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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to child welfare; amending s. 20.19, F.S.; requiring the Secretary of Children and Families to appoint an Assistant Secretary for Child Welfare; providing qualifications and responsibilities; revising duties, appointment, and membership of community alliances; requiring the Department of Children and Families to appoint a statewide advisory committee to provide specified assistance to community alliances; amending s. 39.001, F.S.; revising the purposes of ch. 39, F.S.; requiring the department to provide for certain services for medically complex children; amending s. 39.01, F.S.; providing, revising, and deleting definitions; amending s. 39.013, F.S.; clarifying responsibilities of the department in dependency proceedings; amending s. 39.201, F.S.; requiring alleged incidents of juvenile sexual abuse involving specified children to be reported to the department's central abuse hotline; requiring the department to provide specified information on an investigation of child sexual abuse to the court; creating s. 39.2015, F.S.; requiring the department to conduct specified investigations using critical incident rapid response teams; providing requirements for such investigations and for team membership; authorizing team access to specified information; requiring the cooperation of specified



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28 agencies and organizations; providing for  
29 reimbursement of team members; requiring the team to  
30 provide an investigation report; requiring the  
31 secretary to develop guidelines for investigations and  
32 provide team member training; requiring the secretary  
33 to appoint an advisory committee; requiring the  
34 committee to submit a report to the secretary;  
35 requiring the secretary to submit such report to the  
36 Governor and the Legislature by a specified date;  
37 creating s. 39.2022, F.S.; providing legislative  
38 intent; requiring the department to publish specified  
39 information on its website regarding the death of a  
40 child reported to the central abuse hotline; amending  
41 s. 39.301, F.S.; authorizing the use of safety plans  
42 in child protection investigations in cases of present  
43 or impending danger; providing requirements for  
44 implementation of a safety plan; providing conditions  
45 for filing a petition for dependency; amending s.  
46 39.303, F.S.; requiring physician involvement when a  
47 child protection team evaluates a report of medical  
48 neglect of a medically complex child; creating s.  
49 39.3068, F.S.; providing requirements for  
50 investigating medical neglect; providing duties of the  
51 department; amending s. 39.307, F.S.; requiring the  
52 department to assist the family, child, and caregiver  
53 in receiving services upon a report alleging juvenile  
54 sexual abuse or inappropriate sexual behavior;  
55 requiring the department to maintain specified  
56 records; requiring child sexual abuse to be taken into



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57 account in placement consideration; requiring the  
58 department to monitor the occurrence of child sexual  
59 abuse and related services; amending s. 39.402, F.S.;  
60 requiring the department to make a reasonable effort  
61 to keep siblings together when they are placed in out-  
62 of-home care under certain circumstances; providing  
63 for sibling visitation under certain conditions;  
64 amending s. 39.501, F.S.; requiring compliance with a  
65 safety plan to be considered when deciding a petition  
66 for dependency; amending s. 39.504, F.S.; authorizing  
67 the court to order a person to comply with a safety  
68 plan that is implemented in an injunction; amending s.  
69 39.5085, F.S.; revising legislative intent;  
70 authorizing placement of a child with a nonrelative  
71 caregiver and financial assistance for such  
72 nonrelative caregiver through the Relative Caregiver  
73 Program under certain circumstances; amending s.  
74 39.604, F.S.; requiring certain children to attend a  
75 licensed early education or child care program;  
76 requiring the inclusion of attendance at a licensed  
77 early education or child care program in a child's  
78 safety plan; amending s. 39.701, F.S.; requiring the  
79 court to consider contact among siblings in judicial  
80 reviews; authorizing the court to remove specified  
81 disabilities of nonage at judicial reviews; amending  
82 s. 39.802, F.S.; removing department authorization to  
83 sign a petition for termination of parental rights;  
84 amending s. 63.212, F.S.; requiring a person who  
85 places an advertisement for adoption services to



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86 provide specified information; amending s. 383.402,  
87 F.S.; requiring review of all child deaths reported to  
88 the department's central abuse hotline; revising the  
89 due date for a report; amending s. 402.40, F.S.;  
90 requiring a third-party credentialing entity to  
91 establish an advisory committee; authorizing the  
92 department to approve certification of  
93 specializations; creating s. 402.402, F.S.; defining  
94 terms; providing education and specialized training  
95 requirements for child protection and child welfare  
96 personnel; providing training requirements for  
97 department attorneys; creating s. 402.403, F.S.;  
98 establishing a tuition exemption program for child  
99 protective and child welfare personnel; providing  
100 eligibility requirements; creating s. 402.404, F.S.;  
101 establishing a student loan forgiveness program for  
102 child protective investigators and supervisors;  
103 providing eligibility requirements; authorizing  
104 community-based care lead agencies to provide student  
105 loan forgiveness to case managers employed by a  
106 community-based care lead agency or its subcontractor;  
107 amending s. 409.165, F.S.; enhancing provision of care  
108 to medically complex children; amending s. 409.967,  
109 F.S.; revising standards for Medicaid managed care  
110 plan accountability with respect to services for  
111 dependent children; amending s. 409.972, F.S.;  
112 exempting certain Medicaid recipients from mandatory  
113 enrollment in managed care plans; providing a  
114 directive to the Division of Law Revision and



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115 Information; creating part V of ch. 409, F.S.;

116 creating s. 409.986, F.S.; providing legislative

117 findings and intent; providing child protection and

118 child welfare outcome goals; defining terms; creating

119 s. 409.987, F.S.; providing for department procurement

120 of community-based care lead agencies; providing

121 requirements for contracting as a lead agency;

122 creating s. 409.988, F.S.; providing duties of a

123 community-based care lead agency; providing licensure

124 requirements for a lead agency; specifying services

125 provided by a lead agency; providing conditions for an

126 agency or provider to act as a child's guardian;

127 creating s. 409.990, F.S.; providing general funding

128 provisions for lead agencies; providing for a matching

129 grant program and the maximum amount of funds that may

130 be awarded; requiring the department to develop and

131 implement a community-based care risk pool initiative;

132 providing requirements for the risk pool;

133 transferring, renumbering, and amending s. 409.16713,

134 F.S.; transferring provisions relating to the

135 allocation of funds for community-based lead care

136 agencies; conforming a cross-reference; creating s.

137 409.992, F.S.; providing requirements for community-

138 based care lead agency expenditures; creating s.

139 409.993, F.S.; providing legislative findings;

140 providing for lead agency and subcontractor liability;

141 providing limitations on damages; transferring,

142 renumbering, and amending s. 409.1675, F.S.;

143 transferring provisions relating to receivership from



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144 community-based providers to lead agencies; conforming  
145 cross-references and terminology; creating s. 409.996,  
146 F.S.; providing duties of the department relating to  
147 community-based care and lead agencies; creating s.  
148 409.997, F.S.; providing outcome goals for the  
149 department and specified entities with respect to the  
150 delivery of child welfare services; requiring the  
151 department to maintain an accountability system;  
152 requiring the department to establish a technical  
153 advisory panel; requiring the department to make the  
154 results of the accountability system public; requiring  
155 a report to the Governor and the Legislature by a  
156 specified date; creating s. 409.998, F.S.; providing  
157 for assessment of community-based care by community  
158 alliances; creating s. 827.10, F.S.; providing  
159 definitions; establishing the criminal offense of  
160 unlawful desertion of a child; providing criminal  
161 penalties; providing exceptions; amending s. 985.04,  
162 F.S.; conforming terminology; creating s. 1004.615,  
163 F.S.; establishing the Florida Institute for Child  
164 Welfare; providing purpose, duties, and  
165 responsibilities of the institute; requiring the  
166 institute to contract and work with specified  
167 entities; providing for the administration of the  
168 institute; requiring reports to the Governor and the  
169 Legislature by specified dates; amending s. 1009.25,  
170 F.S.; exempting specified child protective  
171 investigators and child protective investigation  
172 supervisors from certain tuition and fee requirements;



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173           repealing s. 402.401, F.S., relating to child welfare  
174           worker student loan forgiveness; repealing s.  
175           409.1671, F.S., relating to outsourcing of foster care  
176           and related services; repealing s. 409.16715, F.S.,  
177           relating to certain therapy for foster children;  
178           repealing s. 409.16745, F.S., relating to the  
179           community partnership matching grant program;  
180           repealing s. 1004.61, F.S., relating to a partnership  
181           between the Department of Children and Families and  
182           state universities; amending ss. 39.201, 39.302,  
183           39.524, 316.613, 409.1676, 409.1677, 409.1678,  
184           409.906, 409.912, 409.91211, 420.628, and 960.065,  
185           F.S.; conforming cross-references; providing an  
186           effective date.

187

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

189

190           Section 1. Present subsections (3) through (5) of section  
191           20.19, Florida Statutes, are renumbered as subsections (4)  
192           through (6), respectively, subsection (2) and present subsection  
193           (4) are amended, and a new subsection (3) is added to that  
194           section, to read:

195           20.19 Department of Children and Families.—There is created  
196           a Department of Children and Families.

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

198           (a) The head of the department is the Secretary of Children  
199           and Families. The secretary is appointed by the Governor,  
200           subject to confirmation by the Senate. The secretary serves at  
201           the pleasure of the Governor.



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202 (b) The secretary shall appoint a deputy secretary who  
203 shall act in the absence of the secretary. The deputy secretary  
204 is directly responsible to the secretary, performs such duties  
205 as are assigned by the secretary, and serves at the pleasure of  
206 the secretary.

207 (3) ASSISTANT SECRETARIES.-

208 (a) Child welfare.-

209 1. The secretary shall appoint an Assistant Secretary for  
210 Child Welfare to lead the department in carrying out its duties  
211 and responsibilities for child protection and child welfare. The  
212 assistant secretary shall serve at the pleasure of the  
213 secretary.

214 2. The assistant secretary must have at least 7 years of  
215 experience working in organizations that deliver child  
216 protective or child welfare services.

217 (b) Substance abuse and mental health.-

218 ~~(c)~~1. The secretary shall appoint an Assistant Secretary  
219 for Substance Abuse and Mental Health. The assistant secretary  
220 shall serve at the pleasure of the secretary and must have  
221 expertise in both areas of responsibility.

222 2. The secretary shall appoint a Director for Substance  
223 Abuse and Mental Health who has the requisite expertise and  
224 experience to head the state's Substance Abuse and Mental Health  
225 Program Office.

226 (5) ~~(4)~~ COMMUNITY ALLIANCES.-

227 (a) The department shall, in consultation with local  
228 communities, establish a community alliance ~~or similar group of~~  
229 ~~the stakeholders, community leaders, client representatives and~~  
230 ~~fundors of human services~~ in each county to provide a focal





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231 point for community participation and feedback into governance  
232 ~~of~~ community-based services. An alliance may cover more than one  
233 county when such arrangement is determined to provide for more  
234 effective representation. The community alliance shall represent  
235 the diversity of the community.

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

238 1. Providing independent and community-focused assessment  
239 of child protection and child welfare services and the local  
240 system of community-based care as described in s. 409.998.

241 ~~2.1.~~ Joint planning for resource utilization in the  
242 community, including resources appropriated to the department  
243 and any funds that local funding sources choose to provide.

244 ~~3.2.~~ Needs assessment and establishment of community  
245 priorities for service delivery.

246 ~~4.3.~~ Determining community outcome goals to supplement  
247 state-required outcomes.

248 ~~5.4.~~ Serving as a catalyst for community resource  
249 development.

250 ~~6.5.~~ Providing for community education and advocacy on  
251 issues related to delivery of services.

252 ~~7.6.~~ Promoting prevention and early intervention services.

253 (c) The department shall ensure, to the greatest extent  
254 possible, that the formation of each community alliance builds  
255 on the strengths of the existing community human services  
256 infrastructure.

257 (d) The initial membership of the community alliance in a  
258 county shall be composed of the following:

259 1. A representative from the department.



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- 260           2. A representative from county government.  
261           3. A representative from the school district.  
262           4. A representative from the county United Way.  
263           5. A representative from the county sheriff's office.  
264           6. A representative from the circuit court corresponding to  
265 the county.  
266           7. A representative from the county children's board, if  
267 one exists.

268

269 This paragraph is repealed on July 1, 2015.

270           (e) No later than July 1, 2015, the alliance shall ensure  
271 its membership and member selection process meets the following  
272 requirements:

273           1. The total number of voting members shall be at least  
274 nine and no more than 25 individuals. The alliance may establish  
275 committees, task forces, and other advisory groups to create  
276 opportunities for participation for community representatives  
277 who are not voting members of the alliance.

278           2. The voting members of the alliance shall include  
279 individuals with a variety of backgrounds and experience. At  
280 least one member must be from a family who has received  
281 community services. At least one person shall have experience in  
282 each of the following areas:

- 283           a. Community service organizations;  
284           b. Education;  
285           c. Law enforcement;  
286           d. Local government;  
287           e. Legal services;  
288           f. The judiciary;



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289 g. Philanthropic organizations; and

290 h. Children's service organizations.

291 3. The alliance shall include two ex officio, nonvoting  
292 members, one of whom is designated by the secretary to represent  
293 the department and one of whom is designated by the community-  
294 based care lead agency.

295 4. The recruitment and selection of alliance members shall  
296 be an open and transparent process that allows for individuals  
297 and organizations to nominate potential candidates.

298 (f) The community alliance shall adopt or amend bylaws to  
299 comply with paragraph (e).

300 (g) The department shall appoint a statewide advisory  
301 committee to assist alliances to comply with this subsection.  
302 The advisory committee shall consist of a representative of the  
303 department designated by the secretary, the chief child  
304 advocate, a representative designated by the Florida Coalition  
305 of Children, and two persons currently serving on an alliance.

306 ~~(c) At any time after the initial meeting of the community~~  
307 ~~alliance, the community alliance shall adopt bylaws and may~~  
308 ~~increase the membership of the alliance to include the state~~  
309 ~~attorney for the judicial circuit in which the community~~  
310 ~~alliance is located, or his or her designee, the public defender~~  
311 ~~for the judicial circuit in which the community alliance is~~  
312 ~~located, or his or her designee, and other individuals and~~  
313 ~~organizations who represent funding organizations, are community~~  
314 ~~leaders, have knowledge of community-based service issues, or~~  
315 ~~otherwise represent perspectives that will enable them to~~  
316 ~~accomplish the duties listed in paragraph (b), if, in the~~  
317 ~~judgment of the alliance, such change is necessary to adequately~~



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318 ~~represent the diversity of the population within the community~~  
319 ~~alliance service circuits.~~

320 (h) ~~(f)~~ A member of the community alliance, other than a  
321 member specified in paragraph (d), may not receive payment for  
322 contractual services from the department or a community-based  
323 care lead agency.

324 (i) ~~(g)~~ Members of the community alliances shall serve  
325 without compensation, but are entitled to receive reimbursement  
326 for per diem and travel expenses, as provided in s. 112.061.  
327 Payment may also be authorized for preapproved child care  
328 expenses or lost wages for members who are consumers of the  
329 department's services and for preapproved child care expenses  
330 for other members who demonstrate hardship.

331 (j) ~~(h)~~ Members of a community alliance are subject to the  
332 provisions of part III of chapter 112, the Code of Ethics for  
333 Public Officers and Employees.

334 (k) ~~(i)~~ Actions taken by a community alliance must be  
335 consistent with department policy and state and federal laws,  
336 rules, and regulations.

337 (l) ~~(j)~~ Alliance members shall annually submit a disclosure  
338 statement of services interests to the department's inspector  
339 general. Any member who has an interest in a matter under  
340 consideration by the alliance must abstain from voting on that  
341 matter.

342 (m) ~~(k)~~ All alliance meetings are open to the public  
343 pursuant to s. 286.011 and the public records provision of s.  
344 119.07(1).

345 Section 2. Paragraphs (b), (c), (g), and (k) of subsection  
346 (1) of section 39.001, Florida Statutes, are amended, paragraphs



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347 (o) and (p) are added to that subsection, present paragraphs (f)  
348 through (h) of subsection (3) are redesignated as paragraphs (g)  
349 through (i), respectively, and a new paragraph (f) is added to  
350 that subsection, present subsections (4) through (11) are  
351 renumbered as subsections (5) through (12), respectively, and a  
352 new subsection (4) is added to that section, and paragraph (c)  
353 of present subsection (8) and paragraph (b) of present  
354 subsection (10) of that section are amended, to read:

355 39.001 Purposes and intent; personnel standards and  
356 screening.—

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

358 (b) To recognize that most families desire to be competent  
359 caregivers and providers for their children and that children  
360 achieve their greatest potential when families are able to  
361 support and nurture the growth and development of their  
362 children. Therefore, the Legislature finds that policies and  
363 procedures that provide for prevention and intervention through  
364 the department's child protection system should be based on the  
365 following principles:

366 1. The health and safety of the children served shall be of  
367 paramount concern.

368 2. The prevention and intervention should engage families  
369 in constructive, supportive, and nonadversarial relationships.

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

375 4. The prevention and intervention should be based upon



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376 outcome evaluation results that demonstrate success in  
377 protecting children and supporting families.

378 (c) To provide a child protection system that reflects a  
379 partnership between the department, other agencies, the courts,  
380 law enforcement agencies, service providers, and local  
381 communities.

382 (g) To ensure that the parent or legal custodian from whose  
383 custody the child has been taken assists the department to the  
384 fullest extent possible in locating relatives suitable to serve  
385 as caregivers for the child and provides all medical and  
386 educational information, or consent for access thereto, needed  
387 to help the child.

388 (k) To make every possible effort, if when two or more  
389 children who are in the care or under the supervision of the  
390 department are siblings, to place the siblings in the same home;  
391 and in the event of permanent placement of the siblings, to  
392 place them in the same adoptive home or, if the siblings are  
393 separated while under the care or supervision of the department  
394 or in a permanent placement, to keep them in contact with each  
395 other.

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

398 (p) To provide protective investigations that are conducted  
399 by trained persons in a complete and fair manner, that are  
400 promptly concluded, and that consider the purposes of this  
401 subsection and the general protections provided by law relating  
402 to child welfare.

403 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
404 the Legislature that the children of this state be provided with



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405 the following protections:

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

411 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The department  
412 shall maintain a program of family-centered services and  
413 supports for medically complex children. The purpose of the  
414 program is to prevent abuse and neglect of medically complex  
415 children while enhancing the capacity of families to provide for  
416 their children's needs. Program services must include outreach,  
417 early intervention, and the provision of other supports and  
418 services to meet the child's needs. The department shall  
419 collaborate with all relevant state and local agencies to  
420 provide needed services.

421 (9) ~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

423 1. Oversee the preparation and implementation of the state  
424 plan established under subsection (10) ~~(9)~~ and revise and update  
425 the state plan as necessary.

426 2. Provide for or make available continuing professional  
427 education and training in the prevention of child abuse and  
428 neglect.

429 3. Work to secure funding in the form of appropriations,  
430 gifts, and grants from the state, the Federal Government, and  
431 other public and private sources in order to ensure that  
432 sufficient funds are available for the promotion of adoption,  
433 support of adoptive families, and child abuse prevention



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434 efforts.

435 4. Make recommendations pertaining to agreements or

436 contracts for the establishment and development of:

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

438 support of adoptive families, and prevention of child abuse and

439 neglect.

440 b. Training programs for the prevention of child abuse and

441 neglect.

442 c. Multidisciplinary and discipline-specific training

443 programs for professionals with responsibilities affecting

444 children, young adults, and families.

445 d. Efforts to promote adoption.

446 e. Postadoptive services to support adoptive families.

447 5. Monitor, evaluate, and review the development and

448 quality of local and statewide services and programs for the

449 promotion of adoption, support of adoptive families, and

450 prevention of child abuse and neglect and shall publish and

451 distribute an annual report of its findings on or before January

452 1 of each year to the Governor, the Speaker of the House of

453 Representatives, the President of the Senate, the head of each

454 state agency affected by the report, and the appropriate

455 substantive committees of the Legislature. The report shall

456 include:

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

458 b. A summary of the adoption data collected and reported to

459 the federal Adoption and Foster Care Analysis and Reporting

460 System (AFCARS) and the federal Administration for Children and

461 Families.

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





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463 and reported to the National Child Abuse and Neglect Data System  
464 (NCANDS) and the federal Administration for Children and  
465 Families.

466 d. A summary detailing the timeliness of the adoption  
467 process for children adopted from within the child welfare  
468 system.

469 e. Recommendations, by state agency, for the further  
470 development and improvement of services and programs for the  
471 promotion of adoption, support of adoptive families, and  
472 prevention of child abuse and neglect.

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

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

477 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—

478 (b) The office and the other agencies and organizations  
479 listed in paragraph (10)(a) ~~(9)(a)~~ shall readdress the state  
480 plan and make necessary revisions every 5 years, at a minimum.  
481 Such revisions shall be submitted to the Speaker of the House of  
482 Representatives and the President of the Senate no later than  
483 June 30 of each year divisible by 5. At least biennially, the  
484 office shall review the state plan and make any necessary  
485 revisions based on changing needs and program evaluation  
486 results. An annual progress report shall be submitted to update  
487 the state plan in the years between the 5-year intervals. In  
488 order to avoid duplication of effort, these required plans may  
489 be made a part of or merged with other plans required by either  
490 the state or Federal Government, so long as the portions of the  
491 other state or Federal Government plan that constitute the state



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492 plan for the promotion of adoption, support of adoptive  
493 families, and prevention of child abuse, abandonment, and  
494 neglect are clearly identified as such and are provided to the  
495 Speaker of the House of Representatives and the President of the  
496 Senate as required under this section ~~above~~.

