 of the Senate and the Speaker of the House of Representatives
3305 shall each appoint a member to serve as a legislative liaison to
3306 the panel. The technical advisory panel shall advise the
3307 department on meeting the requirements of this section.

3308 (4) The accountability system may not rank or compare
3309 performance among community-based care regions unless adequate
3310 and specific adjustments are adopted that account for the
3311 diversity in regions' demographics, resources, and other
3312 relevant characteristics.

3313 (5) The results of the accountability system must provide
3314 the basis for performance incentives if funds for such payments
3315 are made available through the General Appropriations Act.

3316 (6) At least quarterly, the department shall make the



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3317 results of the accountability system available to the public
3318 through publication on its website. The website must allow for
3319 custom searches of the performance data.

3320 (7) By October 1 of each year, the department shall submit
3321 a report on the statewide and individual community-based care
3322 lead agency results for child protection and child welfare
3323 systems. The department shall use the accountability system and
3324 consult with the community alliance and the chief judge or
3325 judges in the community-based care service area to prepare the
3326 report. The report shall be submitted to the Governor, the
3327 President of the Senate, and the Speaker of the House of
3328 Representatives.

3329 Section 40. Section 827.10, Florida Statutes, is created to
3330 read:

3331 827.10 Unlawful desertion of a child.—

3332 (1) As used in this section, the term:

3333 (a) "Care" means support and services necessary to maintain
3334 the child's physical and mental health, including, but not
3335 limited to, food, nutrition, clothing, shelter, supervision,
3336 medicine, and medical services that a prudent person would
3337 consider essential for the well-being of the child.

3338 (b) "Caregiver" has the same meaning as provided in s.
3339 39.01.

3340 (c) "Child" means a child for whose care the caregiver is
3341 legally responsible.

3342 (d) "Desertion" or "deserts" means to leave a child in a
3343 place or with a person other than a relative with the intent not
3344 to return to the child and with the intent not to provide for
3345 the care of the child.



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3346 (e) "Relative" has the same meaning as provided in s.
3347 39.01.

3348 (2) A caregiver who deserts a child under circumstances in
3349 which the caregiver knew or should have known that the desertion
3350 exposes the child to unreasonable risk of harm commits a felony
3351 of the third degree, punishable as provided in s. 775.082, s.
3352 775.083, or s. 775.084.

3353 (3) This section does not apply to a person who surrenders
3354 a newborn infant in compliance with s. 383.50.

3355 (4) This section does not preclude prosecution for a
3356 criminal act under any other law, including, but not limited to,
3357 prosecution of child abuse or neglect of a child under s.
3358 827.03.

3359 Section 41. Paragraph (d) of subsection (4) of section
3360 985.04, Florida Statutes, is amended to read:

3361 985.04 Oaths; records; confidential information.-

3362 (4)

3363 (d) The department shall disclose to the school
3364 superintendent the presence of any child in the care and custody
3365 or under the jurisdiction or supervision of the department who
3366 has a known history of criminal sexual behavior with other
3367 juveniles; is ~~an~~ alleged to have committed juvenile sexual abuse
3368 offender, as defined in s. 39.01; or has pled guilty or nolo
3369 contendere to, or has been found to have committed, a violation
3370 of chapter 794, chapter 796, chapter 800, s. 827.071, or s.
3371 847.0133, regardless of adjudication. Any employee of a district
3372 school board who knowingly and willfully discloses such
3373 information to an unauthorized person commits a misdemeanor of
3374 the second degree, punishable as provided in s. 775.082 or s.



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3375 775.083.

3376 Section 42. Section 1004.615, Florida Statutes, is created
3377 to read:

3378 1004.615 Florida Institute for Child Welfare.-

3379 (1) There is established the Florida Institute for Child
3380 Welfare within the Florida State University College of Social
3381 Work. The purpose of the institute is to advance the well-being
3382 of children and families by improving the performance of child
3383 protection and child welfare services through research, policy
3384 analysis, evaluation, and leadership development. The institute
3385 shall consist of a consortium of public and private universities
3386 offering degrees in social work and shall be housed within the
3387 Florida State University College of Social Work.

3388 (2) Using such resources as authorized in the General
3389 Appropriations Act, the Department of Children and Families
3390 shall contract with the institute for performance of the duties
3391 described in subsection (4) using state appropriations, public
3392 and private grants, and other resources obtained by the
3393 institute.

3394 (3) The institute shall work with the department, sheriffs
3395 providing child protective investigative services, community-
3396 based care lead agencies, community-based care provider
3397 organizations, the court system, the Department of Juvenile
3398 Justice, the Florida Coalition Against Domestic Violence, and
3399 other partners who contribute to and participate in providing
3400 child protection and child welfare services.

3401 (4) The institute shall:

3402 (a) Maintain a program of research which contributes to
3403 scientific knowledge and informs both policy and practice



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3404 related to child safety, permanency, and child and family well-
3405 being.

3406 (b) Advise the department and other organizations
3407 participating in the child protection and child welfare system
3408 regarding scientific evidence on policy and practice related to
3409 child safety, permanency, and child and family well-being.

3410 (c) Provide advice regarding management practices and
3411 administrative processes used by the department and other
3412 organizations participating in the child protection and child
3413 welfare system and recommend improvements that reduce
3414 burdensome, ineffective requirements for frontline staff and
3415 their supervisors while enhancing their ability to effectively
3416 investigate, analyze, problem solve, and supervise.

3417 (d) Assess the performance of child protection and child
3418 welfare services based on specific outcome measures.