497 Section 3. Present subsections (59) through (65) of section  
498 39.01, Florida Statutes, are redesignated as subsections (60)  
499 through (66), respectively, present subsections (67) through  
500 (69) are redesignated as subsections (68) through (70),  
501 respectively, present subsections (70) through (76) are  
502 redesignated as subsections (72) through (78), respectively, new  
503 subsections (31), (41), (59), (67), and (71) are added to that  
504 section, and subsections (7), (14), (18), (22), (26), and (27)  
505 and present subsections (28) through (41), (59), and (65) of  
506 that section are amended, to read:

507 39.01 Definitions.—When used in this chapter, unless the  
508 context otherwise requires:

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

510 ~~(a) A child 12 years of age or younger who is alleged to~~  
511 ~~have committed a violation of chapter 794, chapter 796, chapter~~  
512 ~~800, s. 827.071, or s. 847.0133; or~~

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

515 “Juvenile sexual abuse” means any sexual behavior which occurs  
516 without consent, without equality, or as a result of coercion.  
517 For purposes of this subsection ~~paragraph~~, the following  
518 definitions apply:

519 ~~(a)1.~~ “Coercion” means the exploitation of authority or the  
520 use of bribes, threats of force, or intimidation to gain



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521 cooperation or compliance.

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

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

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

529 ~~2.b.~~ Knowledge of societal standards for what is being  
530 proposed.

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

532 ~~4.d.~~ Assumption that agreement or disagreement will be  
533 accepted equally.

534 ~~5.e.~~ Voluntary decision.

535 ~~6.f.~~ Mental competence.

536

537 Juvenile sexual ~~offender~~ behavior ranges from noncontact sexual  
538 behavior such as making obscene phone calls, exhibitionism,  
539 voyeurism, and the showing or taking of lewd photographs to  
540 varying degrees of direct sexual contact, such as frottage,  
541 fondling, digital penetration, rape, fellatio, sodomy, and  
542 various other sexually aggressive acts.

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

547 (18) "Comprehensive assessment" or "assessment" means the  
548 gathering of information for the evaluation of a child's and  
549 caregiver's physical, psychiatric, psychological, or mental



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550 health; developmental delays or challenges; and, educational,  
551 vocational, and social condition and family environment as they  
552 relate to the child's and caregiver's need for rehabilitative  
553 and treatment services, including substance abuse treatment  
554 services, mental health services, developmental services,  
555 literacy services, medical services, family services, and other  
556 specialized services, as appropriate.

557 (22) "Diligent efforts by a parent" means a course of  
558 conduct which results in a meaningful change in the behavior of  
559 a parent that reduces ~~reduction in~~ risk to the child in the  
560 child's home to the extent that ~~would allow~~ the child may ~~to~~ be  
561 safely placed permanently back in the home as set forth in the  
562 case plan.

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

565 ~~(27) "District administrator" means the chief operating~~  
566 ~~officer of each service district of the department as defined in~~  
567 ~~s. 20.19(5) and, where appropriate, includes any district~~  
568 ~~administrator whose service district falls within the boundaries~~  
569 ~~of a judicial circuit.~~

570 ~~(26)~~ ~~(28)~~ "Expedited termination of parental rights" means  
571 proceedings wherein a case plan with the goal of reunification  
572 is not being offered.

573 ~~(27)~~ ~~(29)~~ "False report" means a report of abuse, neglect,  
574 or abandonment of a child to the central abuse hotline, which  
575 report is maliciously made for the purpose of:

- 576 (a) Harassing, embarrassing, or harming another person;  
577 (b) Personal financial gain for the reporting person;  
578 (c) Acquiring custody of a child; or



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579 (d) Personal benefit for the reporting person in any other  
580 private dispute involving a child.

581  
582 The term "false report" does not include a report of abuse,  
583 neglect, or abandonment of a child made in good faith to the  
584 central abuse hotline.

585 ~~(28)-(30)~~ "Family" means a collective body of persons,  
586 consisting of a child and a parent, legal custodian, or adult  
587 relative, in which:

588 (a) The persons reside in the same house or living unit; or

589 (b) The parent, legal custodian, or adult relative has a  
590 legal responsibility by blood, marriage, or court order to  
591 support or care for the child.

592 ~~(29)-(31)~~ "Foster care" means care provided a child in a  
593 foster family or boarding home, group home, agency boarding  
594 home, child care institution, or any combination thereof.

595 ~~(30)-(32)~~ "Harm" to a child's health or welfare can occur  
596 when any person:

597 (a) Inflicts or allows to be inflicted upon the child  
598 physical, mental, or emotional injury. In determining whether  
599 harm has occurred, the following factors must be considered in  
600 evaluating any physical, mental, or emotional injury to a child:  
601 the age of the child; any prior history of injuries to the  
602 child; the location of the injury on the body of the child; the  
603 multiplicity of the injury; and the type of trauma inflicted.  
604 Such injury includes, but is not limited to:

605 1. Willful acts that produce the following specific  
606 injuries:

607 a. Sprains, dislocations, or cartilage damage.



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- 608           b. Bone or skull fractures.
- 609           c. Brain or spinal cord damage.
- 610           d. Intracranial hemorrhage or injury to other internal
- 611 organs.
- 612           e. Asphyxiation, suffocation, or drowning.
- 613           f. Injury resulting from the use of a deadly weapon.
- 614           g. Burns or scalding.
- 615           h. Cuts, lacerations, punctures, or bites.
- 616           i. Permanent or temporary disfigurement.
- 617           j. Permanent or temporary loss or impairment of a body part
- 618 or function.

619

620 As used in this subparagraph, the term "willful" refers to the  
621 intent to perform an action, not to the intent to achieve a  
622 result or to cause an injury.

623           2. Purposely giving a child poison, alcohol, drugs, or  
624 other substances that substantially affect the child's behavior,  
625 motor coordination, or judgment or that result in sickness or  
626 internal injury. For the purposes of this subparagraph, the term  
627 "drugs" means prescription drugs not prescribed for the child or  
628 not administered as prescribed, and controlled substances as  
629 outlined in Schedule I or Schedule II of s. 893.03.

630           3. Leaving a child without adult supervision or arrangement  
631 appropriate for the child's age or mental or physical condition,  
632 so that the child is unable to care for the child's own needs or  
633 another's basic needs or is unable to exercise good judgment in  
634 responding to any kind of physical or emotional crisis.

635           4. Inappropriate or excessively harsh disciplinary action  
636 that is likely to result in physical injury, mental injury as



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637 defined in this section, or emotional injury. The significance  
638 of any injury must be evaluated in light of the following  
639 factors: the age of the child; any prior history of injuries to  
640 the child; the location of the injury on the body of the child;  
641 the multiplicity of the injury; and the type of trauma  
642 inflicted. Corporal discipline may be considered excessive or  
643 abusive when it results in any of the following or other similar  
644 injuries:

- 645 a. Sprains, dislocations, or cartilage damage.
- 646 b. Bone or skull fractures.
- 647 c. Brain or spinal cord damage.
- 648 d. Intracranial hemorrhage or injury to other internal  
649 organs.
- 650 e. Asphyxiation, suffocation, or drowning.
- 651 f. Injury resulting from the use of a deadly weapon.
- 652 g. Burns or scalding.
- 653 h. Cuts, lacerations, punctures, or bites.
- 654 i. Permanent or temporary disfigurement.
- 655 j. Permanent or temporary loss or impairment of a body part  
656 or function.
- 657 k. Significant bruises or welts.

658 (b) Commits, or allows to be committed, sexual battery, as  
659 defined in chapter 794, or lewd or lascivious acts, as defined  
660 in chapter 800, against the child.

661 (c) Allows, encourages, or forces the sexual exploitation  
662 of a child, which includes allowing, encouraging, or forcing a  
663 child to:

- 664 1. Solicit for or engage in prostitution; or
- 665 2. Engage in a sexual performance, as defined by chapter



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666 827.

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

669 (e) Abandons the child. Within the context of the  
670 definition of "harm," the term "abandoned the child" or  
671 "abandonment of the child" means a situation in which the parent  
672 or legal custodian of a child or, in the absence of a parent or  
673 legal custodian, the caregiver, while being able, has made no  
674 significant contribution to the child's care and maintenance or  
675 has failed to establish or maintain a substantial and positive  
676 relationship with the child, or both. For purposes of this  
677 paragraph, "establish or maintain a substantial and positive  
678 relationship" includes, but is not limited to, frequent and  
679 regular contact with the child through frequent and regular  
680 visitation or frequent and regular communication to or with the  
681 child, and the exercise of parental rights and responsibilities.  
682 Marginal efforts and incidental or token visits or  
683 communications are not sufficient to establish or maintain a  
684 substantial and positive relationship with a child. The term  
685 "abandoned" does not include a surrendered newborn infant as  
686 described in s. 383.50, a child in need of services as defined  
687 in chapter 984, or a family in need of services as defined in  
688 chapter 984. The incarceration, repeated incarceration, or  
689 extended incarceration of a parent, legal custodian, or  
690 caregiver responsible for a child's welfare may support a  
691 finding of abandonment.

692 (f) Neglects the child. Within the context of the  
693 definition of "harm," the term "neglects the child" means that  
694 the parent or other person responsible for the child's welfare





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695 fails to supply the child with adequate food, clothing, shelter,  
696 or health care, although financially able to do so or although  
697 offered financial or other means to do so. However, a parent or  
698 legal custodian who, by reason of the legitimate practice of  
699 religious beliefs, does not provide specified medical treatment  
700 for a child may not be considered abusive or neglectful for that  
701 reason alone, but such an exception does not:

702 1. Eliminate the requirement that such a case be reported  
703 to the department;

704 2. Prevent the department from investigating such a case;  
705 or

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

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

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

719 2. Evidence of extensive, abusive, and chronic use of a  
720 controlled substance or alcohol by a parent when the child is  
721 demonstrably adversely affected by such usage.

722

723 As used in this paragraph, the term "controlled substance" means



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724 prescription drugs not prescribed for the parent or not  
725 administered as prescribed and controlled substances as outlined  
726 in Schedule I or Schedule II of s. 893.03.

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

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

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

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

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

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

746 (32)~~(33)~~ "Institutional child abuse or neglect" means  
747 situations of known or suspected child abuse or neglect in which  
748 the person allegedly perpetrating the child abuse or neglect is  
749 an employee of a private school, public or private day care  
750 center, residential home, institution, facility, or agency or  
751 any other person at such institution responsible for the child's  
752 care as defined in subsection (47).



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753            ~~(33)(34)~~ "Judge" means the circuit judge exercising  
754 jurisdiction pursuant to this chapter.

755            ~~(34)(35)~~ "Legal custody" means a legal status created by a  
756 court which vests in a custodian of the person or guardian,  
757 whether an agency or an individual, the right to have physical  
758 custody of the child and the right and duty to protect, nurture,  
759 guide, and discipline the child and to provide him or her with  
760 food, shelter, education, and ordinary medical, dental,  
761 psychiatric, and psychological care.

762            ~~(35)(36)~~ "Licensed child-caring agency" means a person,  
763 society, association, or agency licensed by the department to  
764 care for, receive, and board children.

765            ~~(36)(37)~~ "Licensed child-placing agency" means a person,  
766 society, association, or institution licensed by the department  
767 to care for, receive, or board children and to place children in  
768 a licensed child-caring institution or a foster or adoptive  
769 home.

770            ~~(37)(38)~~ "Licensed health care professional" means a  
771 physician licensed under chapter 458, an osteopathic physician  
772 licensed under chapter 459, a nurse licensed under part I of  
773 chapter 464, a physician assistant licensed under chapter 458 or  
774 chapter 459, or a dentist licensed under chapter 466.

775            ~~(38)(39)~~ "Likely to injure oneself" means that, as  
776 evidenced by violent or other actively self-destructive  
777 behavior, it is more likely than not that within a 24-hour  
778 period the child will attempt to commit suicide or inflict  
779 serious bodily harm on himself or herself.

780            ~~(39)(40)~~ "Likely to injure others" means that it is more  
781 likely than not that within a 24-hour period the child will



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782 inflict serious and unjustified bodily harm on another person.

783 (40)~~(41)~~ "Mediation" means a process whereby a neutral  
784 third person called a mediator acts to encourage and facilitate  
785 the resolution of a dispute between two or more parties. It is  
786 an informal and nonadversarial process with the objective of  
787 helping the disputing parties reach a mutually acceptable and  
788 voluntary agreement. The role of the mediator includes, but is  
789 not limited to, assisting the parties in identifying issues,  
790 fostering joint problem solving, and exploring settlement  
791 alternatives.

792 (41) "Medical neglect" means the failure to provide or the  
793 failure to allow needed care as recommended by a health care  
794 practitioner for a physical injury, illness, medical condition,  
795 or impairment, or the failure to seek timely and appropriate  
796 medical care for a serious health problem that a reasonable  
797 person would have recognized as requiring professional medical  
798 attention. Medical neglect does not occur if the parent or legal  
799 guardian of the child has made reasonable attempts to obtain  
800 necessary health care services or the immediate health condition  
801 giving rise to the allegation of neglect is a known and expected  
802 complication of the child's diagnosis or treatment and:

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

806 (b) The parent or legal guardian received conflicting  
807 medical recommendations for treatment from multiple  
808 practitioners and did not follow all recommendations.

809 (59) "Present danger" means a significant and clearly  
810 observable family condition that is occurring at the current



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811 moment and is already endangering or threatening to endanger the  
812 child. Present danger threats are conspicuous and require that  
813 an immediate protective action be taken to ensure the child's  
814 safety.

815 (60)~~(59)~~ "Preventive services" means social services and  
816 other supportive and rehabilitative services provided to the  
817 parent or legal custodian of the child and to the child for the  
818 purpose of averting the removal of the child from the home or  
819 disruption of a family which will or could result in the  
820 placement of a child in foster care. Social services and other  
821 supportive and rehabilitative services shall promote the child's  
822 developmental needs and need for physical, mental, and emotional  
823 health and a safe, stable, living environment; shall promote  
824 family autonomy; and shall strengthen family life, whenever  
825 possible.

826 (66)~~(65)~~ "Reunification services" means social services and  
827 other supportive and rehabilitative services provided to the  
828 parent of the child, to the child, and, where appropriate, to  
829 the relative placement, nonrelative placement, or foster parents  
830 of the child, for the purpose of enabling a child who has been  
831 placed in out-of-home care to safely return to his or her parent  
832 at the earliest possible time. The health and safety of the  
833 child shall be the paramount goal of social services and other  
834 supportive and rehabilitative services. The services shall  
835 promote the child's need for physical, developmental, mental,  
836 and emotional health and a safe, stable, living environment;  
837 shall promote family autonomy; and shall strengthen family  
838 life, whenever possible.

839 (67) "Safety plan" means a plan created to control present



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840 or impending danger using the least intrusive means appropriate  
841 to protect a child when a parent, caregiver, or legal custodian  
842 is unavailable, unwilling, or unable to do so.

843 (71) "Sibling" means:

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

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

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

850 39.013 Procedures and jurisdiction; right to counsel.-

851 (12) The department shall be represented by counsel in each  
852 dependency proceeding. Through its attorneys, the department  
853 shall make recommendations to the court on issues before the  
854 court and may support its recommendations through testimony and  
855 other evidence by its own employees, employees of sheriff's  
856 offices providing child protection services, employees of its  
857 contractors, employees of its contractor's subcontractors, or  
858 from any other relevant source.

859 Section 5. Paragraph (c) of subsection (2) of section  
860 39.201, Florida Statutes, is amended to read:

861 39.201 Mandatory reports of child abuse, abandonment, or  
862 neglect; mandatory reports of death; central abuse hotline.-

863 (2)

864 (c) Reports involving a ~~known or suspected~~ juvenile sexual  
865 abuse offender or a child who has exhibited inappropriate sexual  
866 behavior shall be made and received by the department. An  
867 alleged incident of juvenile sexual abuse involving a child who  
868 is in the custody of or protective supervision of the department



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869 shall be reported to the department's central abuse hotline.

870 ~~1. The department shall determine the age of the alleged~~  
871 ~~offender, if known.~~

872 ~~2. If the alleged offender is 12 years of age or younger,~~  
873 The central abuse hotline shall immediately electronically  
874 transfer the report or call to the county sheriff's office. The  
875 department shall conduct an assessment and assist the family in  
876 receiving appropriate services pursuant to s. 39.307, and send a  
877 written report of the allegation to the appropriate county  
878 sheriff's office within 48 hours after the initial report is  
879 made to the central abuse hotline.

880 2. The department shall ensure that the facts and results  
881 of any investigation of child sexual abuse involving a child in  
882 the custody of or under the protective supervision of the  
883 department are made known to the court at the next hearing or  
884 included in the next report to the court concerning the child.

885 ~~3. If the alleged offender is 13 years of age or older, the~~  
886 ~~central abuse hotline shall immediately electronically transfer~~  
887 ~~the report or call to the appropriate county sheriff's office~~  
888 ~~and send a written report to the appropriate county sheriff's~~  
889 ~~office within 48 hours after the initial report to the central~~  
890 ~~abuse hotline.~~

891 Section 6. Section 39.2015, Florida Statutes, is created to  
892 read:

893 39.2015 Critical incident rapid response team.-

894 (1) The department shall conduct an immediate investigation  
895 of certain incidents involving children using critical incident  
896 rapid response teams as provided in subsection (2). The purpose  
897 of such investigation is to identify root causes and rapidly



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898 determine the need to change policies and practices related to  
899 child protection and child welfare.

900 (2) An immediate onsite investigation conducted by a  
901 critical incident rapid response team is required for all child  
902 deaths reported to the department if the child or another child  
903 in his or her family was the subject of a verified report of  
904 suspected abuse or neglect during the previous 12 months. The  
905 secretary may direct an immediate investigation for other cases  
906 involving serious injury to a child.

907 (3) Each investigation shall be conducted by a team of at  
908 least five professionals with expertise in child protection,  
909 child welfare, and organizational management. The team may  
910 consist of employees of the department, community-based care  
911 lead agencies, and other provider organizations; faculty from  
912 the institute consisting of public and private universities  
913 offering degrees in social work established pursuant to s.  
914 1004.615; or any other person with the required expertise. The  
915 majority of the team must reside in judicial circuits outside  
916 the location of the incident. The secretary shall appoint a team  
917 leader for each group assigned to an investigation.

918 (4) An investigation shall be initiated as soon as  
919 possible, but not later than 2 business days after the case is  
920 reported to the department. A preliminary report on each case  
921 shall be provided to the secretary no later than 30 days after  
922 the investigation begins.

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

925 (6) All employees of the department or other state agencies  
926 and all personnel from contracted provider organizations must





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927 cooperate with the investigation by participating in interviews  
928 and timely responding to any requests for information. However,  
929 records or information of contracted provider organizations made  
930 confidential or privileged by state or federal law may be shared  
931 among team members but not outside the team.

932 (7) The secretary shall develop cooperative agreements with  
933 other entities and organizations as necessary to facilitate the  
934 work of the team.

935 (8) The members of the team may be reimbursed by the  
936 department for per diem, mileage, and other reasonable expenses  
937 as provided in s. 112.061. The department may also reimburse the  
938 team member's employer for the associated salary and benefits  
939 during the time the team member is fulfilling the duties  
940 required under this section.

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

943 (10) The secretary, in conjunction with the institute  
944 established pursuant to s. 1004.615, shall develop guidelines  
945 for investigations conducted by critical incident rapid response  
946 teams and provide training to team members. Such guidelines must  
947 direct the teams in the conduct of a root-cause analysis that  
948 identifies, classifies, and attributes responsibility for both  
949 direct and latent causes for the death or other incident,  
950 including organizational factors, preconditions, and specific  
951 acts or omissions resulting from either error or a violation of  
952 procedures.

953 (11) The secretary shall appoint an advisory committee made  
954 up of experts in child protection and child welfare to conduct  
955 an independent review of investigative reports from the critical



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956 incident rapid response teams and make recommendations to  
957 improve policies and practices related to child protection and  
958 child welfare services. By October 1 of each year, the advisory  
959 committee shall submit a report to the secretary that includes  
960 findings and recommendations. The secretary shall submit the  
961 report to the Governor, the President of the Senate, and the  
962 Speaker of the House of Representatives.

963 Section 7. Section 39.2022, Florida Statutes, is created to  
964 read:

965 39.2022 Public disclosure of reported child deaths.—

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

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

976 (a) The initials, age, race, and gender of the child.

977 (b) The date of the child's death.

978 (c) Any allegations of the cause of death or the  
979 preliminary cause of death, and the verified cause of death, if  
980 known.

981 (d) The county and placement of the child at the time of  
982 the incident leading to the child's death, if applicable.

983 (e) The name of the community-based care lead agency, case  
984 management agency, or out-of-home licensing agency involved with



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985 the child, family, or licensed caregiver, if applicable.

986 (f) The relationship of the person adjudicated guilty of  
987 any criminal offense related to the child's death.

988 (g) Whether the child has been the subject of any prior  
989 verified reports to the department's central abuse hotline.

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

992 39.301 Initiation of protective investigations.—

993 (9) (a) For each report received from the central abuse  
994 hotline and accepted for investigation, the department or the  
995 sheriff providing child protective investigative services under  
996 s. 39.3065, shall perform the following child protective  
997 investigation activities to determine child safety:

998 1. Conduct a review of all relevant, available information  
999 specific to the child and family and alleged maltreatment;  
1000 family child welfare history; local, state, and federal criminal  
1001 records checks; and requests for law enforcement assistance  
1002 provided by the abuse hotline. Based on a review of available  
1003 information, including the allegations in the current report, a  
1004 determination shall be made as to whether immediate consultation  
1005 should occur with law enforcement, the child protection team, a  
1006 domestic violence shelter or advocate, or a substance abuse or  
1007 mental health professional. Such consultations should include  
1008 discussion as to whether a joint response is necessary and  
1009 feasible. A determination shall be made as to whether the person  
1010 making the report should be contacted before the face-to-face  
1011 interviews with the child and family members.

1012 2. Conduct face-to-face interviews with the child; other  
1013 siblings, if any; and the parents, legal custodians, or



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1014 caregivers.

1015           3. Assess the child's residence, including a determination  
1016 of the composition of the family and household, including the  
1017 name, address, date of birth, social security number, sex, and  
1018 race of each child named in the report; any siblings or other  
1019 children in the same household or in the care of the same  
1020 adults; the parents, legal custodians, or caregivers; and any  
1021 other adults in the same household.

1022           4. Determine whether there is any indication that any child  
1023 in the family or household has been abused, abandoned, or  
1024 neglected; the nature and extent of present or prior injuries,  
1025 abuse, or neglect, and any evidence thereof; and a determination  
1026 as to the person or persons apparently responsible for the  
1027 abuse, abandonment, or neglect, including the name, address,  
1028 date of birth, social security number, sex, and race of each  
1029 such person.

1030           5. Complete assessment of immediate child safety for each  
1031 child based on available records, interviews, and observations  
1032 with all persons named in subparagraph 2. and appropriate  
1033 collateral contacts, which may include other professionals. The  
1034 department's child protection investigators are hereby  
1035 designated a criminal justice agency for the purpose of  
1036 accessing criminal justice information to be used for enforcing  
1037 this state's laws concerning the crimes of child abuse,  
1038 abandonment, and neglect. This information shall be used solely  
1039 for purposes supporting the detection, apprehension,  
1040 prosecution, pretrial release, posttrial release, or  
1041 rehabilitation of criminal offenders or persons accused of the  
1042 crimes of child abuse, abandonment, or neglect and may not be



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1043 further disseminated or used for any other purpose.

1044         6. Document the present and impending dangers to each child  
1045 based on the identification of inadequate protective capacity  
1046 through utilization of a standardized safety assessment  
1047 instrument. If present or impending danger is identified, the  
1048 child protective investigator must implement a safety plan or  
1049 take the child into custody. If present danger is identified and  
1050 the child is not removed, the child protective investigator  
1051 shall create and implement a safety plan before leaving the home  
1052 or the location where there is present danger. If impending  
1053 danger is identified, the child protective investigator shall  
1054 create and implement a safety plan as soon as necessary to  
1055 protect the safety of the child. The child protective  
1056 investigator may modify the safety plan if he or she identifies  
1057 additional impending danger.

1058         a. If the child protective investigator implements a safety  
1059 plan, the plan must be specific, sufficient, feasible, and  
1060 sustainable in response to the realities of the present or  
1061 impending danger. A safety plan may be an in-home plan or an  
1062 out-of-home plan, or a combination of both. A safety plan may  
1063 not rely solely on promissory commitments by the parent,  
1064 caregiver, or legal custodian who is currently not able to  
1065 protect the child or on services that are not available or will  
1066 not result in the safety of the child. A safety plan may not be  
1067 implemented if for any reason the parents, guardian, or legal  
1068 custodian lacks the capacity or ability to comply with the plan.  
1069 If the department is not able to develop a plan that is  
1070 specific, sufficient, feasible, and sustainable, the department  
1071 shall file a shelter petition. A child protective investigator



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1072 shall implement separate safety plans for the perpetrator of  
1073 domestic violence and the parent who is a victim of domestic  
1074 violence as defined in s. 741.28. If the perpetrator of domestic  
1075 violence is not the parent, guardian, or legal custodian of the  
1076 child, the child protective investigator shall seek issuance of  
1077 an injunction authorized by s. 39.504 to implement a safety plan  
1078 for the perpetrator and impose any other conditions to protect  
1079 the child. The safety plan for the parent who is a victim of  
1080 domestic violence may not be shared with the perpetrator. If any  
1081 party to a safety plan fails to comply with the safety plan  
1082 resulting in the child being unsafe, the department shall file a  
1083 shelter petition.

1084 b. The child protective investigator shall collaborate with  
1085 the community-based care lead agency in the development of the  
1086 safety plan as necessary to ensure that the safety plan is  
1087 specific, sufficient, feasible, and sustainable. The child  
1088 protective investigator shall identify services necessary for  
1089 the successful implementation of the safety plan. The child  
1090 protective investigator and the community-based care lead agency  
1091 shall mobilize service resources to assist all parties in  
1092 complying with the safety plan. The community-based care lead  
1093 agency shall prioritize safety plan services to families who  
1094 have multiple risk factors, including, but not limited to, two  
1095 or more of the following:

1096 (I) The parent or legal custodian is of young age;

1097 (II) The parent or legal custodian, or an adult currently  
1098 living in or frequently visiting the home, has a history of  
1099 substance abuse, mental illness, or domestic violence;

1100 (III) The parent or legal custodian, or an adult currently



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1101 living in or frequently visiting the home, has been previously  
1102 found to have physically or sexually abused a child;

1103 (IV) The parent or legal custodian or an adult currently  
1104 living in or frequently visiting the home has been the subject  
1105 of multiple allegations by reputable reports of abuse or  
1106 neglect;

1107 (V) The child is physically or developmentally disabled; or

1108 (VI) The child is 3 years of age or younger.

1109 c. The child protective investigator shall monitor the  
1110 implementation of the plan to ensure the child's safety until  
1111 the case is transferred to the lead agency at which time the  
1112 lead agency shall monitor the implementation.

1113 ~~(b) Upon completion of the immediate safety assessment, the~~  
1114 ~~department shall determine the additional activities necessary~~  
1115 ~~to assess impending dangers, if any, and close the~~  
1116 ~~investigation.~~

1117 (b)(e) For each report received from the central abuse  
1118 hotline, the department or the sheriff providing child  
1119 protective investigative services under s. 39.3065, shall  
1120 determine the protective, treatment, and ameliorative services  
1121 necessary to safeguard and ensure the child's safety and well-  
1122 being and development, and cause the delivery of those services  
1123 through the early intervention of the department or its agent.  
1124 As applicable, child protective investigators must inform  
1125 parents and caregivers how and when to use the injunction  
1126 process under s. 741.30 to remove a perpetrator of domestic  
1127 violence from the home as an intervention to protect the child.

1128 1. If the department or the sheriff providing child  
1129 protective investigative services determines that the interests



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1130 of the child and the public will be best served by providing the  
1131 child care or other treatment voluntarily accepted by the child  
1132 and the parents or legal custodians, the parent or legal  
1133 custodian and child may be referred for such care, case  
1134 management, or other community resources.

1135 2. If the department or the sheriff providing child  
1136 protective investigative services determines that the child is  
1137 in need of protection and supervision, the department may file a  
1138 petition for dependency.

1139 3. If a petition for dependency is not being filed by the  
1140 department, the person or agency originating the report shall be  
1141 advised of the right to file a petition pursuant to this part.

1142 4. At the close of an investigation, the department or the  
1143 sheriff providing child protective services shall provide to the  
1144 person who is alleged to have caused the abuse, neglect, or  
1145 abandonment and the parent or legal custodian a summary of  
1146 findings from the investigation and provide information about  
1147 their right to access confidential reports in accordance with s.  
1148 39.202.

1149 (14) (a) If the department or its agent determines that a  
1150 child requires immediate or long-term protection through:

1151 ~~1.~~ medical or other health care~~;~~ or

1152 ~~2.~~ homemaker care, day care, protective supervision, or  
1153 other services to stabilize the home environment, including  
1154 intensive family preservation services through the Intensive  
1155 Crisis Counseling Program, such services shall first be offered  
1156 for voluntary acceptance unless:

1157 1. There are high-risk factors that may impact the ability  
1158 of the parents or legal custodians to exercise judgment. Such





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1159 factors may include the parents' or legal custodians' young age  
1160 or history of substance abuse, mental illness, or domestic  
1161 violence; or

1162 2. There is a high likelihood of lack of compliance with  
1163 voluntary services, and such noncompliance would result in the  
1164 child being unsafe.

1165 (b) The parents or legal custodians shall be informed of  
1166 the right to refuse services, as well as the responsibility of  
1167 the department to protect the child regardless of the acceptance  
1168 or refusal of services. If the services are refused, a  
1169 collateral contact shall include a relative, if the protective  
1170 investigator has knowledge of and the ability to contact a  
1171 relative. If the services are refused and the department deems  
1172 that the child's need for protection ~~se~~ requires services, the  
1173 department shall take the child into protective custody or  
1174 petition the court as provided in this chapter. At any time  
1175 after the commencement of a protective investigation, a relative  
1176 may submit in writing to the protective investigator or case  
1177 manager a request to receive notification of all proceedings and  
1178 hearings in accordance with s. 39.502. The request shall include  
1179 the relative's name, address, and phone number and the  
1180 relative's relationship to the child. The protective  
1181 investigator or case manager shall forward such request to the  
1182 attorney for the department. The failure to provide notice to  
1183 either a relative who requests it pursuant to this subsection or  
1184 to a relative who is providing out-of-home care for a child may  
1185 not result in any previous action of the court at any stage or  
1186 proceeding in dependency or termination of parental rights under  
1187 any part of this chapter being set aside, reversed, modified, or



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1188 in any way changed absent a finding by the court that a change  
1189 is required in the child's best interests.

1190 (c) The department, in consultation with the judiciary,  
1191 shall adopt by rule:

1192 1. Criteria that are factors requiring that the department  
1193 take the child into custody, petition the court as provided in  
1194 this chapter, or, if the child is not taken into custody or a  
1195 petition is not filed with the court, conduct an administrative  
1196 review. Such factors must include, but are not limited to,  
1197 noncompliance with a safety plan or the case plan developed by  
1198 the department, and the family under this chapter, and prior  
1199 abuse reports with findings that involve the child, the child's  
1200 sibling, or the child's caregiver.

1201 2. Requirements that if after an administrative review the  
1202 department determines not to take the child into custody or  
1203 petition the court, the department shall document the reason for  
1204 its decision in writing and include it in the investigative  
1205 file. For all cases that were accepted by the local law  
1206 enforcement agency for criminal investigation pursuant to  
1207 subsection (2), the department must include in the file written  
1208 documentation that the administrative review included input from  
1209 law enforcement. In addition, for all cases that must be  
1210 referred to child protection teams pursuant to s. 39.303(2) and  
1211 (3), the file must include written documentation that the  
1212 administrative review included the results of the team's  
1213 evaluation. Factors that must be included in the development of  
1214 the rule include noncompliance with the case plan developed by  
1215 the department, or its agent, and the family under this chapter  
1216 and prior abuse reports with findings that involve the child or



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1217 ~~caregiver.~~

1218 Section 9. Section 39.303, Florida Statutes, is amended to  
1219 read:

1220 39.303 Child protection teams; services; eligible cases.—

1221 The Children's Medical Services Program in the Department of  
1222 Health shall develop, maintain, and coordinate the services of  
1223 one or more multidisciplinary child protection teams in each of  
1224 the service districts of the Department of Children and Families  
1225 ~~Family Services~~. Such teams may be composed of appropriate  
1226 representatives of school districts and appropriate health,  
1227 mental health, social service, legal service, and law  
1228 enforcement agencies. ~~The Legislature finds that optimal~~  
1229 ~~coordination of child protection teams and sexual abuse~~  
1230 ~~treatment programs requires collaboration between~~ The Department  
1231 of Health and the Department of Children and Families ~~Family~~  
1232 ~~Services~~. ~~The two departments~~ shall maintain an interagency  
1233 agreement that establishes protocols for oversight and  
1234 operations of child protection teams and sexual abuse treatment  
1235 programs. The State Surgeon General and the Deputy Secretary for  
1236 Children's Medical Services, in consultation with the Secretary  
1237 of Children and Families ~~Family Services~~, shall maintain the  
1238 responsibility for the screening, employment, and, if necessary,  
1239 the termination of child protection team medical directors, at  
1240 headquarters and in the 15 districts. Child protection team  
1241 medical directors shall be responsible for oversight of the  
1242 teams in the districts.

1243 (1) The Department of Health shall use ~~utilize~~ and convene  
1244 the teams to supplement the assessment and protective  
1245 supervision activities of the family safety and preservation



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1246 program of the Department of Children and Families ~~Family~~  
1247 ~~Services~~. ~~Nothing in~~ This section does not ~~shall be construed to~~  
1248 remove or reduce the duty and responsibility of any person to  
1249 report pursuant to this chapter all suspected or actual cases of  
1250 child abuse, abandonment, or neglect or sexual abuse of a child.  
1251 The role of the teams shall be to support activities of the  
1252 program and to provide services deemed by the teams to be  
1253 necessary and appropriate to abused, abandoned, and neglected  
1254 children upon referral. The specialized diagnostic assessment,  
1255 evaluation, coordination, consultation, and other supportive  
1256 services that a child protection team shall be capable of  
1257 providing include, but are not limited to, the following:

1258 (a) Medical diagnosis and evaluation services, including  
1259 provision or interpretation of X rays and laboratory tests, and  
1260 related services, as needed, and documentation of related  
1261 findings ~~relative thereto~~.

1262 (b) Telephone consultation services in emergencies and in  
1263 other situations.

1264 (c) Medical evaluation related to abuse, abandonment, or  
1265 neglect, as defined by policy or rule of the Department of  
1266 Health.

1267 (d) Such psychological and psychiatric diagnosis and  
1268 evaluation services for the child or the child's parent or  
1269 parents, legal custodian or custodians, or other caregivers, or  
1270 any other individual involved in a child abuse, abandonment, or  
1271 neglect case, as the team may determine to be needed.

1272 (e) Expert medical, psychological, and related professional  
1273 testimony in court cases.

1274 (f) Case staffings to develop treatment plans for children



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1275 whose cases have been referred to the team. A child protection  
1276 team may provide consultation with respect to a child who is  
1277 alleged or is shown to be abused, abandoned, or neglected, which  
1278 consultation shall be provided at the request of a  
1279 representative of the family safety and preservation program or  
1280 at the request of any other professional involved with a child  
1281 or the child's parent or parents, legal custodian or custodians,  
1282 or other caregivers. In every such child protection team case  
1283 staffing, consultation, or staff activity involving a child, a  
1284 family safety and preservation program representative shall  
1285 attend and participate.

1286 (g) Case service coordination and assistance, including the  
1287 location of services available from other public and private  
1288 agencies in the community.

1289 (h) Such training services for program and other employees  
1290 of the Department of Children and Families ~~Family Services~~,  
1291 employees of the Department of Health, and other medical  
1292 professionals as is deemed appropriate to enable them to develop  
1293 and maintain their professional skills and abilities in handling  
1294 child abuse, abandonment, and neglect cases.

1295 (i) Educational and community awareness campaigns on child  
1296 abuse, abandonment, and neglect in an effort to enable citizens  
1297 more successfully to prevent, identify, and treat child abuse,  
1298 abandonment, and neglect in the community.

1299 (j) Child protection team assessments that include, as  
1300 appropriate, medical evaluations, medical consultations, family  
1301 psychosocial interviews, specialized clinical interviews, or  
1302 forensic interviews.

1303



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1304 All medical personnel participating on a child protection team  
1305 must successfully complete the required child protection team  
1306 training curriculum as set forth in protocols determined by the  
1307 Deputy Secretary for Children's Medical Services and the  
1308 Statewide Medical Director for Child Protection. A child  
1309 protection team that is evaluating a report of medical neglect  
1310 and assessing the health care needs of a medically complex child  
1311 shall consult with a physician who has experience in treating  
1312 children with the same condition.

1313 (2) The child abuse, abandonment, and neglect reports that  
1314 must be referred by the department to child protection teams of  
1315 the Department of Health for an assessment and other appropriate  
1316 available support services as set forth in subsection (1) must  
1317 include cases involving:

1318 (a) Injuries to the head, bruises to the neck or head,  
1319 burns, or fractures in a child of any age.

1320 (b) Bruises anywhere on a child 5 years of age or under.

1321 (c) Any report alleging sexual abuse of a child.

1322 (d) Any sexually transmitted disease in a prepubescent  
1323 child.

1324 (e) Reported malnutrition of a child and failure of a child  
1325 to thrive.

1326 (f) Reported medical neglect of a child.

1327 (g) Any family in which one or more children have been  
1328 pronounced dead on arrival at a hospital or other health care  
1329 facility, or have been injured and later died, as a result of  
1330 suspected abuse, abandonment, or neglect, when any sibling or  
1331 other child remains in the home.

1332 (h) Symptoms of serious emotional problems in a child when



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1333 emotional or other abuse, abandonment, or neglect is suspected.

1334 (3) All abuse and neglect cases transmitted for  
1335 investigation to a district by the hotline must be  
1336 simultaneously transmitted to the Department of Health child  
1337 protection team for review. For the purpose of determining  
1338 whether face-to-face medical evaluation by a child protection  
1339 team is necessary, all cases transmitted to the child protection  
1340 team which meet the criteria in subsection (2) must be timely  
1341 reviewed by:

1342 (a) A physician licensed under chapter 458 or chapter 459  
1343 who holds board certification in pediatrics and is a member of a  
1344 child protection team;

1345 (b) A physician licensed under chapter 458 or chapter 459  
1346 who holds board certification in a specialty other than  
1347 pediatrics, who may complete the review only when working under  
1348 the direction of a physician licensed under chapter 458 or  
1349 chapter 459 who holds board certification in pediatrics and is a  
1350 member of a child protection team;

1351 (c) An advanced registered nurse practitioner licensed  
1352 under chapter 464 who has a specialty ~~speciality~~ in pediatrics  
1353 or family medicine and is a member of a child protection team;

1354 (d) A physician assistant licensed under chapter 458 or  
1355 chapter 459, who may complete the review only when working under  
1356 the supervision of a physician licensed under chapter 458 or  
1357 chapter 459 who holds board certification in pediatrics and is a  
1358 member of a child protection team; or

1359 (e) A registered nurse licensed under chapter 464, who may  
1360 complete the review only when working under the direct  
1361 supervision of a physician licensed under chapter 458 or chapter



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1362 459 who holds certification in pediatrics and is a member of a  
1363 child protection team.

1364 (4) A face-to-face medical evaluation by a child protection  
1365 team is not necessary when:

1366 (a) The child was examined for the alleged abuse or neglect  
1367 by a physician who is not a member of the child protection team,  
1368 and a consultation between the child protection team board-  
1369 certified pediatrician, advanced registered nurse practitioner,  
1370 physician assistant working under the supervision of a child  
1371 protection team board-certified pediatrician, or registered  
1372 nurse working under the direct supervision of a child protection  
1373 team board-certified pediatrician, and the examining physician  
1374 concludes that a further medical evaluation is unnecessary;

1375 (b) The child protective investigator, with supervisory  
1376 approval, has determined, after conducting a child safety  
1377 assessment, that there are no indications of injuries as  
1378 described in paragraphs (2) (a)-(h) as reported; or

1379 (c) The child protection team board-certified pediatrician,  
1380 as authorized in subsection (3), determines that a medical  
1381 evaluation is not required.

1382  
1383 Notwithstanding paragraphs (a), (b), and (c), a child protection  
1384 team pediatrician, as authorized in subsection (3), may  
1385 determine that a face-to-face medical evaluation is necessary.

1386 (5) In all instances in which a child protection team is  
1387 providing certain services to abused, abandoned, or neglected  
1388 children, other offices and units of the Department of Health,  
1389 and offices and units of the Department of Children and Families  
1390 ~~Family Services~~, shall avoid duplicating the provision of those





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1391 services.

1392 (6) The Department of Health child protection team quality  
1393 assurance program and the Family Safety Program Office of the  
1394 Department of Children and Families ~~Family Services'~~ Family  
1395 ~~Safety Program Office quality assurance program~~ shall  
1396 collaborate to ensure referrals and responses to child abuse,  
1397 abandonment, and neglect reports are appropriate. Each quality  
1398 assurance program shall include a review of records in which  
1399 there are no findings of abuse, abandonment, or neglect, and the  
1400 findings of these reviews shall be included in each department's  
1401 quality assurance reports.