3419 (e) Evaluate the scope and effectiveness of preservice and
3420 inservice training for child protection and child welfare
3421 employees and advise and assist the department in efforts to
3422 improve such training.

3423 (f) Assess the readiness of social work graduates to assume
3424 job responsibilities in the child protection and child welfare
3425 system and identify gaps in education which can be addressed
3426 through the modification of curricula or the establishment of
3427 industry certifications.

3428 (g) Develop and maintain a program of professional support
3429 including training courses and consulting services that assist
3430 both individuals and organizations in implementing adaptive and
3431 resilient responses to workplace stress.

3432 (h) Participate in the department's critical incident



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3433 response team, assist in the preparation of reports about such
3434 incidents, and support the committee review of reports and
3435 development of recommendations.

3436 (i) Identify effective policies and promising practices,
3437 including, but not limited to, innovations in coordination
3438 between entities participating in the child protection and child
3439 welfare system, data analytics, working with the local
3440 community, and management of human service organizations, and
3441 communicate these findings to the department and other
3442 organizations participating in the child protection and child
3443 welfare system.

3444 (j) Develop a definition of a child or family at high risk
3445 of abuse or neglect. Such a definition must consider
3446 characteristics associated with a greater probability of abuse
3447 and neglect.

3448 (5) The President of the Florida State University shall
3449 appoint a director of the institute. The director must be a
3450 child welfare professional with a degree in social work who
3451 holds a faculty appointment in the Florida State University
3452 College of Social Work. The institute shall be administered by
3453 the director, and the director's office shall be located at the
3454 Florida State University. The director is responsible for
3455 overall management of the institute and for developing and
3456 executing the work of the institute consistent with the
3457 responsibilities in subsection (4). The director shall engage
3458 individuals in other state universities with accredited colleges
3459 of social work to participate in the institute. Individuals from
3460 other university programs relevant to the institute's work,
3461 including, but not limited to, economics, management, law,



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3462 medicine, and education, may also be invited by the director to
3463 contribute to the institute. The universities participating in
3464 the institute shall provide facilities, staff, and other
3465 resources to the institute to establish statewide access to
3466 institute programs and services.

3467 (6) By October 1 of each year, the institute shall provide
3468 a written report to the Governor, the President of the Senate,
3469 and the Speaker of the House of Representatives which outlines
3470 its activities in the preceding year, reports significant
3471 research findings, as well as results of other programs, and
3472 provides specific recommendations for improving child protection
3473 and child welfare services.

3474 (a) The institute shall include an evaluation of the
3475 results of the educational and training requirements for child
3476 protection and child welfare personnel established under this
3477 act and recommendations for application of the results to child
3478 protection personnel employed by sheriff's offices providing
3479 child protection services in its report due October 1, 2017.

3480 (b) The institute shall include an evaluation of the
3481 effects of the other provisions of this act and recommendations
3482 for improvements in child protection and child welfare services
3483 in its report due October 1, 2018.

3484 (7) The institute shall submit a report with
3485 recommendations for improving the state's child welfare system.
3486 The report shall address topics including, but not limited to,
3487 enhancing working relationships between the entities involved in
3488 the child protection and child welfare system, identification of
3489 and replication of best practices, reducing paperwork,
3490 increasing the retention of child protective investigators and



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3491 case managers, and caring for medically complex children within
3492 the child welfare system, with the goal of allowing the child to
3493 remain in the least restrictive and most nurturing environment.
3494 The institute shall submit an interim report by February 1,
3495 2015, and final report by October 1, 2015, to the Governor, the
3496 President of the Senate, and the Speaker of the House of
3497 Representatives.

3498 Section 43. Paragraph (h) is added to subsection (1) of
3499 section 1009.25, Florida Statutes, to read:

3500 1009.25 Fee exemptions.—

3501 (1) The following students are exempt from the payment of
3502 tuition and fees, including lab fees, at a school district that
3503 provides workforce education programs, Florida College System
3504 institution, or state university:

3505 (h) Pursuant to s. 402.403, child protection and child
3506 welfare personnel as defined in s. 402.402 who are enrolled in
3507 an accredited bachelor's degree or master's degree in social
3508 work program, provided that the student attains at least a grade
3509 of "B" in all courses for which tuition and fees are exempted.

3510 Section 44. Section 402.401, Florida Statutes, is repealed.

3511 Section 45. Section 409.1671, Florida Statutes, is
3512 repealed.

3513 Section 46. Section 409.16715, Florida Statutes, is
3514 repealed.

3515 Section 47. Section 409.16745, Florida Statutes, is
3516 repealed.

3517 Section 48. Section 1004.61, Florida Statutes, is repealed.

3518 Section 49. Paragraph (g) of subsection (1) of section
3519 39.201, Florida Statutes, is amended to read:



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3520 39.201 Mandatory reports of child abuse, abandonment, or
3521 neglect; mandatory reports of death; central abuse hotline.—

3522 (1)

3523 (g) Nothing in this chapter or in the contracting with
3524 community-based care providers for foster care and related
3525 services as specified in s. 409.987 ~~s. 409.1671~~ shall be
3526 construed to remove or reduce the duty and responsibility of any
3527 person, including any employee of the community-based care
3528 provider, to report a suspected or actual case of child abuse,
3529 abandonment, or neglect or the sexual abuse of a child to the
3530 department's central abuse hotline.