1402 Section 10. Section 39.3068, Florida Statutes, is created  
1403 to read:

1404 39.3068 Reports of medical neglect.-

1405 (1) Upon receiving a report alleging medical neglect, the  
1406 department or sheriff's office shall assign the case to a child  
1407 protective investigator who has specialized training in  
1408 addressing medical neglect or working with medically complex  
1409 children, if such investigator is available. If a child  
1410 protective investigator with specialized training is not  
1411 available, the child protective investigator shall consult with  
1412 department staff with such expertise.

1413 (2) The child protective investigator who has interacted  
1414 with the child and the child's family shall promptly contact and  
1415 provide information to the child protection team. The child  
1416 protection team shall assist the child protective investigator  
1417 in identifying immediate responses to address the medical needs  
1418 of the child with the priority of maintaining the child in the  
1419 home if the parents will be able to meet the needs of the child



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1420 with additional services. The child protective investigator and  
1421 the child protection team must use a family-centered approach to  
1422 assess the capacity of the family to meet those needs. A family-  
1423 centered approach is intended to increase independence on the  
1424 part of the family, accessibility to programs and services  
1425 within the community, and collaboration between families and  
1426 their service providers. The ethnic, cultural, economic, racial,  
1427 social, and religious diversity of families must be respected  
1428 and considered in the development and provision of services.

1429 (3) The child shall be evaluated by the child protection  
1430 team as soon as practicable. After receipt of the report from  
1431 the child protection team, the department shall convene a case  
1432 staffing which shall be attended, at a minimum, by the child  
1433 protective investigator; department legal staff; and  
1434 representatives from the child protection team that evaluated  
1435 the child, Children's Medical Services, the Agency for Health  
1436 Care Administration, the community-based care lead agency, and  
1437 any providers of services to the child. However, the Agency for  
1438 Health Care Administration is not required to attend the  
1439 staffing if the child is not Medicaid-eligible. The staffing  
1440 shall consider, at a minimum, available services, given the  
1441 family's eligibility for services; services that are effective  
1442 in addressing conditions leading to medical neglect allegations;  
1443 and services that would enable the child to safely remain at  
1444 home. Any services that are available and effective, shall be  
1445 provided.

1446 Section 11. Section 39.307, Florida Statutes, is amended to  
1447 read:

1448 39.307 Reports of child-on-child sexual abuse.—



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1449           (1) Upon receiving a report alleging juvenile sexual abuse  
1450 or inappropriate sexual behavior as defined in s. 39.01(7), the  
1451 department shall assist the family, child, and caregiver in  
1452 receiving appropriate services to address the allegations of the  
1453 report.

1454           (a) The department shall ensure that information describing  
1455 the child's history of child sexual abuse is included in the  
1456 child's electronic record. This record must also include  
1457 information describing the services the child has received as a  
1458 result of his or her involvement with child sexual abuse.

1459           (b) Placement decisions for a child who has been involved  
1460 with child sexual abuse must include consideration of the needs  
1461 of the child and any other children in the placement.

1462           (c) The department shall monitor the occurrence of child  
1463 sexual abuse and the provision of services to children involved  
1464 in child sexual abuse, juvenile sexual abuse, or who have  
1465 displayed inappropriate sexual behavior.

1466           (2) The department, contracted sheriff's office providing  
1467 protective investigation services, or contracted case management  
1468 personnel responsible for providing services, at a minimum,  
1469 shall adhere to the following procedures:

1470           (a) The purpose of the response to a report alleging  
1471 juvenile sexual abuse behavior or inappropriate sexual behavior  
1472 shall be explained to the caregiver.

1473           1. The purpose of the response shall be explained in a  
1474 manner consistent with legislative purpose and intent provided  
1475 in this chapter.

1476           2. The name and office telephone number of the person  
1477 responding shall be provided to the caregiver of the alleged



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1478 ~~abuser juvenile sexual offender~~ or child who has exhibited  
1479 inappropriate sexual behavior and the victim's caregiver.

1480 3. The possible consequences of the department's response,  
1481 including outcomes and services, shall be explained to the  
1482 caregiver of the alleged ~~abuser juvenile sexual offender~~ or  
1483 child who has exhibited inappropriate sexual behavior and the  
1484 victim's caregiver.

1485 (b) The caregiver of the alleged ~~abuser juvenile sexual~~  
1486 ~~offender~~ or child who has exhibited inappropriate sexual  
1487 behavior and the victim's caregiver shall be involved to the  
1488 fullest extent possible in determining the nature of the sexual  
1489 behavior concerns and the nature of any problem or risk to other  
1490 children.

1491 (c) The assessment of risk and the perceived treatment  
1492 needs of the alleged ~~abuser juvenile sexual offender~~ or child  
1493 who has exhibited inappropriate sexual behavior, the victim, and  
1494 respective caregivers shall be conducted by the district staff,  
1495 the child protection team of the Department of Health, and other  
1496 providers under contract with the department to provide services  
1497 to the caregiver of the alleged offender, the victim, and the  
1498 victim's caregiver.

1499 (d) The assessment shall be conducted in a manner that is  
1500 sensitive to the social, economic, and cultural environment of  
1501 the family.

1502 (e) If necessary, the child protection team of the  
1503 Department of Health shall conduct a physical examination of the  
1504 victim, which is sufficient to meet forensic requirements.

1505 (f) Based on the information obtained from the alleged  
1506 ~~abuser juvenile sexual offender~~ or child who has exhibited



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1507 inappropriate sexual behavior, his or her caregiver, the victim,  
1508 and the victim's caregiver, an assessment of service and  
1509 treatment needs must be completed and, if needed, a case plan  
1510 developed within 30 days.

1511 (g) The department shall classify the outcome of the report  
1512 as follows:

1513 1. Report closed. Services were not offered because the  
1514 department determined that there was no basis for intervention.

1515 2. Services accepted by alleged abuser ~~juvenile sexual~~  
1516 ~~offender~~. Services were offered to the alleged abuser ~~juvenile~~  
1517 ~~sexual offender~~ or child who has exhibited inappropriate sexual  
1518 behavior and accepted by the caregiver.

1519 3. Report closed. Services were offered to the alleged  
1520 abuser ~~juvenile sexual offender~~ or child who has exhibited  
1521 inappropriate sexual behavior, but were rejected by the  
1522 caregiver.

1523 4. Notification to law enforcement. The risk to the  
1524 victim's safety and well-being cannot be reduced by the  
1525 provision of services or the caregiver rejected services, and  
1526 notification of the alleged delinquent act or violation of law  
1527 to the appropriate law enforcement agency was initiated.

1528 5. Services accepted by victim. Services were offered to  
1529 the victim and accepted by the caregiver.

1530 6. Report closed. Services were offered to the victim but  
1531 were rejected by the caregiver.

1532 (3) If services have been accepted by the alleged abuser  
1533 ~~juvenile sexual offender~~ or child who has exhibited  
1534 inappropriate sexual behavior, the victim, and respective  
1535 caregivers, the department shall designate a case manager and



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1536 develop a specific case plan.

1537 (a) Upon receipt of the plan, the caregiver shall indicate  
1538 its acceptance of the plan in writing.

1539 (b) The case manager shall periodically review the progress  
1540 toward achieving the objectives of the plan in order to:

1541 1. Make adjustments to the plan or take additional action  
1542 as provided in this part; or

1543 2. Terminate the case if indicated by successful or  
1544 substantial achievement of the objectives of the plan.

1545 (4) Services provided to the alleged abuser ~~juvenile sexual~~  
1546 ~~offender~~ or child who has exhibited inappropriate sexual  
1547 behavior, the victim, and respective caregivers or family must  
1548 be voluntary and of necessary duration.

1549 (5) If the family or caregiver of the alleged abuser  
1550 ~~juvenile sexual offender~~ or child who has exhibited  
1551 inappropriate sexual behavior fails to adequately participate or  
1552 allow for the adequate participation of the child in the  
1553 services or treatment delineated in the case plan, the case  
1554 manager may recommend that the department:

1555 (a) Close the case;

1556 (b) Refer the case to mediation or arbitration, if  
1557 available; or

1558 (c) Notify the appropriate law enforcement agency of  
1559 failure to comply.

1560 (6) At any time, as a result of additional information,  
1561 findings of facts, or changing conditions, the department may  
1562 pursue a child protective investigation as provided in this  
1563 chapter.

1564 (7) The department may adopt ~~is authorized to develop~~ rules



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1565 ~~and other policy directives necessary to administer~~ implement  
1566 ~~the provisions of~~ this section.

1567 Section 12. Paragraph (h) of subsection (8) and subsection  
1568 (9) of section 39.402, Florida Statutes, are amended to read:

1569 39.402 Placement in a shelter.—

1570 (8)

1571 (h) The order for placement of a child in shelter care must  
1572 identify the parties present at the hearing and must contain  
1573 written findings:

1574 1. That placement in shelter care is necessary based on the  
1575 criteria in subsections (1) and (2).

1576 2. That placement in shelter care is in the best interest  
1577 of the child.

1578 3. That continuation of the child in the home is contrary  
1579 to the welfare of the child because the home situation presents  
1580 a substantial and immediate danger to the child's physical,  
1581 mental, or emotional health or safety which cannot be mitigated  
1582 by the provision of preventive services.

1583 4. That based upon the allegations of the petition for  
1584 placement in shelter care, there is probable cause to believe  
1585 that the child is dependent or that the court needs additional  
1586 time, which may not exceed 72 hours, in which to obtain and  
1587 review documents pertaining to the family in order to  
1588 appropriately determine the risk to the child.

1589 5. That the department has made reasonable efforts to  
1590 prevent or eliminate the need for removal of the child from the  
1591 home. A finding of reasonable effort by the department to  
1592 prevent or eliminate the need for removal may be made and the  
1593 department is deemed to have made reasonable efforts to prevent



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1594 or eliminate the need for removal if:

1595 a. The first contact of the department with the family  
1596 occurs during an emergency;

1597 b. The appraisal of the home situation by the department  
1598 indicates that the home situation presents a substantial and  
1599 immediate danger to the child's physical, mental, or emotional  
1600 health or safety which cannot be mitigated by the provision of  
1601 preventive services;

1602 c. The child cannot safely remain at home, either because  
1603 there are no preventive services that can ensure the health and  
1604 safety of the child or because, even with appropriate and  
1605 available services being provided, the health and safety of the  
1606 child cannot be ensured; or

1607 d. The parent or legal custodian is alleged to have  
1608 committed any of the acts listed as grounds for expedited  
1609 termination of parental rights in s. 39.806(1)(f)-(i).

1610 6. That the department has made reasonable efforts to keep  
1611 siblings together if they are removed and placed in out-of-home  
1612 care unless such placement is not in the best interest of each  
1613 child. Reasonable efforts shall include short-term placement in  
1614 a group home with the ability to accommodate sibling groups if  
1615 such a placement is available. The department shall report to  
1616 the court its efforts to place siblings together unless the  
1617 court finds that such placement is not in the best interest of a  
1618 child or his or her sibling.

1619 ~~7.6.~~ That the court notified the parents, relatives that  
1620 are providing out-of-home care for the child, or legal  
1621 custodians of the time, date, and location of the next  
1622 dependency hearing and of the importance of the active





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1623 participation of the parents, relatives that are providing out-  
1624 of-home care for the child, or legal custodians in all  
1625 proceedings and hearings.

1626 ~~8.7.~~ That the court notified the parents or legal  
1627 custodians of their right to counsel to represent them at the  
1628 shelter hearing and at each subsequent hearing or proceeding,  
1629 and the right of the parents to appointed counsel, pursuant to  
1630 the procedures set forth in s. 39.013.

1631 ~~9.8.~~ That the court notified relatives who are providing  
1632 out-of-home care for a child as a result of the shelter petition  
1633 being granted that they have the right to attend all subsequent  
1634 hearings, to submit reports to the court, and to speak to the  
1635 court regarding the child, if they so desire.

1636 (9)(a) At any shelter hearing, the department shall provide  
1637 to the court a recommendation for scheduled contact between the  
1638 child and parents, if appropriate. The court shall determine  
1639 visitation rights absent a clear and convincing showing that  
1640 visitation is not in the best interest of the child. Any order  
1641 for visitation or other contact must conform to ~~the provisions~~  
1642 ~~of~~ s. 39.0139. If visitation is ordered but will not commence  
1643 within 72 hours of the shelter hearing, the department shall  
1644 provide justification to the court.

1645 (b) If siblings who are removed from the home cannot be  
1646 placed together, the department shall provide to the court a  
1647 recommendation for frequent visitation or other ongoing  
1648 interaction between the siblings unless this interaction would  
1649 be contrary to a sibling's safety or well-being. If visitation  
1650 among siblings is ordered but will not commence within 72 hours  
1651 after the shelter hearing, the department shall provide



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1652 justification to the court for the delay.

1653 Section 13. Paragraph (d) of subsection (3) of section  
1654 39.501, Florida Statutes, is amended to read:

1655 39.501 Petition for dependency.—

1656 (3)

1657 (d) The petitioner must state in the petition, if known,  
1658 whether:

1659 1. A parent or legal custodian named in the petition has  
1660 previously unsuccessfully participated in voluntary services  
1661 offered by the department;

1662 2. A parent or legal custodian named in the petition has  
1663 participated in mediation and whether a mediation agreement  
1664 exists;

1665 3. A parent or legal custodian has rejected the voluntary  
1666 services offered by the department;

1667 4. A parent or legal custodian named in the petition has  
1668 not fully complied with a safety plan; or

1669 5.4. The department has determined that voluntary services  
1670 are not appropriate for the parent or legal custodian and the  
1671 reasons for such determination.

1672  
1673 If the department is the petitioner, it shall provide all safety  
1674 assessments and safety plans involving the parent or legal  
1675 custodian to the court.

1676 Section 14. Paragraph (a) of subsection (4) of section  
1677 39.504, Florida Statutes, is amended to read:

1678 39.504 Injunction pending disposition of petition;  
1679 penalty.—

1680 (4) If an injunction is issued under this section, the



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1681 primary purpose of the injunction must be to protect and promote  
1682 the best interests of the child, taking the preservation of the  
1683 child's immediate family into consideration.

1684 (a) The injunction applies to the alleged or actual  
1685 offender in a case of child abuse or acts of domestic violence.  
1686 The conditions of the injunction shall be determined by the  
1687 court, which may include ordering the alleged or actual offender  
1688 to:

1689 1. Refrain from further abuse or acts of domestic violence.

1690 2. Participate in a specialized treatment program.

1691 3. Limit contact or communication with the child victim,  
1692 other children in the home, or any other child.

1693 4. Refrain from contacting the child at home, school, work,  
1694 or wherever the child may be found.

1695 5. Have limited or supervised visitation with the child.

1696 6. Vacate the home in which the child resides.

1697 7. Comply with the terms of a safety plan implemented in  
1698 the injunction pursuant to s. 39.301.

1699 Section 15. Section 39.5085, Florida Statutes, is amended  
1700 to read:

1701 39.5085 Relative Caregiver Program.—

1702 (1) It is the intent of the Legislature in enacting this  
1703 section to:

1704 (a) Provide for the establishment of procedures and  
1705 protocols that serve to advance the continued safety of children  
1706 by acknowledging the valued resource uniquely available through  
1707 grandparents, ~~and~~ relatives of children, and specified  
1708 nonrelatives of children pursuant to subparagraph (2)(a)3.

1709 (b) Recognize family relationships in which a grandparent



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1710 or other relative is the head of a household that includes a  
1711 child otherwise at risk of foster care placement.

1712 (c) Enhance family preservation and stability by  
1713 recognizing that most children in such placements with  
1714 grandparents and other relatives do not need intensive  
1715 supervision of the placement by the courts or by the department.

1716 (d) Recognize that permanency in the best interests of the  
1717 child can be achieved through a variety of permanency options,  
1718 including permanent guardianship under s. 39.6221 if the  
1719 guardian is a relative, by permanent placement with a fit and  
1720 willing relative under s. 39.6231, by a relative, guardianship  
1721 under chapter 744, or adoption, by providing additional  
1722 placement options and incentives that will achieve permanency  
1723 and stability for many children who are otherwise at risk of  
1724 foster care placement because of abuse, abandonment, or neglect,  
1725 but who may successfully be able to be placed by the dependency  
1726 court in the care of such relatives.

1727 (e) Reserve the limited casework and supervisory resources  
1728 of the courts and the department for those cases in which  
1729 children do not have the option for safe, stable care within the  
1730 family.

1731 (f) Recognize that a child may have a close relationship  
1732 with a person who is not a blood relative or a relative by  
1733 marriage and that such person should be eligible for financial  
1734 assistance under this section if he or she is able and willing  
1735 to care for the child and provide a safe, stable home  
1736 environment.

1737 (2) (a) The Department of Children and Families ~~Family~~  
1738 ~~Services~~ shall establish and operate the Relative Caregiver



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1739 Program pursuant to eligibility guidelines established in this  
1740 section as further implemented by rule of the department. The  
1741 Relative Caregiver Program shall, within the limits of available  
1742 funding, provide financial assistance to:

1743 1. Relatives who are within the fifth degree by blood or  
1744 marriage to the parent or stepparent of a child and who are  
1745 caring full-time for that dependent child in the role of  
1746 substitute parent as a result of a court's determination of  
1747 child abuse, neglect, or abandonment and subsequent placement  
1748 with the relative under this chapter.

1749 2. Relatives who are within the fifth degree by blood or  
1750 marriage to the parent or stepparent of a child and who are  
1751 caring full-time for that dependent child, and a dependent half-  
1752 brother or half-sister of that dependent child, in the role of  
1753 substitute parent as a result of a court's determination of  
1754 child abuse, neglect, or abandonment and subsequent placement  
1755 with the relative under this chapter.

1756 3. Nonrelatives who are willing to assume custody and care  
1757 of a dependent child and a dependent half-brother or half-sister  
1758 of that dependent child in the role of substitute parent as a  
1759 result of a court's determination of child abuse, neglect, or  
1760 abandonment and subsequent placement with the nonrelative  
1761 caregiver under this chapter. The court must find that a  
1762 proposed placement under this subparagraph is in the best  
1763 interest of the child.

1764  
1765 The placement may be court-ordered temporary legal custody to  
1766 the relative or nonrelative under protective supervision of the  
1767 department pursuant to s. 39.521(1)(b)3., or court-ordered



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1768 placement in the home of a relative or nonrelative as a  
1769 permanency option under s. 39.6221 or s. 39.6231 or under former  
1770 s. 39.622 if the placement was made before July 1, 2006. The  
1771 Relative Caregiver Program shall offer financial assistance to  
1772 caregivers ~~who are relatives and~~ who would be unable to serve in  
1773 that capacity without the ~~relative~~ caregiver payment because of  
1774 financial burden, thus exposing the child to the trauma of  
1775 placement in a shelter or in foster care.

1776 (b) Caregivers ~~who are relatives and~~ who receive assistance  
1777 under this section must be capable, as determined by a home  
1778 study, of providing a physically safe environment and a stable,  
1779 supportive home for the children under their care, and must  
1780 assure that the children's well-being is met, including, but not  
1781 limited to, the provision of immunizations, education, and  
1782 mental health services as needed.

1783 (c) Relatives or nonrelatives who qualify for and  
1784 participate in the Relative Caregiver Program are not required  
1785 to meet foster care licensing requirements under s. 409.175.

1786 (d) Relatives or nonrelatives who are caring for children  
1787 placed with them by the court pursuant to this chapter shall  
1788 receive a special monthly ~~relative~~ caregiver benefit established  
1789 by rule of the department. The amount of the special benefit  
1790 payment shall be based on the child's age within a payment  
1791 schedule established by rule of the department and subject to  
1792 availability of funding. The statewide average monthly rate for  
1793 children judicially placed with relatives or nonrelatives who  
1794 are not licensed as foster homes may not exceed 82 percent of  
1795 the statewide average foster care rate, and ~~nor may~~ the cost of  
1796 providing the assistance described in this section to any



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1797 ~~relative~~ caregiver may not exceed the cost of providing out-of-  
1798 home care in emergency shelter or foster care.

1799 (e) Children receiving cash benefits under this section are  
1800 not eligible to simultaneously receive WAGES cash benefits under  
1801 chapter 414.

1802 (f) Within available funding, the Relative Caregiver  
1803 Program shall provide ~~relative~~ caregivers with family support  
1804 and preservation services, flexible funds in accordance with s.  
1805 409.165, school readiness, and other available services in order  
1806 to support the child's safety, growth, and healthy development.  
1807 Children living with ~~relative~~ caregivers who are receiving  
1808 assistance under this section shall be eligible for Medicaid  
1809 coverage.

1810 (g) The department may use appropriate available state,  
1811 federal, and private funds to operate the Relative Caregiver  
1812 Program. The department may develop liaison functions to be  
1813 available to relatives or nonrelatives who care for children  
1814 pursuant to this chapter to ensure placement stability in  
1815 extended family settings.

1816 Section 16. Subsections (3) and (4) of section 39.604,  
1817 Florida Statutes, are amended to read:

1818 39.604 Rilya Wilson Act; short title; legislative intent;  
1819 requirements; attendance and reporting responsibilities.-

1820 (3) REQUIREMENTS.-A child from birth to the age of ~~who is~~  
1821 ~~age 3 years to~~ school entry, under court-ordered ~~court-ordered~~  
1822 protective supervision or in the custody of the Family Safety  
1823 Program Office of the Department of Children and Families ~~Family~~  
1824 ~~Services~~ or a community-based lead agency, and enrolled in a  
1825 licensed early education or child care program must attend ~~be~~



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1826 ~~enrolled to participate in~~ the program 5 days a week.  
1827 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of  
1828 Children and Families ~~Family Services~~ must notify operators of  
1829 the licensed early education or child care program, subject to  
1830 the reporting requirements of this act, of the enrollment of any  
1831 child from birth to the age of ~~age 3 years to~~ school entry,  
1832 under court-ordered ~~court-ordered~~ protective supervision or in  
1833 the custody of the Family Safety Program Office of the  
1834 Department of Children and Families ~~Family Services~~ or a  
1835 community-based lead agency. When a child is enrolled in an  
1836 early education or child care program regulated by the  
1837 department, the child's attendance in the program must be a  
1838 required action in the safety plan or the case plan developed  
1839 for the a child pursuant to this chapter ~~who is enrolled in a~~  
1840 ~~licensed early education or child care program must contain the~~  
1841 ~~participation in this program as a required action.~~ An exemption  
1842 to participating in the licensed early education or child care  
1843 program 5 days a week may be granted by the court.

1844 (4) ATTENDANCE AND REPORTING REQUIREMENTS.-

1845 (a) A child enrolled in a licensed early education or child  
1846 care program who meets the requirements of subsection (3) may  
1847 not be withdrawn from the program without the prior written  
1848 approval of the Family Safety Program Office of the Department  
1849 of Children and Families ~~Family Services~~ or the community-based  
1850 lead agency.

1851 (b)1. If a child covered by this section is absent from the  
1852 program on a day when he or she is supposed to be present, the  
1853 person with whom the child resides must report the absence to  
1854 the program by the end of the business day. If the person with





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1855 whom the child resides, whether the parent or caregiver, fails  
1856 to timely report the absence, the absence is considered to be  
1857 unexcused. The program shall report any unexcused absence or  
1858 seven consecutive excused absences of a child who is enrolled in  
1859 the program and covered by this act to the local designated  
1860 staff of the Family Safety Program Office of the Department of  
1861 Children and Families ~~Family Services~~ or the community-based  
1862 lead agency by the end of the business day following the  
1863 unexcused absence or seventh consecutive excused absence.

1864         2. The department or community-based lead agency shall  
1865 conduct a site visit to the residence of the child upon  
1866 receiving a report of two consecutive unexcused absences or  
1867 seven consecutive excused absences.

1868         3. If the site visit results in a determination that the  
1869 child is missing, the department or community-based lead agency  
1870 shall report the child as missing to a law enforcement agency  
1871 and proceed with the necessary actions to locate the child  
1872 pursuant to procedures for locating missing children.

1873         4. If the site visit results in a determination that the  
1874 child is not missing, the parent or caregiver shall be notified  
1875 that failure to ensure that the child attends the licensed early  
1876 education or child care program is a violation of the safety  
1877 plan or the case plan. If more than two site visits are  
1878 conducted pursuant to this subsection, staff shall initiate  
1879 action to notify the court of the parent or caregiver's  
1880 noncompliance with the case plan.

1881         Section 17. Paragraph (c) of subsection (2) and paragraph  
1882 (a) of subsection (3) of section 39.701, Florida Statutes, are  
1883 amended to read:



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1884 39.701 Judicial review.—

1885 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
1886 AGE.—

1887 (c) *Review determinations.*—The court and any citizen review  
1888 panel shall take into consideration the information contained in  
1889 the social services study and investigation and all medical,  
1890 psychological, and educational records that support the terms of  
1891 the case plan; testimony by the social services agency, the  
1892 parent, the foster parent or legal custodian, the guardian ad  
1893 litem or surrogate parent for educational decisionmaking if one  
1894 has been appointed for the child, and any other person deemed  
1895 appropriate; and any relevant and material evidence submitted to  
1896 the court, including written and oral reports to the extent of  
1897 their probative value. These reports and evidence may be  
1898 received by the court in its effort to determine the action to  
1899 be taken with regard to the child and may be relied upon to the  
1900 extent of their probative value, even though not competent in an  
1901 adjudicatory hearing. In its deliberations, the court and any  
1902 citizen review panel shall seek to determine:

1903 1. If the parent was advised of the right to receive  
1904 assistance from any person or social service agency in the  
1905 preparation of the case plan.

1906 2. If the parent has been advised of the right to have  
1907 counsel present at the judicial review or citizen review  
1908 hearings. If not so advised, the court or citizen review panel  
1909 shall advise the parent of such right.

1910 3. If a guardian ad litem needs to be appointed for the  
1911 child in a case in which a guardian ad litem has not previously  
1912 been appointed or if there is a need to continue a guardian ad



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1913 litem in a case in which a guardian ad litem has been appointed.

1914 4. Who holds the rights to make educational decisions for  
1915 the child. If appropriate, the court may refer the child to the  
1916 district school superintendent for appointment of a surrogate  
1917 parent or may itself appoint a surrogate parent under the  
1918 Individuals with Disabilities Education Act and s. 39.0016.

1919 5. The compliance or lack of compliance of all parties with  
1920 applicable items of the case plan, including the parents'  
1921 compliance with child support orders.

1922 6. The compliance or lack of compliance with a visitation  
1923 contract between the parent and the social service agency for  
1924 contact with the child, including the frequency, duration, and  
1925 results of the parent-child visitation and the reason for any  
1926 noncompliance.

1927 7. The frequency, kind, and duration of contacts among  
1928 siblings who have been separated during placement, as well as  
1929 any efforts undertaken to reunite separated siblings if doing so  
1930 is in the best interest of the child.

1931 ~~8.7.~~ The compliance or lack of compliance of the parent in  
1932 meeting specified financial obligations pertaining to the care  
1933 of the child, including the reason for failure to comply, if  
1934 applicable ~~such is the case.~~

1935 ~~9.8.~~ Whether the child is receiving safe and proper care  
1936 according to s. 39.6012, including, but not limited to, the  
1937 appropriateness of the child's current placement, including  
1938 whether the child is in a setting that is as family-like and as  
1939 close to the parent's home as possible, consistent with the  
1940 child's best interests and special needs, and including  
1941 maintaining stability in the child's educational placement, as



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1942 documented by assurances from the community-based care provider  
1943 that:

1944 a. The placement of the child takes into account the  
1945 appropriateness of the current educational setting and the  
1946 proximity to the school in which the child is enrolled at the  
1947 time of placement.

1948 b. The community-based care agency has coordinated with  
1949 appropriate local educational agencies to ensure that the child  
1950 remains in the school in which the child is enrolled at the time  
1951 of placement.

1952 ~~10.9.~~ A projected date likely for the child's return home  
1953 or other permanent placement.

1954 ~~11.10.~~ When appropriate, the basis for the unwillingness or  
1955 inability of the parent to become a party to a case plan. The  
1956 court and the citizen review panel shall determine if the  
1957 efforts of the social service agency to secure party  
1958 participation in a case plan were sufficient.

1959 ~~12.11.~~ For a child who has reached 13 years of age but is  
1960 not yet 18 years of age, the adequacy of the child's preparation  
1961 for adulthood and independent living.

1962 ~~13.12.~~ If amendments to the case plan are required.  
1963 Amendments to the case plan must be made under s. 39.6013.

1964 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1965 (a) In addition to the review and report required under  
1966 paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
1967 a judicial review hearing within 90 days after a child's 17th  
1968 birthday. The court shall also issue an order, separate from the  
1969 order on judicial review, that the disability of nonage of the  
1970 child has been removed pursuant to ss. 743.044, 743.045, and



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1971 743.046, and for any of these disabilities that the court finds  
1972 is in the child's best interest to remove. The court ~~s. 743.045~~  
1973 ~~and~~ shall continue to hold timely judicial review hearings. If  
1974 necessary, the court may review the status of the child more  
1975 frequently during the year before the child's 18th birthday. At  
1976 each review hearing held under this subsection, in addition to  
1977 any information or report provided to the court by the foster  
1978 parent, legal custodian, or guardian ad litem, the child shall  
1979 be given the opportunity to address the court with any  
1980 information relevant to the child's best interest, particularly  
1981 in relation to independent living transition services. The  
1982 department shall include in the social study report for judicial  
1983 review written verification that the child has:

1984 1. A current Medicaid card and all necessary information  
1985 concerning the Medicaid program sufficient to prepare the child  
1986 to apply for coverage upon reaching the age of 18, if such  
1987 application is appropriate.

1988 2. A certified copy of the child's birth certificate and,  
1989 if the child does not have a valid driver license, a Florida  
1990 identification card issued under s. 322.051.

1991 3. A social security card and information relating to  
1992 social security insurance benefits if the child is eligible for  
1993 those benefits. If the child has received such benefits and they  
1994 are being held in trust for the child, a full accounting of  
1995 these funds must be provided and the child must be informed as  
1996 to how to access those funds.

1997 4. All relevant information related to the Road-to-  
1998 Independence Program, including, but not limited to, eligibility  
1999 requirements, information on participation, and assistance in



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2000 gaining admission to the program. If the child is eligible for  
2001 the Road-to-Independence Program, he or she must be advised that  
2002 he or she may continue to reside with the licensed family home  
2003 or group care provider with whom the child was residing at the  
2004 time the child attained his or her 18th birthday, in another  
2005 licensed family home, or with a group care provider arranged by  
2006 the department.

2007           5. An open bank account or the identification necessary to  
2008 open a bank account and to acquire essential banking and  
2009 budgeting skills.

2010           6. Information on public assistance and how to apply for  
2011 public assistance.

2012           7. A clear understanding of where he or she will be living  
2013 on his or her 18th birthday, how living expenses will be paid,  
2014 and the educational program or school in which he or she will be  
2015 enrolled.

2016           8. Information related to the ability of the child to  
2017 remain in care until he or she reaches 21 years of age under s.  
2018 39.013.

2019           9. A letter providing the dates that the child is under the  
2020 jurisdiction of the court.

2021           10. A letter stating that the child is in compliance with  
2022 financial aid documentation requirements.

2023           11. The child's educational records.

2024           12. The child's entire health and mental health records.

2025           13. The process for accessing his or her case file.

2026           14. A statement encouraging the child to attend all  
2027 judicial review hearings occurring after the child's 17th  
2028 birthday.



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2029           Section 18. Subsection (2) of section 39.802, Florida  
2030 Statutes, is amended to read:

2031           39.802 Petition for termination of parental rights; filing;  
2032 elements.—

2033           (2) The form of the petition is governed by the Florida  
2034 Rules of Juvenile Procedure. The petition must be in writing and  
2035 signed by the petitioner ~~or, if the department is the~~  
2036 ~~petitioner, by an employee of the department,~~ under oath stating  
2037 the petitioner's good faith in filing the petition.

2038           Section 19. Paragraph (g) of subsection (1) of section  
2039 63.212, Florida Statutes, is amended to read:

2040           63.212 Prohibited acts; penalties for violation.—

2041           (1) It is unlawful for any person:

2042           (g) Except an adoption entity, to advertise or offer to the  
2043 public, in any way, by any medium whatever that a minor is  
2044 available for adoption or that a minor is sought for adoption;  
2045 and, further, it is unlawful for any person to publish or  
2046 broadcast any such advertisement or assist an unlicensed person  
2047 or entity in publishing or broadcasting any such advertisement  
2048 without including a Florida license number of the agency or  
2049 attorney placing the advertisement.

2050           1. Only a person who is an attorney licensed to practice  
2051 law in this state or an adoption entity licensed under the laws  
2052 of this state may place a paid advertisement or paid listing of  
2053 the person's telephone number, on the person's own behalf, in a  
2054 telephone directory that:

2055           a. A child is offered or wanted for adoption; or

2056           b. The person is able to place, locate, or receive a child  
2057 for adoption.



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2058           2. A person who publishes a telephone directory that is  
2059 distributed in this state:

2060           ~~a.~~ shall include, at the beginning of any classified  
2061 heading for adoption and adoption services, a statement that  
2062 informs directory users that only attorneys licensed to practice  
2063 law in this state and licensed adoption entities may legally  
2064 provide adoption services under state law.

2065           ~~3.b.~~ A person who places ~~may publish~~ an advertisement  
2066 described in subparagraph 1. in ~~a the~~ telephone directory must  
2067 include only if the advertisement contains the following  
2068 information:

2069           ~~a.(I)~~ For an attorney licensed to practice law in this  
2070 state, the person's Florida Bar number.

2071           ~~b.(II)~~ For a child placing agency licensed under the laws  
2072 of this state, the number on the person's adoption entity  
2073 license.

2074           Section 20. Subsection (1) and paragraph (c) of subsection  
2075 (3) of section 383.402, Florida Statutes, are amended to read:

2076           383.402 Child abuse death review; State Child Abuse Death  
2077 Review Committee; local child abuse death review committees.—

2078           (1) It is the intent of the Legislature to establish a  
2079 statewide multidisciplinary, multiagency child abuse death  
2080 assessment and prevention system that consists of state and  
2081 local review committees. The state and local review committees  
2082 shall review the facts and circumstances of all deaths of  
2083 children from birth through age 18 which occur in this state and  
2084 are reported to the central abuse hotline of the Department of  
2085 Children and Families ~~as the result of verified child abuse or~~  
2086 ~~neglect.~~ The purpose of the review shall be to:





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2087 (a) Achieve a greater understanding of the causes and  
2088 contributing factors of deaths resulting from child abuse.

2089 (b) Whenever possible, develop a communitywide approach to  
2090 address such cases and contributing factors.

2091 (c) Identify any gaps, deficiencies, or problems in the  
2092 delivery of services to children and their families by public  
2093 and private agencies which may be related to deaths that are the  
2094 result of child abuse.

2095 (d) Make and implement recommendations for changes in law,  
2096 rules, and policies, as well as develop practice standards that  
2097 support the safe and healthy development of children and reduce  
2098 preventable child abuse deaths.

2099 (3) The State Child Abuse Death Review Committee shall:

2100 (c) Prepare an annual statistical report on the incidence  
2101 and causes of death resulting from reported child abuse in the  
2102 state during the prior calendar year. The state committee shall  
2103 submit a copy of the report by October 1 ~~December 31~~ of each  
2104 year to the Governor, the President of the Senate, and the  
2105 Speaker of the House of Representatives. The report must include  
2106 recommendations for state and local action, including specific  
2107 policy, procedural, regulatory, or statutory changes, and any  
2108 other recommended preventive action.

2109 Section 21. Subsection (5) of section 402.40, Florida  
2110 Statutes, is amended, and paragraph (g) is added to subsection  
2111 (3) of that section, to read:

2112 402.40 Child welfare training and certification.—

2113 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
2114 shall approve one or more third-party credentialing entities for  
2115 the purpose of developing and administering child welfare



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2116 certification programs for persons who provide child welfare  
2117 services. A third-party credentialing entity shall request such  
2118 approval in writing from the department. In order to obtain  
2119 approval, the third-party credentialing entity must:

2120 (g) Maintain an advisory committee, including  
2121 representatives from each region of the department, each  
2122 sheriff's office providing child protective services, and each  
2123 community-based care lead agency, who shall be appointed by the  
2124 organization they represent. The third-party credentialing  
2125 entity may appoint additional members to the advisory committee.

2126 (5) CORE COMPETENCIES AND SPECIALIZATIONS.-

2127 (a) The Department of Children and Families ~~Family Services~~  
2128 shall approve the core competencies and related preservice  
2129 curricula that ensures that each person delivering child welfare  
2130 services obtains the knowledge, skills, and abilities to  
2131 competently carry out his or her work responsibilities.

2132 (b) The identification of these core competencies and  
2133 development of preservice curricula shall be a collaborative  
2134 effort that includes professionals who have expertise in child  
2135 welfare services, department-approved third-party credentialing  
2136 entities, and providers that will be affected by the curriculum,  
2137 including, but not limited to, representatives from the  
2138 community-based care lead agencies, sheriffs' offices conducting  
2139 child protection investigations, and child welfare legal  
2140 services providers.

2141 (c) Community-based care agencies, sheriffs' offices, and  
2142 the department may contract for the delivery of preservice and  
2143 any additional training for persons delivering child welfare  
2144 services if the curriculum satisfies the department-approved



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2145 core competencies.

2146 (d) The department may also approve certifications  
2147 involving specializations in serving specific populations or in  
2148 skills relevant to child protection to be awarded to persons  
2149 delivering child welfare services by a third-party credentialing  
2150 entity approved pursuant to subsection (3).

2151 (e)-~~d~~ Department-approved credentialing entities shall,  
2152 for a period of at least 12 months after implementation of the  
2153 third-party child welfare certification programs, grant  
2154 reciprocity and award a child welfare certification to  
2155 individuals who hold current department-issued child welfare  
2156 certification in good standing, at no cost to the department or  
2157 the certificateholder.

2158 Section 22. Section 402.402, Florida Statutes, is created  
2159 to read:

2160 402.402 Child protection and child welfare personnel;  
2161 attorneys employed by the department.-

2162 (1) DEFINITIONS.-As used in this section, the term:

2163 (a) "Child protection and child welfare personnel" includes  
2164 child protective investigators and child protective investigator  
2165 supervisors employed by the department and case managers and  
2166 case manager supervisors employed by a community-based care lead  
2167 agency or a subcontractor of a community-based care lead agency.

2168 (b) "Human services-related field" means psychology,  
2169 sociology, counseling, special education, human development,  
2170 child development, family development, marriage and family  
2171 therapy, and nursing.

2172 (2) CHILD PROTECTION AND CHILD WELFARE PERSONNEL  
2173 REQUIREMENTS.-



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2174       (a) On an annual and statewide basis, 80 percent of child  
2175 protective investigators and child protective investigation  
2176 supervisors hired by the department on or after July 1, 2014,  
2177 must have a bachelor's degree or master's degree in social work  
2178 from a college or university social work program accredited by  
2179 the Council on Social Work Education. If no viable candidates  
2180 are available, the department may hire a person with a  
2181 bachelor's degree or master's degree in a human services-related  
2182 field. However, such employees must complete certification  
2183 pursuant to s. 402.40(3) and complete at least 6 credit hours of  
2184 college level coursework that imparts knowledge and leads to the  
2185 development of skills with direct application to the child  
2186 protection field within 3 years of the date of hire.

2187       (b) Child protective investigators and child protective  
2188 investigation supervisors employed by the department or a  
2189 sheriff's office before July 1, 2014, are exempt from the  
2190 requirements of paragraph (a).

2191       (c) Child protective investigators and child protective  
2192 investigation supervisors employed by a sheriff's office must  
2193 have a bachelor's degree and, within 3 years of hire, complete  
2194 at least 6 credit hours of college level coursework that impart  
2195 knowledge and lead to the development of skills with direct  
2196 application to the child protection field.

2197       (d) All child protective investigators and child protective  
2198 investigation supervisors employed by the department or a  
2199 sheriff's office must complete specialized training focused on  
2200 serving a specific population, including, but not limited to,  
2201 medically fragile children, sexually exploited children,  
2202 children under 3 years of age, or families with a history of



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2203 domestic violence, mental illness, or substance abuse, or  
2204 focused on performing certain aspects of child protection  
2205 practice, including, but not limited to, investigation  
2206 techniques and analysis of family dynamics. The specialized  
2207 training may be used to fulfill continuing education  
2208 requirements under s. 402.40(3)(e). Individuals hired before  
2209 July 1, 2014, shall complete the specialized training by June  
2210 30, 2016, and individuals hired on or after July 1, 2014, shall  
2211 complete the specialized training within 2 years after hire. An  
2212 individual may receive specialized training in multiple areas.

2213 (3) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD  
2214 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose  
2215 primary responsibility is representing the department in child  
2216 welfare cases shall, within the first 6 months of employment,  
2217 receive training in:

2218 (a) The dependency court process, including the attorney's  
2219 role in preparing and reviewing documents prepared for  
2220 dependency court for accuracy and completeness;

2221 (b) Preparing and presenting child welfare cases, including  
2222 at least 1 week shadowing an experienced children's legal  
2223 services attorney preparing and presenting cases;

2224 (c) Safety assessment, safety decisionmaking tools, and  
2225 safety plans;

2226 (d) Developing information presented by investigators and  
2227 case managers to support decisionmaking in the best interest of  
2228 children; and

2229 (e) The experiences and techniques of case managers and  
2230 investigators, including shadowing an experienced child  
2231 protective investigator and an experienced case manager for at



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2232 least 8 hours.