3531 Section 50. Subsection (1) of section 39.302, Florida
3532 Statutes, is amended to read:

3533 39.302 Protective investigations of institutional child
3534 abuse, abandonment, or neglect.—

3535 (1) The department shall conduct a child protective
3536 investigation of each report of institutional child abuse,
3537 abandonment, or neglect. Upon receipt of a report that alleges
3538 that an employee or agent of the department, or any other entity
3539 or person covered by s. 39.01(32) ~~s. 39.01(33)~~ or (47), acting
3540 in an official capacity, has committed an act of child abuse,
3541 abandonment, or neglect, the department shall initiate a child
3542 protective investigation within the timeframe established under
3543 s. 39.201(5) and notify the appropriate state attorney, law
3544 enforcement agency, and licensing agency, which shall
3545 immediately conduct a joint investigation, unless independent
3546 investigations are more feasible. When conducting investigations
3547 or having face-to-face interviews with the child, investigation
3548 visits shall be unannounced unless it is determined by the



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3549 department or its agent that unannounced visits threaten the
3550 safety of the child. If a facility is exempt from licensing, the
3551 department shall inform the owner or operator of the facility of
3552 the report. Each agency conducting a joint investigation is
3553 entitled to full access to the information gathered by the
3554 department in the course of the investigation. A protective
3555 investigation must include an interview with the child's parent
3556 or legal guardian. The department shall make a full written
3557 report to the state attorney within 3 working days after making
3558 the oral report. A criminal investigation shall be coordinated,
3559 whenever possible, with the child protective investigation of
3560 the department. Any interested person who has information
3561 regarding the offenses described in this subsection may forward
3562 a statement to the state attorney as to whether prosecution is
3563 warranted and appropriate. Within 15 days after the completion
3564 of the investigation, the state attorney shall report the
3565 findings to the department and shall include in the report a
3566 determination of whether or not prosecution is justified and
3567 appropriate in view of the circumstances of the specific case.

3568 Section 51. Subsection (1) of section 39.524, Florida
3569 Statutes, is amended to read:

3570 39.524 Safe-harbor placement.—

3571 (1) Except as provided in s. 39.407 or s. 985.801, a
3572 dependent child 6 years of age or older who has been found to be
3573 a victim of sexual exploitation as defined in s. 39.01(68)(g) ~~s.~~
3574 ~~39.01(67)(g)~~ must be assessed for placement in a safe house as
3575 provided in s. 409.1678. The assessment shall be conducted by
3576 the department or its agent and shall incorporate and address
3577 current and historical information from any law enforcement



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3578 reports; psychological testing or evaluation that has occurred;
3579 current and historical information from the guardian ad litem,
3580 if one has been assigned; current and historical information
3581 from any current therapist, teacher, or other professional who
3582 has knowledge of the child and has worked with the child; and
3583 any other information concerning the availability and
3584 suitability of safe-house placement. If such placement is
3585 determined to be appropriate as a result of this assessment, the
3586 child may be placed in a safe house, if one is available. As
3587 used in this section, the term "available" as it relates to a
3588 placement means a placement that is located within the circuit
3589 or otherwise reasonably accessible.

3590 Section 52. Subsection (6) of section 316.613, Florida
3591 Statutes, is amended to read:

3592 316.613 Child restraint requirements.—

3593 (6) The child restraint requirements imposed by this
3594 section do not apply to a chauffeur-driven taxi, limousine,
3595 sedan, van, bus, motor coach, or other passenger vehicle if the
3596 operator and the motor vehicle are hired and used for the
3597 transportation of persons for compensation. It is the obligation
3598 and responsibility of the parent, guardian, or other person
3599 responsible for a child's welfare, as defined in s. 39.01(47),
3600 to comply with the requirements of this section.

3601 Section 53. Subsections (1), (3), and (5) of section
3602 409.1676, Florida Statutes, are amended to read:

3603 409.1676 Comprehensive residential group care services to
3604 children who have extraordinary needs.—

3605 (1) It is the intent of the Legislature to provide
3606 comprehensive residential group care services, including



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3607 residential care, case management, and other services, to
3608 children in the child protection system who have extraordinary
3609 needs. These services are to be provided in a residential group
3610 care setting by a not-for-profit corporation or a local
3611 government entity under a contract with the Department of
3612 Children and Families ~~Family Services~~ or by a lead agency as
3613 described in s. 409.987 ~~s. 409.1671~~. These contracts should be
3614 designed to provide an identified number of children with access
3615 to a full array of services for a fixed price. Further, it is
3616 the intent of the Legislature that the Department of Children
3617 and Families ~~Family Services~~ and the Department of Juvenile
3618 Justice establish an interagency agreement by December 1, 2002,
3619 which describes respective agency responsibilities for referral,
3620 placement, service provision, and service coordination for
3621 dependent and delinquent youth who are referred to these
3622 residential group care facilities. The agreement must require
3623 interagency collaboration in the development of terms,
3624 conditions, and performance outcomes for residential group care
3625 contracts serving the youth referred who have been adjudicated
3626 both dependent and delinquent.

3627 (3) The department, in accordance with a specific
3628 appropriation for this program, shall contract with a not-for-
3629 profit corporation, a local government entity, or the lead
3630 agency that has been established in accordance with s. 409.987
3631 ~~s. 409.1671~~ for the performance of residential group care
3632 services described in this section. A lead agency that is
3633 currently providing residential care may provide this service
3634 directly with the approval of the local community alliance. The
3635 department or a lead agency may contract for more than one site



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3636 in a county if that is determined to be the most effective way
3637 to achieve the goals set forth in this section.

3638 (5) The department may transfer all casework
3639 responsibilities for children served under this program to the
3640 entity that provides this service, including case management and
3641 development and implementation of a case plan in accordance with
3642 current standards for child protection services. When the
3643 department establishes this program in a community that has a
3644 lead agency as described in s. 409.987 ~~s. 409.1671~~, the casework
3645 responsibilities must be transferred to the lead agency.