2233 Section 23. Section 402.403, Florida Statutes, is created  
2234 to read:

2235 402.403 Child Protection and Child Welfare Personnel  
2236 Tuition Exemption Program.-

2237 (1) There is established within the department the Child  
2238 Protection and Child Welfare Personnel Tuition Exemption Program  
2239 for the purpose of recruiting and retaining high-performing  
2240 individuals who are employed as child protection and child  
2241 welfare personnel as defined in s. 402.402 and who do not  
2242 possess a master's degree in social work or a certificate in an  
2243 area related to child welfare.

2244 (2) Child protection and child welfare personnel who meet  
2245 the requirements specified in subsection (3) are exempt from the  
2246 payment of tuition and fees at a state university.

2247 (3) The department may approve child protection and child  
2248 welfare personnel for the tuition and fee exemption if such  
2249 personnel:

2250 (a) Are employed as child protection and child welfare  
2251 personnel and are determined by their employers to perform at a  
2252 high level as established by their personnel evaluations; and

2253 (b) Are accepted in a graduate-level social work program or  
2254 a certificate program related to child welfare which is  
2255 accredited by the Council on Social Work Education.

2256 (4) Child protection and child welfare personnel who meet  
2257 the requirements specified in subsection (3) may enroll for up  
2258 to 6 credit hours of courses per term.

2259 (5) Child protection and child welfare personnel who are  
2260 accepted into a graduate-level social work program or a



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2261 certificate program related to child welfare which is accredited  
2262 by the Council on Social Work Education shall take courses  
2263 associated with the degree or certificate program online if such  
2264 courses are offered online.

2265 Section 24. Section 402.404, Florida Statutes, is created  
2266 to read:

2267 402.404 Child Protective Investigator and Supervisor  
2268 Student Loan Forgiveness Program.—

2269 (1) There is established within the department the Child  
2270 Protective Investigator and Supervisor Student Loan Forgiveness  
2271 Program. The purpose of the program is to increase employment  
2272 and retention of high-performing individuals who have either a  
2273 bachelor's degree or a master's degree in social work and work  
2274 in child protection or child welfare for the department, a  
2275 community-based care lead agency, or a community-based care  
2276 subcontractor by making payments toward loans received by  
2277 students from federal or state programs or commercial lending  
2278 institutions for the support of prior postsecondary study in  
2279 accredited social work programs.

2280 (2) To be eligible for the program, a candidate must:

2281 (a) Be employed by the department as a child protective  
2282 investigator or a child protective investigation supervisor or  
2283 be employed by a community-based care lead agency or  
2284 subcontractor as a case manager or case manager supervisor;

2285 (b) Be determined by the department or his or her employer  
2286 to have a high level of performance based on his or her personal  
2287 evaluation; and

2288 (c) Have graduated from an accredited social work program  
2289 with either a bachelor's degree or a master's degree in social



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2290 work.

2291 (3) Only loans to pay the costs of tuition, books, fees,  
2292 and living expenses shall be covered.

2293 (4) The department or lead agency may make loan payments of  
2294 up to \$3,000 each year for up to 4 years on behalf of selected  
2295 graduates of an accredited social work program from the funds  
2296 appropriated for this purpose. All payments are contingent upon  
2297 continued proof of employment and shall be made directly to the  
2298 holder of the loan.

2299 (5) A student who receives a tuition exemption pursuant to  
2300 s. 402.403 is not eligible to participate in the Child  
2301 Protective Investigator and Supervisor Student Loan Forgiveness  
2302 Program.

2303 (6) The department shall prioritize funds appropriated for  
2304 this purpose to regions with high average caseloads and low  
2305 workforce retention rates.

2306 Section 25. Section 409.165, Florida Statutes, is amended  
2307 to read:

2308 409.165 Alternate care for children.—

2309 (1) Within funds appropriated, the department shall  
2310 establish and supervise a program of emergency shelters, runaway  
2311 shelters, foster homes, group homes, agency-operated group  
2312 treatment homes, nonpsychiatric residential group care  
2313 facilities, psychiatric residential treatment facilities, and  
2314 other appropriate facilities to provide shelter and care for  
2315 dependent children who must be placed away from their families.  
2316 The department, in accordance with outcome ~~established~~ goals  
2317 established in s. 409.986, shall contract for the provision of  
2318 such shelter and care by counties, municipalities, nonprofit





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2319 corporations, and other entities capable of providing needed  
2320 services if:

2321 (a) The services ~~se~~ provided comply with all department  
2322 standards, policies, and procedures ~~are available;~~

2323 (b) The services can be se provided at a reasonable cost  
2324 ~~are more cost-effective than those provided by the department;~~  
2325 and

2326 (c) Unless otherwise provided by law, such providers of  
2327 shelter and care are licensed by the department.

2328  
2329 ~~It is the legislative intent that the~~

2330 (2) Funds appropriated for the alternate care of children  
2331 as described in this section may be used to meet the needs of  
2332 children in their own homes or those of relatives if the  
2333 children can be safely served in such settings ~~their own homes,~~  
2334 ~~or the homes of relatives,~~ and the expenditure of funds in such  
2335 manner is equal to or less than the cost of out-of-home  
2336 placement ~~calculated by the department to be an eventual cost~~  
2337 ~~savings over placement of children.~~

2338 (3) ~~(2)~~ The department shall ~~may~~ cooperate with all child  
2339 service institutions or agencies within the state which meet the  
2340 department's standards in order to maintain a comprehensive,  
2341 coordinated, and inclusive system for promoting and protecting  
2342 the well-being of children, consistent with the goals  
2343 established in s. 409.986 ~~rules for proper care and supervision~~  
2344 ~~prescribed by the department for the well-being of children.~~

2345 (a) The department shall work with the Department of Health  
2346 in the development, use, and monitoring of medical foster homes  
2347 for medically complex children.



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2348           (b) The department shall collaborate with all relevant  
2349 state and local agencies to provide such supports and services  
2350 as may be necessary to maintain medically complex children in  
2351 the least restrictive and most nurturing environment.

2352           ~~(4)(3)~~ With the written consent of parents, custodians, or  
2353 guardians, or in accordance with those provisions in chapter 39  
2354 that relate to dependent children, the department, under rules  
2355 properly adopted, may place a child:

2356           (a) With a relative;

2357           (b) With an adult nonrelative approved by the court for  
2358 long-term custody;

2359           (c) With a person who is considering the adoption of a  
2360 child in the manner provided for by law;

2361           (d) When limited, except as provided in paragraph (b), to  
2362 temporary emergency situations, with a responsible adult  
2363 approved by the court;

2364           (e) With a person or family approved by the department to  
2365 serve as a medical foster home;

2366           ~~(f)(e)~~ With a person or agency licensed by the department  
2367 in accordance with s. 409.175; or

2368           ~~(g)(f)~~ In a subsidized independent living situation,  
2369 subject to the provisions of s. 409.1451(4)(c),

2370  
2371 under such conditions as are determined to be for the best  
2372 interests or the welfare of the child. Any child placed in an  
2373 institution or in a family home by the department or its agency  
2374 may be removed by the department or its agency, and such other  
2375 disposition may be made as is for the best interest of the  
2376 child, including transfer of the child to another institution,



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2377 another home, or the home of the child. Expenditure of funds  
2378 appropriated for out-of-home care can be used to meet the needs  
2379 of a child in the child's own home or the home of a relative if  
2380 the child can be safely served in the child's own home or that  
2381 of a relative if placement can be avoided by the expenditure of  
2382 such funds, and if the expenditure of such funds in this manner  
2383 is equal to or less than the cost of out-of-home placement  
2384 ~~calculated by the department to be a potential cost savings.~~

2385 Section 26. Paragraph (c) of subsection (2) of section  
2386 409.967, Florida Statutes, is amended to read:

2387 409.967 Managed care plan accountability.—

2388 (2) The agency shall establish such contract requirements  
2389 as are necessary for the operation of the statewide managed care  
2390 program. In addition to any other provisions the agency may deem  
2391 necessary, the contract must require:

2392 (c) Access.—

2393 1. The agency shall establish specific standards for the  
2394 number, type, and regional distribution of providers in managed  
2395 care plan networks to ensure access to care for both adults and  
2396 children. Each plan must maintain a regionwide network of  
2397 providers in sufficient numbers to meet the access standards for  
2398 specific medical services for all recipients enrolled in the  
2399 plan. The exclusive use of mail-order pharmacies may not be  
2400 sufficient to meet network access standards. Consistent with the  
2401 standards established by the agency, provider networks may  
2402 include providers located outside the region. A plan may  
2403 contract with a new hospital facility before the date the  
2404 hospital becomes operational if the hospital has commenced  
2405 construction, will be licensed and operational by January 1,



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2406 2013, and a final order has issued in any civil or  
2407 administrative challenge. Each plan shall establish and maintain  
2408 an accurate and complete electronic database of contracted  
2409 providers, including information about licensure or  
2410 registration, locations and hours of operation, specialty  
2411 credentials and other certifications, specific performance  
2412 indicators, and such other information as the agency deems  
2413 necessary. The database must be available online to both the  
2414 agency and the public and have the capability to compare the  
2415 availability of providers to network adequacy standards and to  
2416 accept and display feedback from each provider's patients. Each  
2417 plan shall submit quarterly reports to the agency identifying  
2418 the number of enrollees assigned to each primary care provider.

2419 2. Each managed care plan must publish any prescribed drug  
2420 formulary or preferred drug list on the plan's website in a  
2421 manner that is accessible to and searchable by enrollees and  
2422 providers. The plan must update the list within 24 hours after  
2423 making a change. Each plan must ensure that the prior  
2424 authorization process for prescribed drugs is readily accessible  
2425 to health care providers, including posting appropriate contact  
2426 information on its website and providing timely responses to  
2427 providers. For Medicaid recipients diagnosed with hemophilia who  
2428 have been prescribed anti-hemophilic-factor replacement  
2429 products, the agency shall provide for those products and  
2430 hemophilia overlay services through the agency's hemophilia  
2431 disease management program.

2432 3. Managed care plans, and their fiscal agents or  
2433 intermediaries, must accept prior authorization requests for any  
2434 service electronically.



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2435           4. Managed care plans serving children in the care and  
2436 custody of the Department of Children and Families must maintain  
2437 complete medical, dental, and behavioral health information and  
2438 provide such information to the department for inclusion in the  
2439 state's child welfare data system. Using such documentation, the  
2440 agency and the department shall determine the plan's compliance  
2441 with standards for access to medical, dental, and behavioral  
2442 health services; the use of psychotropic medications; and  
2443 followup on all medically necessary services recommended as a  
2444 result of early and periodic screening, diagnosis, and  
2445 treatment.

2446           Section 27. Paragraph (f) is added to subsection (2) of  
2447 section 409.972, Florida Statutes, to read:

2448           409.972 Mandatory and voluntary enrollment.—

2449           (2) The following Medicaid-eligible persons are exempt from  
2450 mandatory managed care enrollment required by s. 409.965, and  
2451 may voluntarily choose to participate in the managed medical  
2452 assistance program:

2453           (f) Medicaid recipients residing in a group home facility  
2454 licensed under chapter 393.

2455           Section 28. The Division of Law Revision and Information is  
2456 directed to create part V of chapter 409, Florida Statutes,  
2457 consisting of ss. 409.986-409.998, to be entitled "Community-  
2458 based child welfare."

2459           Section 29. Section 409.986, Florida Statutes, is created  
2460 to read:

2461           409.986 Legislative findings and intent; child protection  
2462 and child welfare outcomes; definitions.—

2463           (1) LEGISLATIVE FINDINGS AND INTENT.—



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2464 (a) It is the intent of the Legislature that the Department  
2465 of Children and Families provide child protection and child  
2466 welfare services to children through contracting with community-  
2467 based care lead agencies. It is the further intent of the  
2468 Legislature that communities have responsibility for and  
2469 participate in ensuring safety, permanence, and well-being for  
2470 all children in the state.

2471 (b) The Legislature finds that when private entities assume  
2472 responsibility for the care of children in the child protection  
2473 and child welfare system, comprehensive oversight of the  
2474 programmatic, administrative, and fiscal operation of those  
2475 entities is essential. The Legislature further finds that the  
2476 appropriate care of children is ultimately the responsibility of  
2477 the state and that outsourcing such care does not relieve the  
2478 state of its responsibility to ensure that appropriate care is  
2479 provided.

2480 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the  
2481 goal of the department to protect the best interest of children  
2482 by achieving the following outcomes in conjunction with the  
2483 community-based care lead agency, community-based  
2484 subcontractors, and the community alliance:

2485 (a) Children are first and foremost protected from abuse  
2486 and neglect.

2487 (b) Children are safely maintained in their homes, if  
2488 possible and appropriate.

2489 (c) Services are provided to protect children and prevent  
2490 their removal from their home.

2491 (d) Children have permanency and stability in their living  
2492 arrangements.



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2493 (e) Family relationships and connections are preserved for  
2494 children.

2495 (f) Families have enhanced capacity to provide for their  
2496 children's needs.

2497 (g) Children receive appropriate services to meet their  
2498 educational needs.

2499 (h) Children receive adequate services to meet their  
2500 physical and mental health needs.

2501 (i) Children develop the capacity for independent living  
2502 and competence as an adult.

2503 (3) DEFINITIONS.—As used in this part, except as otherwise  
2504 provided, the term:

2505 (a) "Care" means services of any kind which are designed to  
2506 facilitate a child remaining safely in his or her own home,  
2507 returning safely to his or her own home if he or she is removed  
2508 from the home, or obtaining an alternative permanent home if he  
2509 or she cannot remain at home or be returned home. The term  
2510 includes, but is not be limited to, prevention, diversion, and  
2511 related services.

2512 (b) "Child" or "children" has the same meaning as provided  
2513 in s. 39.01.

2514 (c) "Community alliance" or "alliance" means the group of  
2515 stakeholders, community leaders, client representatives, and  
2516 funders of human services established pursuant to s. 20.19(5) to  
2517 provide a focal point for community participation and oversight  
2518 of community-based services.

2519 (d) "Community-based care lead agency" or "lead agency"  
2520 means a single entity with which the department has a contract  
2521 for the provision of care for children in the child protection



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2522 and child welfare system in a community that is no smaller than  
2523 a county and no larger than two contiguous judicial circuits.  
2524 The secretary of the department may authorize more than one  
2525 eligible lead agency within a single county if doing so will  
2526 result in more effective delivery of services to children.

2527 (e) "Related services" includes, but is not limited to,  
2528 family preservation, independent living, emergency shelter,  
2529 residential group care, foster care, therapeutic foster care,  
2530 intensive residential treatment, foster care supervision, case  
2531 management, coordination of mental health services,  
2532 postplacement supervision, permanent foster care, and family  
2533 reunification.

2534 Section 30. Section 409.987, Florida Statutes, is created  
2535 to read:

2536 409.987 Lead agency procurement.—

2537 (1) Community-based care lead agencies shall be procured by  
2538 the department through a competitive process as required under  
2539 chapter 287.

2540 (2) The department shall produce a schedule for the  
2541 procurement of community-based care lead agencies and provide  
2542 the schedule to the community alliances established pursuant to  
2543 s. 409.998 and post the schedule on the department's website.

2544 (3) Notwithstanding s. 287.057, the department shall use 5-  
2545 year contracts with lead agencies.

2546 (4) In order to serve as a lead agency, an entity must:

2547 (a) Be organized as a Florida corporation or a governmental  
2548 entity.

2549 (b) Be governed by a board of directors or a board  
2550 committee composed of board members. The membership of the board





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2551 of directors or board committee must be described in the bylaws  
2552 or articles of incorporation of each lead agency, which must  
2553 provide that at least 75 percent of the membership of the board  
2554 of directors or board committee must consist of persons residing  
2555 in this state, and at least 51 percent of the state residents on  
2556 the board of directors must reside within the service area of  
2557 the lead agency. However, for procurements of lead agency  
2558 contracts initiated on or after July 1, 2014:

2559 1. At least 75 percent of the membership of the board of  
2560 directors must consist of persons residing in this state, and at  
2561 least 51 percent of the membership of the board of directors  
2562 must consist of persons residing within the service area of the  
2563 lead agency. If a board committee governs the lead agency, 100  
2564 percent of its membership must consist of persons residing  
2565 within the service area of the lead agency.

2566 2. The powers of the board of directors or board committee  
2567 include, are not limited to, approving the lead agency's budget  
2568 and setting the lead agency's operational policy and procedures.  
2569 A board of directors must additionally have the power to hire  
2570 the lead agency's executive director, unless a board committee  
2571 governs the lead agency, in which case the board committee must  
2572 have the power to confirm the selection of the lead agency's  
2573 executive director.

2574 (c) Demonstrate financial responsibility through an  
2575 organized plan for regular fiscal audits and the posting of a  
2576 performance bond.

2577 (5) The department's procurement team procuring any lead  
2578 agencies' contracts must include individuals from the community  
2579 alliance in the area to be served under the contract. All



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2580 meetings at which vendors make presentations to or negotiate  
2581 with the procurement team shall be held in the area to be served  
2582 by the contract.

2583 (6) Upon award and execution of a contract between the  
2584 department and a lead agency, the parties shall enter into a  
2585 letter of engagement that the department will provide legal  
2586 representation to the lead agency or its subcontractors for the  
2587 preparation and presentation of dependency court proceedings.  
2588 The department may not charge the lead agency for such legal  
2589 representation.

2590 Section 31. Section 409.988, Florida Statutes, is created  
2591 to read:

2592 409.988 Lead agency duties; general provisions.-

2593 (1) DUTIES.-A lead agency:

2594 (a) Shall serve all children referred as a result of a  
2595 report of abuse, neglect, or abandonment to the department's  
2596 central abuse hotline, including, but not limited to, children  
2597 who are the subject of verified reports and children who are not  
2598 the subject of verified reports but who are at moderate to  
2599 extremely high risk of abuse, neglect, or abandonment, as  
2600 determined using the department's risk assessment instrument,  
2601 regardless of the level of funding allocated to the lead agency  
2602 by the state if all related funding is transferred. The lead  
2603 agency may also serve children who have not been the subject of  
2604 reports of abuse, neglect, or abandonment, but who are at risk  
2605 of abuse, neglect, or abandonment, to prevent their entry into  
2606 the child protection and child welfare system.

2607 (b) Shall provide accurate and timely information necessary  
2608 for oversight by the department pursuant to the child welfare



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2609 results-oriented accountability system required by s. 409.997.

2610 (c) Shall follow the financial guidelines developed by the  
2611 department and provide for a regular independent auditing of its  
2612 financial activities. Such financial information shall be  
2613 provided to the community alliance established under s. 409.998.

2614 (d) Shall post on its website the current budget for the  
2615 lead agency, including the salaries, bonuses, and other  
2616 compensation paid, by position, for the agency's chief executive  
2617 officer, chief financial officer, chief operating officer, or  
2618 their equivalents.

2619 (e) Shall prepare all judicial reviews, case plans, and  
2620 other reports necessary for court hearings for dependent  
2621 children, except those related to the investigation of a  
2622 referral from the department's child abuse hotline, and shall  
2623 submit these documents timely to the department's attorneys for  
2624 review, any necessary revision, and filing with the court. The  
2625 lead agency shall make the necessary staff available to  
2626 department attorneys for preparation for dependency proceedings,  
2627 and shall provide testimony and other evidence required for  
2628 dependency court proceedings in coordination with the  
2629 department's attorneys. This duty does not include the  
2630 preparation of legal pleadings or other legal documents, which  
2631 remain the responsibility of the department.

2632 (f) Shall ensure that all individuals providing care for  
2633 dependent children receive appropriate training and meet the  
2634 minimum employment standards established by the department.

2635 (g) Shall maintain eligibility to receive all available  
2636 federal child welfare funds.

2637 (h) Shall maintain written agreements with Healthy Families



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2638 Florida lead entities in its service area pursuant to s. 409.153  
2639 to promote cooperative planning for the provision of prevention  
2640 and intervention services.

2641 (i) Shall comply with federal and state statutory  
2642 requirements and agency rules in the provision of contractual  
2643 services.

2644 (j) May subcontract for the provision of services required  
2645 by the contract with the lead agency and the department;  
2646 however, the subcontracts must specify how the provider will  
2647 contribute to the lead agency meeting the performance standards  
2648 established pursuant to the child welfare results-oriented  
2649 accountability system required by s. 409.997. The lead agency  
2650 shall directly provide no more than 35 percent of all child  
2651 welfare services provided.

2652 (k) Shall post on its website by the 15th day of each month  
2653 at a minimum the information contained in subparagraphs 1.-4.  
2654 for the preceding calendar month regarding its case management  
2655 services. The following information shall be reported by each  
2656 individual subcontracted case management provider, by the lead  
2657 agency, if the lead agency provides case management services,  
2658 and in total for all case management services subcontracted or  
2659 directly provided by the lead agency:

2660 1. The average caseload of case managers, including only  
2661 filled positions;

2662 2. The turnover rate for case managers and case management  
2663 supervisors for the previous 12 months;

2664 3. The percentage of required home visits completed; and

2665 4. Performance on outcome measures required pursuant to s.  
2666 409.997 for the previous 12 months.