3646 Section 54. Subsection (2) of section 409.1677, Florida
3647 Statutes, is amended to read:

3648 409.1677 Model comprehensive residential services
3649 programs.—

3650 (2) The department shall establish a model comprehensive
3651 residential services program in Manatee and Miami-Dade Counties
3652 through a contract with the designated lead agency established
3653 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private
3654 entity capable of providing residential group care and home-
3655 based care and experienced in the delivery of a range of
3656 services to foster children, if no lead agency exists. These
3657 model programs are to serve that portion of eligible children
3658 within each county which is specified in the contract, based on
3659 funds appropriated, to include a full array of services for a
3660 fixed price. The private entity or lead agency is responsible
3661 for all programmatic functions necessary to carry out the intent
3662 of this section.

3663 Section 55. Paragraph (d) of subsection (1) of section
3664 409.1678, Florida Statutes, is amended to read:



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3665 409.1678 Safe harbor for children who are victims of sexual
3666 exploitation.—

3667 (1) As used in this section, the term:

3668 (d) "Sexually exploited child" means a dependent child who
3669 has suffered sexual exploitation as defined in s. 39.01(68)(g)
3670 ~~s. 39.01(67)(g)~~ and is ineligible for relief and benefits under
3671 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.
3672 7101 et seq.

3673 Section 56. Subsection (24) of section 409.906, Florida
3674 Statutes, is amended to read:

3675 409.906 Optional Medicaid services.—Subject to specific
3676 appropriations, the agency may make payments for services which
3677 are optional to the state under Title XIX of the Social Security
3678 Act and are furnished by Medicaid providers to recipients who
3679 are determined to be eligible on the dates on which the services
3680 were provided. Any optional service that is provided shall be
3681 provided only when medically necessary and in accordance with
3682 state and federal law. Optional services rendered by providers
3683 in mobile units to Medicaid recipients may be restricted or
3684 prohibited by the agency. Nothing in this section shall be
3685 construed to prevent or limit the agency from adjusting fees,
3686 reimbursement rates, lengths of stay, number of visits, or
3687 number of services, or making any other adjustments necessary to
3688 comply with the availability of moneys and any limitations or
3689 directions provided for in the General Appropriations Act or
3690 chapter 216. If necessary to safeguard the state's systems of
3691 providing services to elderly and disabled persons and subject
3692 to the notice and review provisions of s. 216.177, the Governor
3693 may direct the Agency for Health Care Administration to amend



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3694 the Medicaid state plan to delete the optional Medicaid service
3695 known as "Intermediate Care Facilities for the Developmentally
3696 Disabled." Optional services may include:

3697 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for
3698 Health Care Administration, in consultation with the Department
3699 of Children and Families ~~Family Services~~, may establish a
3700 targeted case-management project in those counties identified by
3701 the Department of Children and Families ~~Family Services~~ and for
3702 all counties with a community-based child welfare project, as
3703 authorized under s. 409.987 ~~s. 409.1671~~, which have been
3704 specifically approved by the department. The covered group of
3705 individuals who are eligible to receive targeted case management
3706 include children who are eligible for Medicaid; who are between
3707 the ages of birth through 21; and who are under protective
3708 supervision or postplacement supervision, under foster-care
3709 supervision, or in shelter care or foster care. The number of
3710 individuals who are eligible to receive targeted case management
3711 is limited to the number for whom the Department of Children and
3712 Families ~~Family Services~~ has matching funds to cover the costs.
3713 The general revenue funds required to match the funds for
3714 services provided by the community-based child welfare projects
3715 are limited to funds available for services described under s.
3716 409.990 ~~s. 409.1671~~. The Department of Children and Families
3717 ~~Family Services~~ may transfer the general revenue matching funds
3718 as billed by the Agency for Health Care Administration.

3719 Section 57. Paragraph (b) of subsection (4) of section
3720 409.912, Florida Statutes, is amended to read:

3721 409.912 Cost-effective purchasing of health care.—The
3722 agency shall purchase goods and services for Medicaid recipients



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3723 in the most cost-effective manner consistent with the delivery
3724 of quality medical care. To ensure that medical services are
3725 effectively utilized, the agency may, in any case, require a
3726 confirmation or second physician's opinion of the correct
3727 diagnosis for purposes of authorizing future services under the
3728 Medicaid program. This section does not restrict access to
3729 emergency services or poststabilization care services as defined
3730 in 42 C.F.R. part 438.114. Such confirmation or second opinion
3731 shall be rendered in a manner approved by the agency. The agency
3732 shall maximize the use of prepaid per capita and prepaid
3733 aggregate fixed-sum basis services when appropriate and other
3734 alternative service delivery and reimbursement methodologies,
3735 including competitive bidding pursuant to s. 287.057, designed
3736 to facilitate the cost-effective purchase of a case-managed
3737 continuum of care. The agency shall also require providers to
3738 minimize the exposure of recipients to the need for acute
3739 inpatient, custodial, and other institutional care and the
3740 inappropriate or unnecessary use of high-cost services. The
3741 agency shall contract with a vendor to monitor and evaluate the
3742 clinical practice patterns of providers in order to identify
3743 trends that are outside the normal practice patterns of a
3744 provider's professional peers or the national guidelines of a
3745 provider's professional association. The vendor must be able to
3746 provide information and counseling to a provider whose practice
3747 patterns are outside the norms, in consultation with the agency,
3748 to improve patient care and reduce inappropriate utilization.
3749 The agency may mandate prior authorization, drug therapy
3750 management, or disease management participation for certain
3751 populations of Medicaid beneficiaries, certain drug classes, or



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3752 particular drugs to prevent fraud, abuse, overuse, and possible
3753 dangerous drug interactions. The Pharmaceutical and Therapeutics
3754 Committee shall make recommendations to the agency on drugs for
3755 which prior authorization is required. The agency shall inform
3756 the Pharmaceutical and Therapeutics Committee of its decisions
3757 regarding drugs subject to prior authorization. The agency is
3758 authorized to limit the entities it contracts with or enrolls as
3759 Medicaid providers by developing a provider network through
3760 provider credentialing. The agency may competitively bid single-
3761 source-provider contracts if procurement of goods or services
3762 results in demonstrated cost savings to the state without
3763 limiting access to care. The agency may limit its network based
3764 on the assessment of beneficiary access to care, provider
3765 availability, provider quality standards, time and distance
3766 standards for access to care, the cultural competence of the
3767 provider network, demographic characteristics of Medicaid
3768 beneficiaries, practice and provider-to-beneficiary standards,
3769 appointment wait times, beneficiary use of services, provider
3770 turnover, provider profiling, provider licensure history,
3771 previous program integrity investigations and findings, peer
3772 review, provider Medicaid policy and billing compliance records,
3773 clinical and medical record audits, and other factors. Providers
3774 are not entitled to enrollment in the Medicaid provider network.
3775 The agency shall determine instances in which allowing Medicaid
3776 beneficiaries to purchase durable medical equipment and other
3777 goods is less expensive to the Medicaid program than long-term
3778 rental of the equipment or goods. The agency may establish rules
3779 to facilitate purchases in lieu of long-term rentals in order to
3780 protect against fraud and abuse in the Medicaid program as



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3781 defined in s. 409.913. The agency may seek federal waivers
3782 necessary to administer these policies.

3783 (4) The agency may contract with:

3784 (b) An entity that is providing comprehensive behavioral
3785 health care services to certain Medicaid recipients through a
3786 capitated, prepaid arrangement pursuant to the federal waiver
3787 provided for by s. 409.905(5). Such entity must be licensed
3788 under chapter 624, chapter 636, or chapter 641, or authorized
3789 under paragraph (c) or paragraph (d), and must possess the
3790 clinical systems and operational competence to manage risk and
3791 provide comprehensive behavioral health care to Medicaid
3792 recipients. As used in this paragraph, the term "comprehensive
3793 behavioral health care services" means covered mental health and
3794 substance abuse treatment services that are available to
3795 Medicaid recipients. The secretary of the Department of Children
3796 and Families ~~Family Services~~ shall approve provisions of
3797 procurements related to children in the department's care or
3798 custody before enrolling such children in a prepaid behavioral
3799 health plan. Any contract awarded under this paragraph must be
3800 competitively procured. In developing the behavioral health care
3801 prepaid plan procurement document, the agency shall ensure that
3802 the procurement document requires the contractor to develop and
3803 implement a plan to ensure compliance with s. 394.4574 related
3804 to services provided to residents of licensed assisted living
3805 facilities that hold a limited mental health license. Except as
3806 provided in subparagraph 5., and except in counties where the
3807 Medicaid managed care pilot program is authorized pursuant to s.
3808 409.91211, the agency shall seek federal approval to contract
3809 with a single entity meeting these requirements to provide



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3810 comprehensive behavioral health care services to all Medicaid
3811 recipients not enrolled in a Medicaid managed care plan
3812 authorized under s. 409.91211, a provider service network
3813 authorized under paragraph (d), or a Medicaid health maintenance
3814 organization in an AHCA area. In an AHCA area where the Medicaid
3815 managed care pilot program is authorized pursuant to s.
3816 409.91211 in one or more counties, the agency may procure a
3817 contract with a single entity to serve the remaining counties as
3818 an AHCA area or the remaining counties may be included with an
3819 adjacent AHCA area and are subject to this paragraph. Each
3820 entity must offer a sufficient choice of providers in its
3821 network to ensure recipient access to care and the opportunity
3822 to select a provider with whom they are satisfied. The network
3823 shall include all public mental health hospitals. To ensure
3824 unimpaired access to behavioral health care services by Medicaid
3825 recipients, all contracts issued pursuant to this paragraph must
3826 require 80 percent of the capitation paid to the managed care
3827 plan, including health maintenance organizations and capitated
3828 provider service networks, to be expended for the provision of
3829 behavioral health care services. If the managed care plan
3830 expends less than 80 percent of the capitation paid for the
3831 provision of behavioral health care services, the difference
3832 shall be returned to the agency. The agency shall provide the
3833 plan with a certification letter indicating the amount of
3834 capitation paid during each calendar year for behavioral health
3835 care services pursuant to this section. The agency may reimburse
3836 for substance abuse treatment services on a fee-for-service
3837 basis until the agency finds that adequate funds are available
3838 for capitated, prepaid arrangements.



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3839 1. The agency shall modify the contracts with the entities
3840 providing comprehensive inpatient and outpatient mental health
3841 care services to Medicaid recipients in Hillsborough, Highlands,
3842 Hardee, Manatee, and Polk Counties, to include substance abuse
3843 treatment services.