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2667       (2) LICENSURE.—

2668       (a) A lead agency must be licensed as a child-caring or  
2669 child-placing agency by the department under this chapter.

2670       (b) Each foster home, therapeutic foster home, emergency  
2671 shelter, or other placement facility operated by the lead agency  
2672 must be licensed by the department under chapter 402 or this  
2673 chapter.

2674       (c) Substitute care providers who are licensed under s.  
2675 409.175 and who have contracted with a lead agency are also  
2676 authorized to provide registered or licensed family day care  
2677 under s. 402.313 if such care is consistent with federal law and  
2678 if the home has met the requirements of s. 402.313.

2679       (d) In order to eliminate or reduce the number of duplicate  
2680 inspections by various program offices, the department shall  
2681 coordinate inspections required for licensure of agencies under  
2682 this subsection.

2683       (e) The department may adopt rules to administer this  
2684 subsection.

2685       (3) SERVICES.—A lead agency must serve dependent children  
2686 through services that are supported by research or are best  
2687 child welfare practices. The agency may also provide innovative  
2688 services, including, but not limited to, family-centered,  
2689 cognitive-behavioral, trauma-informed interventions designed to  
2690 mitigate out-of-home placements.

2691       (4) LEAD AGENCY ACTING AS GUARDIAN.—

2692       (a) If a lead agency or other provider has accepted case  
2693 management responsibilities for a child who is sheltered or  
2694 found to be dependent and who is assigned to the care of the  
2695 lead agency or other provider, the agency or provider may act as



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2696 the child's guardian for the purpose of registering the child in  
2697 school if a parent or guardian of the child is unavailable and  
2698 his or her whereabouts cannot reasonably be ascertained.

2699 (b) The lead agency or other provider may also seek  
2700 emergency medical attention for the child, but only if a parent  
2701 or guardian of the child is unavailable, the parent or  
2702 guardian's whereabouts cannot reasonably be ascertained, and a  
2703 court order for such emergency medical services cannot be  
2704 obtained because of the severity of the emergency or because it  
2705 is after normal working hours.

2706 (c) A lead agency or other provider may not consent to  
2707 sterilization, abortion, or termination of life support.

2708 (d) If a child's parents' rights have been terminated, the  
2709 lead agency shall act as guardian of the child in all  
2710 circumstances.

2711 Section 32. Section 409.990, Florida Statutes, is created  
2712 to read:

2713 409.990 Funding for lead agencies.—A contract established  
2714 between the department and a lead agency must be funded by a  
2715 grant of general revenue, other applicable state funds, or  
2716 applicable federal funding sources.

2717 (1) The method of payment for a fixed-price contract with a  
2718 lead agency must provide for a 2-month advance payment at the  
2719 beginning of each fiscal year and equal monthly payments  
2720 thereafter.

2721 (2) Notwithstanding s. 215.425, all documented federal  
2722 funds earned for the current fiscal year by the department and  
2723 lead agencies which exceed the amount appropriated by the  
2724 Legislature shall be distributed to all entities that



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2725 contributed to the excess earnings based on a schedule and  
2726 methodology developed by the department and approved by the  
2727 Executive Office of the Governor.

2728 (a) Distribution shall be pro rata, based on total  
2729 earnings, and shall be made only to those entities that  
2730 contributed to excess earnings.

2731 (b) Excess earnings of lead agencies shall be used only in  
2732 the service district in which they were earned.

2733 (c) Additional state funds appropriated by the Legislature  
2734 for lead agencies or made available pursuant to the budgetary  
2735 amendment process described in s. 216.177 shall be transferred  
2736 to the lead agencies.

2737 (d) The department shall amend a lead agency's contract to  
2738 permit expenditure of the funds.

2739 (3) Notwithstanding any other provision of this section,  
2740 the amount of the annual contract for a lead agency may be  
2741 increased by excess federal funds earned in accordance with s.  
2742 216.181(11).

2743 (4) Each contract with a lead agency shall provide for the  
2744 payment by the department to the lead agency of a reasonable  
2745 administrative cost in addition to funding for the provision of  
2746 services.

2747 (5) A lead agency may carry forward documented unexpended  
2748 state funds from one fiscal year to the next; however, the  
2749 cumulative amount carried forward may not exceed 8 percent of  
2750 the total contract. Any unexpended state funds in excess of that  
2751 percentage must be returned to the department.

2752 (a) The funds carried forward may not be used in any way  
2753 that would create increased recurring future obligations, and



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2754 such funds may not be used for any type of program or service  
2755 that is not currently authorized by the existing contract with  
2756 the department.

2757 (b) Expenditures of funds carried forward must be  
2758 separately reported to the department.

2759 (c) Any unexpended funds that remain at the end of the  
2760 contract period shall be returned to the department.

2761 (d) Funds carried forward may be retained through any  
2762 contract renewals and any new procurements as long as the same  
2763 lead agency is retained by the department.

2764 (6) It is the intent of the Legislature to improve services  
2765 and local participation in community-based care initiatives by  
2766 fostering community support and providing enhanced prevention  
2767 and in-home services, thereby reducing the risk otherwise faced  
2768 by lead agencies. A community partnership matching grant program  
2769 is established and shall be operated by the department to  
2770 encourage local participation in community-based care for  
2771 children in the child welfare system. A children's services  
2772 council or another local entity that makes a financial  
2773 commitment to a community-based care lead agency may be eligible  
2774 for a matching grant. The total amount of the local contribution  
2775 may be matched on a one-to-one basis up to a maximum annual  
2776 amount of \$500,000 per lead agency. Awarded matching grant funds  
2777 may be used for any prevention or in-home services that can be  
2778 reasonably expected to reduce the number of children entering  
2779 the child welfare system. Funding available for the matching  
2780 grant program is subject to legislative appropriation of  
2781 nonrecurring funds provided for this purpose.

2782 (7) (a) The department, in consultation with the Florida





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2783 Coalition for Children, Inc., shall develop and implement a  
2784 community-based care risk pool initiative to mitigate the  
2785 financial risk to eligible lead agencies. This initiative must  
2786 include:

2787 1. A risk pool application and protocol developed by the  
2788 department which outlines submission criteria, including, but  
2789 not limited to, financial and program management, descriptive  
2790 data requirements, and timeframes for submission of  
2791 applications. Requests for funding from risk pool applicants  
2792 must be based on relevant and verifiable service trends and  
2793 changes that have occurred during the current fiscal year. The  
2794 application must confirm that expenditure of approved risk pool  
2795 funds by the lead agency will be completed within the current  
2796 fiscal year.

2797 2. A risk pool peer review committee, appointed by the  
2798 secretary and consisting of department staff and representatives  
2799 from at least three nonapplicant lead agencies, which reviews  
2800 and assesses all risk pool applications. Upon completion of each  
2801 application review, the peer review committee shall report its  
2802 findings and recommendations to the secretary, providing, at a  
2803 minimum, the following information:

2804 a. Justification for the specific funding amount required  
2805 by the risk pool applicant based on the current year's service  
2806 trend data, including validation that the applicant's financial  
2807 need was caused by circumstances beyond the control of the lead  
2808 agency management;

2809 b. Verification that the proposed use of risk pool funds  
2810 meets at least one of the purposes specified in paragraph (c);  
2811 and



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2812 c. Evidence of technical assistance provided in an effort  
2813 to avoid the need to access the risk pool and recommendations  
2814 for technical assistance to the lead agency to ensure that risk  
2815 pool funds are expended effectively and that the agency's need  
2816 for future risk pool funding is diminished.

2817 (b) Upon approval by the secretary of a risk pool  
2818 application, the department may request funds from the risk pool  
2819 in accordance with s. 216.181(6) (a).

2820 (c) The purposes for which the community-based care risk  
2821 pool shall be used include:

2822 1. Significant changes in the number or composition of  
2823 clients eligible to receive services.

2824 2. Significant changes in the services that are eligible  
2825 for reimbursement.

2826 3. Continuity of care in the event of failure,  
2827 discontinuance of service, or financial misconduct by a lead  
2828 agency.

2829 4. Significant changes in the mix of available funds.

2830 (d) The department may also request in its annual  
2831 legislative budget request, and the Governor may recommend, that  
2832 the funding necessary to effect paragraph (c) be appropriated to  
2833 the department. In addition, the department may request the  
2834 allocation of funds from the community-based care risk pool in  
2835 accordance with s. 216.181(6) (a). Funds from the pool may be  
2836 used to match available federal dollars.

2837 1. Such funds shall constitute partial security for  
2838 contract performance by lead agencies and shall be used to  
2839 offset the need for a performance bond.

2840 2. The department may separately require a bond to mitigate



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2841 the financial consequences of potential acts of malfeasance or  
2842 misfeasance or criminal violations by the service provider.

2843 Section 33. Section 409.16713, Florida Statutes, is  
2844 transferred, renumbered as section 409.991, Florida Statutes,  
2845 and paragraph (a) of subsection (1) of that section is amended  
2846 to read:

2847 409.991 ~~409.16713~~ Allocation of funds for community-based  
2848 care lead agencies.—

2849 (1) As used in this section, the term:

2850 (a) "Core services funding" means all funds allocated to  
2851 community-based care lead agencies operating under contract with  
2852 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the  
2853 following exceptions:

- 2854 1. Funds appropriated for independent living;
- 2855 2. Funds appropriated for maintenance adoption subsidies;
- 2856 3. Funds allocated by the department for protective  
2857 investigations training;
- 2858 4. Nonrecurring funds;
- 2859 5. Designated mental health wrap-around services funds; and
- 2860 6. Funds for special projects for a designated community-  
2861 based care lead agency.

2862 Section 34. Section 409.992, Florida Statutes, is created  
2863 to read:

2864 409.992 Lead agency expenditures.—

2865 (1) The procurement of commodities or contractual services  
2866 by lead agencies shall be governed by the financial guidelines  
2867 developed by the department and must comply with applicable  
2868 state and federal law and follow good business practices.

2869 Pursuant to s. 11.45, the Auditor General may provide technical



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2870 advice in the development of the financial guidelines.

2871 (2) Notwithstanding any other provision of law, a  
2872 community-based care lead agency may make expenditures for staff  
2873 cellular telephone allowances, contracts requiring deferred  
2874 payments and maintenance agreements, security deposits for  
2875 office leases, related agency professional membership dues other  
2876 than personal professional membership dues, promotional  
2877 materials, and grant writing services. Expenditures for food and  
2878 refreshments, other than those provided to clients in the care  
2879 of the agency or to foster parents, adoptive parents, and  
2880 caseworkers during training sessions, are not allowable.

2881 (3) A lead community-based care agency and its  
2882 subcontractors are exempt from state travel policies as provided  
2883 in s. 112.061(3)(a) for their travel expenses incurred in order  
2884 to comply with the requirements of this section.

2885 Section 35. Section 409.993, Florida Statutes, is created  
2886 to read:

2887 409.993 Lead agencies and subcontractor liability.—

2888 (1) FINDINGS.—

2889 (a) The Legislature finds that the state has traditionally  
2890 provided foster care services to children who are the  
2891 responsibility of the state. As such, foster children have not  
2892 had the right to recover for injuries beyond the limitations  
2893 specified in s. 768.28. The Legislature has determined that  
2894 foster care and related services should be outsourced pursuant  
2895 to this section and that the provision of such services is of  
2896 paramount importance to the state. The purpose of such  
2897 outsourcing is to increase the level of safety, security, and  
2898 stability of children who are or become the responsibility of



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2899 the state. One of the components necessary to secure a safe and  
2900 stable environment for such children is the requirement that  
2901 private providers maintain liability insurance. As such,  
2902 insurance needs to be available and remain available to  
2903 nongovernmental foster care and related services providers  
2904 without the resources of such providers being significantly  
2905 reduced by the cost of maintaining such insurance.

2906 (b) The Legislature further finds that, by requiring the  
2907 following minimum levels of insurance, children in outsourced  
2908 foster care and related services will gain increased protection  
2909 and rights of recovery in the event of injury than currently  
2910 provided in s. 768.28.

2911 (2) LEAD AGENCY LIABILITY.-

2912 (a) Other than an entity to which s. 768.28 applies, an  
2913 eligible community-based care lead agency, or its employees or  
2914 officers, except as otherwise provided in paragraph (b), shall,  
2915 as a part of its contract, obtain general liability insurance  
2916 coverage sufficient to pay any successful tort action up to the  
2917 liability caps established in this subsection. In a tort action  
2918 brought against such an eligible community-based care lead  
2919 agency or employee, net economic damages shall be limited to \$2  
2920 million per liability claim and \$200,000 per automobile claim,  
2921 including, but not limited to, past and future medical expenses,  
2922 wage loss, and loss of earning capacity, offset by any  
2923 collateral source payment paid or payable. In any tort action  
2924 brought against such an eligible community-based care lead  
2925 agency, noneconomic damages shall be limited to \$400,000 per  
2926 claim. A claims bill may be brought on behalf of a claimant  
2927 pursuant to s. 768.28 for any amount exceeding the limits



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2928 specified in this paragraph. Any offset of collateral source  
2929 payments made as of the date of the settlement or judgment shall  
2930 be in accordance with s. 768.76. The community-based care lead  
2931 agency is not liable in tort for the acts or omissions of its  
2932 subcontractors or the officers, agents, or employees of its  
2933 subcontractors.

2934 (b) The liability of an eligible community-based care lead  
2935 agency described in this section shall be exclusive and in place  
2936 of all other liability of such lead agency. The same immunities  
2937 from liability enjoyed by such lead agencies shall extend to  
2938 each employee of the lead agency if he or she is acting in  
2939 furtherance of the lead agency's business, including the  
2940 transportation of clients served, as described in this  
2941 subsection, in privately owned vehicles. Such immunities are not  
2942 applicable to a lead agency or an employee who acts in a  
2943 culpably negligent manner or with willful and wanton disregard  
2944 or unprovoked physical aggression if such acts result in injury  
2945 or death or such acts proximately cause such injury or death.  
2946 Such immunities are not applicable to employees of the same lead  
2947 agency when each is operating in the furtherance of the agency's  
2948 business, but they are assigned primarily to unrelated work  
2949 within private or public employment. The same immunity  
2950 provisions enjoyed by a lead agency also apply to any sole  
2951 proprietor, partner, corporate officer or director, supervisor,  
2952 or other person who, in the course and scope of his or her  
2953 duties, acts in a managerial or policymaking capacity and the  
2954 conduct that caused the alleged injury arose within the course  
2955 and scope of those managerial or policymaking duties. As used in  
2956 this subsection and subsection (3), the term "culpably negligent



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2957 manner” means reckless indifference or grossly careless  
2958 disregard of human life.

2959 (3) SUBCONTRACTOR LIABILITY.—

2960 (a) A subcontractor of an eligible community-based care  
2961 lead agency that is a direct provider of foster care and related  
2962 services to children and families, and its employees or  
2963 officers, except as otherwise provided in paragraph (b), must,  
2964 as a part of its contract, obtain general liability insurance  
2965 coverage sufficient to pay any successful tort action up to the  
2966 liability caps established in this subsection. In a tort action  
2967 brought against such subcontractor or employee, net economic  
2968 damages shall be limited to \$2 million per liability claim and  
2969 \$200,000 per automobile claim, including, but not limited to,  
2970 past and future medical expenses, wage loss, and loss of earning  
2971 capacity, offset by any collateral source payment paid or  
2972 payable. In a tort action brought against such subcontractor,  
2973 noneconomic damages shall be limited to \$400,000 per claim. A  
2974 claims bill may be brought on behalf of a claimant pursuant to  
2975 s. 768.28 for any amount exceeding the limits specified in this  
2976 paragraph. Any offset of collateral source payments made as of  
2977 the date of the settlement or judgment shall be in accordance  
2978 with s. 768.76.

2979 (b) The liability of a subcontractor of an eligible  
2980 community-based care lead agency that is a direct provider of  
2981 foster care and related services as described in this section is  
2982 exclusive and in place of all other liability of such provider.  
2983 The same immunities from liability enjoyed by such subcontractor  
2984 provider extend to each employee of the subcontractor when such  
2985 employee is acting in furtherance of the subcontractor’s



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2986 business, including the transportation of clients served, as  
2987 described in this subsection, in privately owned vehicles. Such  
2988 immunities are not applicable to a subcontractor or an employee  
2989 who acts in a culpably negligent manner or with willful and  
2990 wanton disregard or unprovoked physical aggression if such acts  
2991 result in injury or death or if such acts proximately cause such  
2992 injury or death. Such immunities are not applicable to employees  
2993 of the same subcontractor who are operating in the furtherance  
2994 of the subcontractor's business but are assigned primarily to  
2995 unrelated works within private or public employment. The same  
2996 immunity provisions enjoyed by a subcontractor also apply to any  
2997 sole proprietor, partner, corporate officer or director,  
2998 supervisor, or other person who, in the course and scope of his  
2999 or her duties, acts in a managerial or policymaking capacity and  
3000 the conduct that caused the alleged injury arose within the  
3001 course and scope of those managerial or policymaking duties.

3002 (4) LIMITATIONS ON DAMAGES.—The Legislature is cognizant of  
3003 the increasing costs of goods and services each year and  
3004 recognizes that fixing a set amount of compensation has the  
3005 effect of a reduction in compensation each year. Accordingly,  
3006 the conditional limitations on damages in this section shall be  
3007 increased at the rate of 5 percent each year, prorated from July  
3008 1, 2014, to the date at which damages subject to such  
3009 limitations are awarded by final judgment or settlement.

3010 Section 36. Section 409.1675, Florida Statutes, is  
3011 transferred, renumbered as section 409.994, Florida Statutes,  
3012 and amended to read:

3013 409.994 ~~409.1675~~ Lead Community-based care lead agencies  
3014 providers; receivership.—





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3015 (1) The Department of Children and Families ~~Family Services~~  
3016 may petition a court of competent jurisdiction for the  
3017 appointment of a receiver for a ~~lead~~ community-based care lead  
3018 agency provider established pursuant to s. 409.987 ~~if s.~~  
3019 ~~409.1671~~ when any of the following conditions exist:

3020 (a) The lead agency ~~community-based provider~~ is operating  
3021 without a license as a child-placing agency.

3022 (b) The lead agency ~~community-based provider~~ has given less  
3023 than 120 days' notice of its intent to cease operations, and  
3024 arrangements have not been made for another lead agency  
3025 ~~community-based provider~~ or for the department to continue the  
3026 uninterrupted provision of services.

3027 (c) The department determines that conditions exist in the  
3028 lead agency ~~community-based provider~~ which present an imminent  
3029 danger to the health, safety, or welfare of the dependent  
3030 children under that agency's ~~provider's~~ care or supervision.  
3031 Whenever possible, the department shall make a reasonable effort  
3032 to facilitate the continued operation of the program.

3033 (d) The lead agency ~~community-based provider~~ cannot meet  
3034 its current financial obligations to its employees, contractors,  
3035 or foster parents. Issuance of bad checks or the existence of  
3036 delinquent obligations for payment of salaries, utilities, or  
3037 invoices for essential services or commodities shall constitute  
3038 prima facie evidence that the lead agency ~~community-based~~  
3039 ~~provider~~ lacks the financial ability to meet its financial  
3040 obligations.

3041 (2) (a) The petition for receivership shall take precedence  
3042 over other court business unless the court determines that some  
3043 other pending proceeding, having statutory precedence, has



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3044 priority.

3045 (b) A hearing shall be conducted within 5 days after the  
3046 filing of the petition, at which time interested parties shall  
3047 have the opportunity to present evidence as to whether a  
3048 receiver should be appointed. The department shall give  
3049 reasonable notice of the hearing on the petition to the lead  
3050 agency ~~community-based provider~~.

3051 (c) The court shall grant the petition upon finding that  
3052 one or more of the conditions in subsection (1) exists and the  
3053 continued existence of the condition or conditions jeopardizes  
3054 the health, safety, or welfare of dependent children. A receiver  
3055 may be appointed ex parte when the court determines that one or  
3056 more of the conditions in subsection (1) exists. After such  
3057 finding, the court may appoint any person, including an employee  
3058 of the department who is qualified by education, training, or  
3059 experience to carry out the duties of the receiver pursuant to  
3060 this section, except that the court may ~~shall~~ not appoint any  
3061 member of the governing board or any officer of the lead agency  
3062 ~~community-based provider~~. The receiver may be selected from a  
3063 list of persons qualified to act as receivers which is developed  
3064 by the department and presented to the court with each petition  
3065 of receivership.

3066 (d) A receiver may be appointed for up to 90 days, and the  
3067 department may petition the court for additional 30-day  
3068 extensions. Sixty days after appointment of a receiver and every  
3069 30 days thereafter until the receivership is terminated, the  
3070 department shall submit to the court an assessment of the lead  
3071 agency's ~~community-based provider's~~ ability to ensure the  
3072 health, safety, and welfare of the dependent children under its



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3073 supervision.