3844 2. Except as provided in subparagraph 5., the agency and
3845 the Department of Children and Families ~~Family Services~~ shall
3846 contract with managed care entities in each AHCA area except
3847 area 6 or arrange to provide comprehensive inpatient and
3848 outpatient mental health and substance abuse services through
3849 capitated prepaid arrangements to all Medicaid recipients who
3850 are eligible to participate in such plans under federal law and
3851 regulation. In AHCA areas where eligible individuals number less
3852 than 150,000, the agency shall contract with a single managed
3853 care plan to provide comprehensive behavioral health services to
3854 all recipients who are not enrolled in a Medicaid health
3855 maintenance organization, a provider service network authorized
3856 under paragraph (d), or a Medicaid capitated managed care plan
3857 authorized under s. 409.91211. The agency may contract with more
3858 than one comprehensive behavioral health provider to provide
3859 care to recipients who are not enrolled in a Medicaid capitated
3860 managed care plan authorized under s. 409.91211, a provider
3861 service network authorized under paragraph (d), or a Medicaid
3862 health maintenance organization in AHCA areas where the eligible
3863 population exceeds 150,000. In an AHCA area where the Medicaid
3864 managed care pilot program is authorized pursuant to s.
3865 409.91211 in one or more counties, the agency may procure a
3866 contract with a single entity to serve the remaining counties as
3867 an AHCA area or the remaining counties may be included with an



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3868 adjacent AHCA area and shall be subject to this paragraph.
3869 Contracts for comprehensive behavioral health providers awarded
3870 pursuant to this section shall be competitively procured. Both
3871 for-profit and not-for-profit corporations are eligible to
3872 compete. Managed care plans contracting with the agency under
3873 subsection (3) or paragraph (d) shall provide and receive
3874 payment for the same comprehensive behavioral health benefits as
3875 provided in AHCA rules, including handbooks incorporated by
3876 reference. In AHCA area 11, the agency shall contract with at
3877 least two comprehensive behavioral health care providers to
3878 provide behavioral health care to recipients in that area who
3879 are enrolled in, or assigned to, the MediPass program. One of
3880 the behavioral health care contracts must be with the existing
3881 provider service network pilot project, as described in
3882 paragraph (d), for the purpose of demonstrating the cost-
3883 effectiveness of the provision of quality mental health services
3884 through a public hospital-operated managed care model. Payment
3885 shall be at an agreed-upon capitated rate to ensure cost
3886 savings. Of the recipients in area 11 who are assigned to
3887 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those
3888 MediPass-enrolled recipients shall be assigned to the existing
3889 provider service network in area 11 for their behavioral care.

3890 3. Children residing in a statewide inpatient psychiatric
3891 program, or in a Department of Juvenile Justice or a Department
3892 of Children and Families ~~Family Services~~ residential program
3893 approved as a Medicaid behavioral health overlay services
3894 provider may not be included in a behavioral health care prepaid
3895 health plan or any other Medicaid managed care plan pursuant to
3896 this paragraph.



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3897 4. Traditional community mental health providers under
3898 contract with the Department of Children and Families ~~Family~~
3899 ~~Services~~ pursuant to part IV of chapter 394, child welfare
3900 providers under contract with the Department of Children and
3901 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental
3902 health providers licensed pursuant to chapter 395 must be
3903 offered an opportunity to accept or decline a contract to
3904 participate in any provider network for prepaid behavioral
3905 health services.

3906 5. All Medicaid-eligible children, except children in area
3907 1 and children in Highlands County, Hardee County, Polk County,
3908 or Manatee County of area 6, which ~~that~~ are open for child
3909 welfare services in the statewide automated child welfare
3910 information system, shall receive their behavioral health care
3911 services through a specialty prepaid plan operated by community-
3912 based lead agencies through a single agency or formal agreements
3913 among several agencies. The agency shall work with the specialty
3914 plan to develop clinically effective, evidence-based
3915 alternatives as a downward substitution for the statewide
3916 inpatient psychiatric program and similar residential care and
3917 institutional services. The specialty prepaid plan must result
3918 in savings to the state comparable to savings achieved in other
3919 Medicaid managed care and prepaid programs. Such plan must
3920 provide mechanisms to maximize state and local revenues. The
3921 specialty prepaid plan shall be developed by the agency and the
3922 Department of Children and Families ~~Family Services~~. The agency
3923 may seek federal waivers to implement this initiative. Medicaid-
3924 eligible children whose cases are open for child welfare
3925 services in the statewide automated child welfare information



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3926 system and who reside in AHCA area 10 shall be enrolled in a
3927 capitated provider service network or other capitated managed
3928 care plan, which, in coordination with available community-based
3929 care providers specified in s. 409.987 ~~s. 409.1671~~, shall
3930 provide sufficient medical, developmental, and behavioral health
3931 services to meet the needs of these children.

3932
3933 Effective July 1, 2012, in order to ensure continuity of care,
3934 the agency is authorized to extend or modify current contracts
3935 based on current service areas or on a regional basis, as
3936 determined appropriate by the agency, with comprehensive
3937 behavioral health care providers as described in this paragraph
3938 during the period prior to its expiration. This paragraph
3939 expires October 1, 2014.

3940 Section 58. Paragraph (dd) of subsection (3) of section
3941 409.91211, Florida Statutes, is amended to read:

3942 409.91211 Medicaid managed care pilot program.—

3943 (3) The agency shall have the following powers, duties, and
3944 responsibilities with respect to the pilot program:

3945 (dd) To implement service delivery mechanisms within a
3946 specialty plan in area 10 to provide behavioral health care
3947 services to Medicaid-eligible children whose cases are open for
3948 child welfare services in the HomeSafeNet system. These services
3949 must be coordinated with community-based care providers as
3950 specified in s. 409.986 ~~s. 409.1671~~, where available, and be
3951 sufficient to meet the developmental, behavioral, and emotional
3952 needs of these children. Children in area 10 who have an open
3953 case in the HomeSafeNet system shall be enrolled into the
3954 specialty plan. These service delivery mechanisms must be



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3955 implemented no later than July 1, 2011, in AHCA area 10 in order
3956 for the children in AHCA area 10 to remain exempt from the
3957 statewide plan under s. 409.912(4)(b)5. An administrative fee
3958 may be paid to the specialty plan for the coordination of
3959 services based on the receipt of the state share of that fee
3960 being provided through intergovernmental transfers.

3961 Section 59. Paragraph (d) of subsection (1) of section
3962 420.628, Florida Statutes, is amended to read:

3963 420.628 Affordable housing for children and young adults
3964 leaving foster care; legislative findings and intent.—

3965 (1)

3966 (d) The Legislature intends that the Florida Housing
3967 Finance Corporation, agencies within the State Housing
3968 Initiative Partnership Program, local housing finance agencies,
3969 public housing authorities, and their agents, and other
3970 providers of affordable housing coordinate with the Department
3971 of Children and Families ~~Family Services~~, their agents, and
3972 community-based care providers who provide services under s.
3973 409.986 ~~s. 409.1671~~ to develop and implement strategies and
3974 procedures designed to make affordable housing available
3975 whenever and wherever possible to young adults who leave the
3976 child welfare system.

3977 Section 60. Subsection (5) of section 960.065, Florida
3978 Statutes, is amended to read:

3979 960.065 Eligibility for awards.—

3980 (5) A person is not ineligible for an award pursuant to
3981 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
3982 person is a victim of sexual exploitation of a child as defined
3983 in s. 39.01(68)(g) ~~s. 39.01(67)(g)~~.



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3984 Section 61. Except as otherwise expressly provided in this
3985 act, this act shall take effect July 1, 2014.

3986

3987 ===== T I T L E A M E N D M E N T =====

3988 And the title is amended as follows:

3989 Delete everything before the enacting clause
3990 and insert:

3991 A bill to be entitled
3992 An act relating to child welfare; amending s. 20.19,
3993 F.S.; requiring the Secretary of Children and Families
3994 to appoint an Assistant Secretary for Child Welfare;
3995 providing qualifications and responsibilities;
3996 amending s. 39.001, F.S.; revising the purposes of ch.
3997 39, F.S.; requiring the department to provide for
3998 certain services for medically complex children;
3999 amending s. 39.01, F.S.; providing, revising, and
4000 deleting definitions; amending s. 39.013, F.S.;
4001 clarifying responsibilities of the department in
4002 dependency proceedings; amending s. 39.201, F.S.;
4003 requiring alleged incidents of juvenile sexual abuse
4004 involving specified children to be reported to the
4005 department's central abuse hotline; requiring the
4006 department to provide specified information on an
4007 investigation of child sexual abuse to the court;
4008 creating s. 39.2015, F.S.; requiring the department to
4009 conduct specified investigations using critical
4010 incident rapid response teams; providing requirements
4011 for such investigations and for team membership;
4012 authorizing team access to specified information;



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4013 requiring the cooperation of specified agencies and
4014 organizations; providing for reimbursement of team
4015 members; requiring the team to provide an
4016 investigation report; requiring the secretary to
4017 develop guidelines for investigations and provide team
4018 member training; requiring the secretary to appoint an
4019 advisory committee; requiring the committee to submit
4020 a report to the secretary; requiring the secretary to
4021 submit such report to the Governor and the Legislature
4022 by a specified date; creating s. 39.2022, F.S.;
4023 providing legislative intent; requiring the department
4024 to publish specified information on its website
4025 regarding the death of a child reported to the central
4026 abuse hotline; amending s. 39.301, F.S.; authorizing
4027 the use of safety plans in child protection
4028 investigations in cases of present or impending
4029 danger; providing requirements for implementation of a
4030 safety plan; providing conditions for filing a
4031 petition for dependency; amending s. 39.303, F.S.;
4032 requiring physician involvement when a child
4033 protection team evaluates a report of medical neglect
4034 of a medically complex child; creating s. 39.3068,
4035 F.S.; providing requirements for investigating medical
4036 neglect; providing duties of the department; amending
4037 s. 39.307, F.S.; requiring the department to assist
4038 the family, child, and caregiver in receiving services
4039 upon a report alleging juvenile sexual abuse or
4040 inappropriate sexual behavior; requiring the
4041 department to maintain specified records; requiring



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4042 child sexual abuse to be taken into account in
4043 placement consideration; requiring the department to
4044 monitor the occurrence of child sexual abuse and
4045 related services; amending s. 39.402, F.S.; requiring
4046 the department to make a reasonable effort to keep
4047 siblings together when they are placed in out-of-home
4048 care under certain circumstances; providing for
4049 sibling visitation under certain conditions; amending
4050 s. 39.501, F.S.; requiring compliance with a safety
4051 plan to be considered when deciding a petition for
4052 dependency; amending s. 39.504, F.S.; authorizing the
4053 court to order a person to comply with a safety plan
4054 that is implemented in an injunction; amending s.
4055 39.5085, F.S.; revising legislative intent;
4056 authorizing placement of a child with a nonrelative
4057 caregiver and financial assistance for such
4058 nonrelative caregiver through the Relative Caregiver
4059 Program under certain circumstances; amending s.
4060 39.604, F.S.; requiring certain children to attend a
4061 licensed early education or child care program;
4062 requiring the inclusion of attendance at a licensed
4063 early education or child care program in a child's
4064 safety plan; amending s. 39.701, F.S.; requiring the
4065 court to consider contact among siblings in judicial
4066 reviews; authorizing the court to remove specified
4067 disabilities of nonage at judicial reviews; amending
4068 s. 39.802, F.S.; removing department authorization to
4069 sign a petition for termination of parental rights;
4070 amending s. 39.806, F.S.; providing additional grounds



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4071 for termination of parental rights; amending s.
4072 63.212, F.S.; requiring a person who places an
4073 advertisement for adoption services to provide
4074 specified information; amending s. 383.402, F.S.;
4075 requiring review of all child deaths to be reported to
4076 the department's central abuse hotline; revising the
4077 membership of the State Child Abuse Death Review
4078 Committee; revising the due date for and contents of a
4079 report; requiring the State Child Abuse Death Review
4080 Committee to provide training to local child abuse
4081 death review committees; amending s. 402.40, F.S.;
4082 requiring a third-party credentialing entity to
4083 establish an advisory committee; authorizing the
4084 department to approve certification of
4085 specializations; creating s. 402.402, F.S.; defining
4086 terms; providing preferences for education and work
4087 experience for child protection and child welfare
4088 personnel; requiring a report; providing training
4089 requirements for department attorneys; creating s.
4090 402.403, F.S.; establishing a tuition exemption
4091 program for child protection and child welfare
4092 personnel; providing eligibility requirements;
4093 creating s. 402.404, F.S.; establishing a student loan
4094 forgiveness program for child protection and child
4095 welfare personnel; providing eligibility requirements;
4096 authorizing community-based care lead agencies to
4097 provide student loan forgiveness to case managers
4098 employed by a community-based care lead agency or its
4099 subcontractor; amending s. 409.165, F.S.; enhancing



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4100 provision of care to medically complex children;
4101 amending s. 409.967, F.S.; revising standards for
4102 Medicaid managed care plan accountability with respect
4103 to services for dependent children and their parents;
4104 amending s. 409.972, F.S.; exempting certain Medicaid
4105 recipients from mandatory enrollment in managed care
4106 plans; providing a directive to the Division of Law
4107 Revision and Information; creating part V of ch. 409,
4108 F.S.; creating s. 409.986, F.S.; providing legislative
4109 findings and intent; providing child protection and
4110 child welfare outcome goals; defining terms; creating
4111 s. 409.987, F.S.; providing for department procurement
4112 of community-based care lead agencies; providing
4113 requirements for contracting as a lead agency;
4114 creating s. 409.988, F.S.; providing duties of a
4115 community-based care lead agency; providing licensure
4116 requirements for a lead agency; specifying services
4117 provided by a lead agency; providing conditions for an
4118 agency or provider to act as a child's guardian;
4119 creating s. 409.990, F.S.; providing general funding
4120 provisions for lead agencies; providing for a matching
4121 grant program and the maximum amount of funds that may
4122 be awarded; requiring the department to develop and
4123 implement a community-based care risk pool initiative;
4124 providing requirements for the risk pool;
4125 transferring, renumbering, and amending s. 409.16713,
4126 F.S.; transferring provisions relating to the
4127 allocation of funds for community-based lead care
4128 agencies; conforming a cross-reference; creating s.



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4129 409.992, F.S.; providing requirements for community-
4130 based care lead agency expenditures; creating s.
4131 409.993, F.S.; providing legislative findings;
4132 providing for lead agency and subcontractor liability;
4133 providing limitations on damages; transferring,
4134 renumbering, and amending s. 409.1675, F.S.;
4135 transferring provisions relating to receivership from
4136 community-based providers to lead agencies; conforming
4137 cross-references and terminology; creating s. 409.996,
4138 F.S.; providing duties of the department relating to
4139 community-based care and lead agencies; creating s.
4140 409.997, F.S.; providing outcome goals for the
4141 department and specified entities with respect to the
4142 delivery of child welfare services; requiring the
4143 department to maintain an accountability system;
4144 requiring a report to the Governor and the
4145 Legislature; requiring the department to establish a
4146 technical advisory panel; requiring the department to
4147 make the results of the accountability system public;
4148 requiring a report to the Governor and the Legislature
4149 by a specified date; creating s. 827.10, F.S.;
4150 providing definitions; establishing the criminal
4151 offense of unlawful desertion of a child; providing
4152 criminal penalties; providing exceptions; amending s.
4153 985.04, F.S.; conforming terminology; creating s.
4154 1004.615, F.S.; establishing the Florida Institute for
4155 Child Welfare; providing purpose, duties, and
4156 responsibilities of the institute; requiring the
4157 institute to contract and work with specified



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4158 entities; providing for the administration of the
4159 institute; requiring reports to the Governor and the
4160 Legislature by specified dates; amending s. 1009.25,
4161 F.S.; exempting specified child protective
4162 investigators and child protective investigation
4163 supervisors from certain tuition and fee requirements;
4164 repealing s. 402.401, F.S., relating to child welfare
4165 worker student loan forgiveness; repealing s.
4166 409.1671, F.S., relating to outsourcing of foster care
4167 and related services; repealing s. 409.16715, F.S.,
4168 relating to certain therapy for foster children;
4169 repealing s. 409.16745, F.S., relating to the
4170 community partnership matching grant program;
4171 repealing s. 1004.61, F.S., relating to a partnership
4172 between the Department of Children and Families and
4173 state universities; amending ss. 39.201, 39.302,
4174 39.524, 316.613, 409.1676, 409.1677, 409.1678,
4175 409.906, 409.912, 409.91211, 420.628, and 960.065,
4176 F.S.; conforming cross-references; providing effective
4177 dates.