3074 (3) The receiver shall take such steps as are reasonably  
3075 necessary to ensure the continued health, safety, and welfare of  
3076 the dependent children under the supervision of the lead agency  
3077 ~~community-based provider~~ and shall exercise those powers and  
3078 perform those duties set out by the court, including, but not  
3079 limited to:

3080 (a) Taking such action as is reasonably necessary to  
3081 protect or conserve the assets or property of the lead agency  
3082 ~~community-based provider~~. The receiver may use the assets and  
3083 property and any proceeds from any transfer thereof only in the  
3084 performance of the powers and duties provided ~~set forth~~ in this  
3085 section and by order of the court.

3086 (b) Using the assets of the lead agency ~~community-based~~  
3087 ~~provider~~ in the provision of care and services to dependent  
3088 children.

3089 (c) Entering into contracts and hiring agents and employees  
3090 to carry out the powers and duties of the receiver under this  
3091 section.

3092 (d) Having full power to direct, manage, hire, and  
3093 discharge employees of the lead agency ~~community-based provider~~.  
3094 The receiver shall hire and pay new employees at the rate of  
3095 compensation, including benefits, approved by the court.

3096 (e) Honoring all leases, mortgages, and contractual  
3097 obligations of the lead agency ~~community-based provider~~, but  
3098 only to the extent of payments that become due during the period  
3099 of the receivership.

3100 (4) (a) The receiver shall deposit funds received in a  
3101 separate account and shall use this account for all



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3102 disbursements.

3103 (b) A payment to the receiver of any sum owing to the lead  
3104 agency ~~community-based provider~~ shall discharge any obligation  
3105 to the provider to the extent of the payment.

3106 (5) A receiver may petition the court for temporary relief  
3107 from obligations entered into by the lead agency ~~community-based~~  
3108 ~~provider~~ if the rent, price, or rate of interest required to be  
3109 paid under the agreement was substantially in excess of a  
3110 reasonable rent, price, or rate of interest at the time the  
3111 contract was entered into, or if any material provision of the  
3112 agreement was unreasonable when compared to contracts negotiated  
3113 under similar conditions. Any relief in this form provided by  
3114 the court shall be limited to the life of the receivership,  
3115 unless otherwise determined by the court.

3116 (6) The court shall set the compensation of the receiver,  
3117 which shall be considered a necessary expense of a receivership  
3118 and may grant to the receiver such other authority necessary to  
3119 ensure the health, safety, and welfare of the children served.

3120 (7) A receiver may be held liable in a personal capacity  
3121 only for the receiver's own gross negligence, intentional acts,  
3122 or breaches of fiduciary duty. This section may ~~shall~~ not be  
3123 interpreted to be a waiver of sovereign immunity should the  
3124 department be appointed receiver.

3125 (8) If the receiver is not the department, the court may  
3126 require a receiver to post a bond to ensure the faithful  
3127 performance of these duties.

3128 (9) The court may terminate a receivership when:

3129 (a) The court determines that the receivership is no longer  
3130 necessary because the conditions that gave rise to the



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3131 receivership no longer exist; or

3132 (b) The department has entered into a contract with a new  
3133 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~  
3134 ~~409.1671~~, and that contractor is ready and able to assume the  
3135 duties of the previous lead agency ~~provider~~.

3136 (10) Within 30 days after the termination, unless this time  
3137 period is extended by the court, the receiver shall give the  
3138 court a complete accounting of all property of which the  
3139 receiver has taken possession, of all funds collected and  
3140 disbursed, and of the expenses of the receivership.

3141 (11) ~~Nothing in~~ This section does not ~~shall be construed to~~  
3142 relieve any employee of the lead agency ~~community-based provider~~  
3143 placed in receivership of any civil or criminal liability  
3144 incurred, or any duty imposed by law, by reason of acts or  
3145 omissions of the employee before ~~prior to~~ the appointment of a  
3146 receiver, and; ~~nor shall anything contained in this section~~ does  
3147 not be construed to suspend during the receivership any  
3148 obligation of the employee for payment of taxes or other  
3149 operating or maintenance expenses of the lead agency ~~community-~~  
3150 ~~based provider~~ or for the payment of mortgages or liens. The  
3151 lead agency ~~community-based provider~~ shall retain the right to  
3152 sell or mortgage any facility under receivership, subject to the  
3153 prior approval of the court that ordered the receivership.

3154 Section 37. Section 409.996, Florida Statutes, is created  
3155 to read:

3156 409.996 Duties of the Department of Children and Families.-  
3157 The department shall contract for the delivery, administration,  
3158 or management of care for children in the child protection and  
3159 child welfare system. In doing so, the department retains



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3160 responsibility for the quality of contracted services and  
3161 programs and shall ensure that services are delivered in  
3162 accordance with applicable federal and state statutes and  
3163 regulations.

3164 (1) The department shall enter into contracts with lead  
3165 agencies for the performance of the duties by the lead agencies  
3166 pursuant to s. 409.988. At a minimum, the contracts must:

3167 (a) Provide for the services needed to accomplish the  
3168 duties established in s. 409.988 and provide information to the  
3169 department which is necessary to meet the requirements for a  
3170 quality assurance program pursuant to subsection (18) and the  
3171 child welfare results-oriented accountability system pursuant to  
3172 s. 409.997.

3173 (b) Provide for graduated penalties for failure to comply  
3174 with contract terms. Such penalties may include financial  
3175 penalties, enhanced monitoring and reporting, corrective action  
3176 plans, and early termination of contracts or other appropriate  
3177 action to ensure contract compliance.

3178 (c) Ensure that the lead agency shall furnish current and  
3179 accurate information on its activities in all cases in client  
3180 case records in the state's statewide automated child welfare  
3181 information system.

3182 (d) Specify the procedures to be used by the parties to  
3183 resolve differences in interpreting the contract or to resolve  
3184 disputes as to the adequacy of the parties' compliance with  
3185 their respective obligations under the contract.

3186 (2) The department must adopt written policies and  
3187 procedures for monitoring the contract for delivery of services  
3188 by lead agencies which must be posted on the department's



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3189 website. These policies and procedures must, at a minimum,  
3190 address the evaluation of fiscal accountability and program  
3191 operations, including provider achievement of performance  
3192 standards, provider monitoring of subcontractors, and timely  
3193 followup of corrective actions for significant monitoring  
3194 findings related to providers and subcontractors. These policies  
3195 and procedures must also include provisions for reducing the  
3196 duplication of the department's program monitoring activities  
3197 both internally and with other agencies, to the extent possible.  
3198 The department's written procedures must ensure that the written  
3199 findings, conclusions, and recommendations from monitoring the  
3200 contract for services of lead agencies are communicated to the  
3201 director of the provider agency and the community alliance as  
3202 expeditiously as possible.

3203 (3) The department shall receive federal and state funds as  
3204 appropriated for the operation of the child welfare system and  
3205 shall transmit these funds to the lead agencies as agreed to in  
3206 the contract. The department retains responsibility for the  
3207 appropriate spending of these funds. The department shall  
3208 monitor lead agencies to assess compliance with the financial  
3209 guidelines established pursuant to s. 409.992 and other  
3210 applicable state and federal laws.

3211 (4) The department shall provide technical assistance and  
3212 consultation to lead agencies in the provision of care to  
3213 children in the child protection and child welfare system.

3214 (5) The department retains the responsibility for the  
3215 review, approval or denial, and issuances of all foster home  
3216 licenses.

3217 (6) The department shall process all applications submitted



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3218 by lead agencies for the Interstate Compact on the Placement of  
3219 Children and the Interstate Compact on Adoption and Medical  
3220 Assistance.

3221 (7) The department shall assist lead agencies with access  
3222 to and coordination with other service programs within the  
3223 department.

3224 (8) The department shall determine Medicaid eligibility for  
3225 all referred children and shall coordinate services with the  
3226 Agency for Health Care Administration.

3227 (9) The department shall develop, in cooperation with the  
3228 lead agencies and the third-party credentialing entity approved  
3229 pursuant to s. 402.40(3), a standardized competency-based  
3230 curriculum for certification training for child protection  
3231 staff.

3232 (10) The department shall maintain the statewide adoptions  
3233 website and provide information and training to the lead  
3234 agencies relating to the website.

3235 (11) The department shall provide training and assistance  
3236 to lead agencies regarding the responsibility of lead agencies  
3237 relating to children receiving supplemental security income,  
3238 social security, railroad retirement, or veterans' benefits.

3239 (12) With the assistance of a lead agency, the department  
3240 shall develop and implement statewide and local interagency  
3241 agreements needed to coordinate services for children and  
3242 parents involved in the child welfare system who are also  
3243 involved with the Agency for Persons with Disabilities, the  
3244 Department of Juvenile Justice, the Department of Education, the  
3245 Department of Health, and other governmental organizations that  
3246 share responsibilities for children or parents in the child





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3247 welfare system.

3248 (13) With the assistance of a lead agency, the department  
3249 shall develop and implement a working agreement between the lead  
3250 agency and the substance abuse and mental health managing entity  
3251 to integrate services and supports for children and parents  
3252 serviced in the child welfare system.

3253 (14) The department shall work with the Agency for Health  
3254 Care Administration to provide each Medicaid-eligible child with  
3255 early and periodic screening, diagnosis, and treatment,  
3256 including 72-hour screening, periodic child health checkups, and  
3257 prescribed followup for ordered services, including, but not  
3258 limited to, medical, dental, and vision care.

3259 (15) The department shall assist lead agencies in  
3260 developing an array of services in compliance with the Title IV-  
3261 E waiver and shall monitor the provision of such services.

3262 (16) The department shall provide a mechanism to allow lead  
3263 agencies to request a waiver of department policies and  
3264 procedures that create inefficiencies or inhibit the performance  
3265 of the lead agency's duties.

3266 (17) The department shall directly or through contract  
3267 provide attorneys to prepare and present cases in dependency  
3268 court and shall ensure that the court is provided with adequate  
3269 information for informed decisionmaking in dependency cases,  
3270 including a fact sheet for each case which lists the names and  
3271 contact information for any child protective investigator, child  
3272 protective investigation supervisor, case manager, and case  
3273 manager supervisor, and the regional department official  
3274 responsible for the lead agency contract. For the Sixth Judicial  
3275 Circuit, the department shall contract with the state attorney



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3276 for the provision of these services.

3277 (18) The department, in consultation with lead agencies,  
3278 shall establish a quality assurance program for contracted  
3279 services to dependent children. The quality assurance program  
3280 shall be based on standards established by federal and state law  
3281 and national accrediting organizations.

3282 (a) The department must evaluate each lead agency under  
3283 contract at least annually. These evaluations shall cover the  
3284 programmatic, operational, and fiscal operations of the lead  
3285 agency and must be consistent with the child welfare results-  
3286 oriented accountability system required by s. 409.997. The  
3287 department must consult with dependency judges in the circuit or  
3288 circuits served by the lead agency on the performance of the  
3289 lead agency.

3290 (b) The department and each lead agency shall monitor out-  
3291 of-home placements, including the extent to which sibling groups  
3292 are placed together or provisions to provide visitation and  
3293 other contacts if siblings are separated. The data shall  
3294 identify reasons for sibling separation. Information related to  
3295 sibling placement shall be incorporated into the results-  
3296 oriented accountability system required pursuant to s. 409.997  
3297 and in the evaluation of the outcome specified in s.  
3298 409.986(2)(e). The information related to sibling placement  
3299 shall also be made available to the institute established  
3300 pursuant s. 1004.615 for use in assessing the performance of  
3301 child welfare services in relation to the outcome specified in  
3302 s. 409.986(2)(e).

3303 (c) The department shall, to the extent possible, use  
3304 independent financial audits provided by the lead agency to



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3305 eliminate or reduce the ongoing contract and administrative  
3306 reviews conducted by the department. If the department  
3307 determines that such independent financial audits are  
3308 inadequate, other audits, as necessary, may be conducted by the  
3309 department. This paragraph does not abrogate the requirements of  
3310 s. 215.97.

3311 (d) The department may suggest additional items to be  
3312 included in such independent financial audits to meet the  
3313 department's needs.

3314 (e) The department may outsource programmatic,  
3315 administrative, or fiscal monitoring oversight of lead agencies.

3316 (f) A lead agency must assure that all subcontractors are  
3317 subject to the same quality assurance activities as the lead  
3318 agency.

3319 (19) The department and its attorneys have the  
3320 responsibility to ensure that the court is fully informed about  
3321 issues before it, to make recommendations to the court, and to  
3322 present competent evidence, including testimony by the  
3323 department's employees, contractors, and subcontractors, as well  
3324 as other individuals, to support all recommendations made to the  
3325 court. The department's attorneys shall coordinate lead agency  
3326 or subcontractor staff to ensure that dependency cases are  
3327 presented appropriately to the court, giving deference to the  
3328 information developed by the case manager and direction to the  
3329 case manager if more information is needed.

3330 (20) The department, in consultation with lead agencies,  
3331 shall develop a dispute resolution process so that disagreements  
3332 between legal staff, investigators, and case management staff  
3333 can be resolved in the best interest of the child in question



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3334 before court appearances regarding that child.

3335 Section 38. Section 409.997, Florida Statutes, is created  
3336 to read:

3337 409.997 Child welfare results-oriented accountability  
3338 system.-

3339 (1) The department and its contract providers, including  
3340 lead agencies, community-based care providers, and other  
3341 community partners participating in the state's child protection  
3342 and child welfare system, share the responsibility for achieving  
3343 the outcome goals specified in s. 409.986(2).

3344 (2) In order to assess the achievement of the outcome goals  
3345 specified in s. 409.986(2), the department shall maintain a  
3346 comprehensive, results-oriented accountability system that  
3347 monitors the use of resources, the quality and amount of  
3348 services provided, and child and family outcomes through data  
3349 analysis, research review, evaluation, and quality improvement.  
3350 The system shall provide information about individual entities'  
3351 performance as well as the performance of groups of entities  
3352 working together as an integrated system of care on a local,  
3353 regional, and statewide basis. In maintaining the accountability  
3354 system, the department shall:

3355 (a) Identify valid and reliable outcome measures for each  
3356 of the goals specified in this subsection. The outcome data set  
3357 must consist of a limited number of understandable measures  
3358 using available data to quantify outcomes as children move  
3359 through the system of care. Such measures may aggregate multiple  
3360 variables that affect the overall achievement of the outcome  
3361 goals. Valid and reliable measures must be based on adequate  
3362 sample sizes, be gathered over suitable time periods, and



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3363 reflect authentic rather than spurious results, and may not be  
3364 susceptible to manipulation.

3365 (b) Implement a monitoring system to track the identified  
3366 outcome measures on a statewide, regional, and provider-specific  
3367 basis. The monitoring system must identify trends and chart  
3368 progress toward achievement of the goals specified s.  
3369 409.986(2). The requirements of the monitoring system may be  
3370 incorporated into the quality assurance program required under  
3371 s. 409.996(18).

3372 (c) Develop and maintain an analytical system that builds  
3373 on the outcomes monitoring system to assess the statistical  
3374 validity of observed associations between child welfare  
3375 interventions and the measured outcomes. The analysis must use  
3376 quantitative methods to adjust for variations in demographic or  
3377 other conditions. The analysis must include longitudinal studies  
3378 to evaluate longer-term outcomes such as continued safety,  
3379 family permanence, and transition to self-sufficiency. The  
3380 analysis may also include qualitative research methods to  
3381 provide insight into statistical patterns.

3382 (d) Develop and maintain a program of research review to  
3383 identify interventions that are supported by evidence as  
3384 causally linked to improved outcomes.

3385 (e) Support an ongoing process of evaluation to determine  
3386 the efficacy and effectiveness of various interventions.  
3387 Efficacy evaluation is intended to determine the validity of a  
3388 causal relationship between an intervention and an outcome.  
3389 Effectiveness evaluation is intended to determine the extent to  
3390 which the results can be generalized.

3391 (f) Develop and maintain an inclusive, interactive, and



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3392 evidence-supported program of quality improvement which promotes  
3393 individual skill building as well as organizational learning.

3394 (g) Develop and implement a method for making the results  
3395 of the accountability system transparent for all parties  
3396 involved in the child welfare system as well as policymakers and  
3397 the public. The presentation of the results shall provide a  
3398 comprehensible, visual report card for the state and each  
3399 community-based care region, indicating the current status  
3400 relative to each goal and trends in that status over time. The  
3401 presentation shall identify and report outcome measures that  
3402 assess the performance of the department, the community-based  
3403 care lead agency, and the lead agency's subcontractors working  
3404 together as an integrated system of care.

3405 (3) The department shall establish a technical advisory  
3406 panel consisting of representatives from the Florida Institute  
3407 for Child Welfare established in s. 1004.615, lead agencies,  
3408 community-based care providers, other contract providers,  
3409 community alliances, and family representatives. The President  
3410 of the Senate and the Speaker of the House of Representatives  
3411 shall each appoint a member to serve as a legislative liaison to  
3412 the panel. The technical advisory panel shall advise the  
3413 department on meeting the requirements of this section.

3414 (4) The accountability system may not rank or compare  
3415 performance among community-based care regions unless adequate  
3416 and specific adjustments are adopted that account for the  
3417 diversity in regions' demographics, resources, and other  
3418 relevant characteristics.

3419 (5) The results of the accountability system must provide  
3420 the basis for performance incentives if funds for such payments



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3421 are made available through the General Appropriations Act.

3422 (6) At least quarterly, the department shall make the  
3423 results of the accountability system available to the public  
3424 through publication on its website. The website must allow for  
3425 custom searches of the performance data.

3426 (7) By October 1 of each year, the department shall submit  
3427 a report on the statewide and individual community-based care  
3428 lead agency results for child protection and child welfare  
3429 systems. The department shall use the accountability system and  
3430 consult with the community alliance and the chief judge or  
3431 judges in the community-based care service area to prepare the  
3432 report. The report shall be submitted to the Governor, the  
3433 President of the Senate, and the Speaker of the House of  
3434 Representatives.

3435 Section 39. Section 409.998, Florida Statutes, is created  
3436 to read:

3437 409.998 Community-based care; assessment by community  
3438 alliances.—To provide independent, community-focused assessment  
3439 of child protection and child welfare services and the local  
3440 system of community-based care, community alliances created in  
3441 s. 20.19(5) shall, with the assistance of the department,  
3442 perform the following duties:

3443 (1) Conduct a needs assessment and establish community  
3444 priorities for child protection and child welfare services.

3445 (2) Review the performance of the department, the sheriff's  
3446 office, if the office provides child protective services, and  
3447 the lead agency individually and as an integrated system of  
3448 care, and advise the department, the sheriff's office, if  
3449 applicable, and the lead agency regarding concerns and suggested



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3450 areas of improvement.

3451 (3) Recommend a competitive procurement for the lead agency  
3452 if programmatic or financial performance is poor. The community  
3453 alliance shall make recommendations on the development of the  
3454 procurement document for such competitive procurement and may  
3455 suggest specific requirements relating to local needs and  
3456 services.

3457 (4) Recommend a contract extension for the lead agency if  
3458 programmatic and financial performance is superior.

3459 (5) In partnership with the Florida Institute for Child  
3460 Welfare established in s. 1004.615, develop recommendations and  
3461 submit such recommendations to the department and the community-  
3462 based care lead agency to improve child protection and child  
3463 welfare policies and practices.

3464 (6) Promote greater community involvement in community-  
3465 based care through participation in community-based care lead  
3466 agency services and activities, recruitment and retention of  
3467 community volunteers, and public awareness efforts.

3468 Section 40. Section 827.10, Florida Statutes, is created to  
3469 read:

3470 827.10 Unlawful desertion of a child.-

3471 (1) As used in this section, the term:

3472 (a) "Care" means support and services necessary to maintain  
3473 the child's physical and mental health, including, but not  
3474 limited to, food, nutrition, clothing, shelter, supervision,  
3475 medicine, and medical services that a prudent person would  
3476 consider essential for the well-being of the child.

3477 (b) "Caregiver" has the same meaning as provided in s.  
3478 39.01.





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3479 (c) "Child" means a child for whose care the caregiver is  
3480 legally responsible.

3481 (d) "Desertion" or "deserts" means to leave a child in a  
3482 place or with a person other than a relative with the intent not  
3483 to return to the child and with the intent not to provide for  
3484 the care of the child.

3485 (e) "Relative" has the same meaning as provided in s.  
3486 39.01.

3487 (2) A caregiver who deserts a child under circumstances in  
3488 which the caregiver knew or should have known that the desertion  
3489 exposes the child to unreasonable risk of harm commits a felony  
3490 of the third degree, punishable as provided in s. 775.082, s.  
3491 775.083, or s. 775.084.

3492 (3) This section does not apply to a person who surrenders  
3493 a newborn infant in compliance with s. 383.50.

3494 (4) This section does not preclude prosecution for a  
3495 criminal act under any other law, including, but not limited to,  
3496 prosecution of child abuse or neglect of a child under s.  
3497 827.03.

3498 Section 41. Paragraph (d) of subsection (4) of section  
3499 985.04, Florida Statutes, is amended to read:

3500 985.04 Oaths; records; confidential information.-

3501 (4)

3502 (d) The department shall disclose to the school  
3503 superintendent the presence of any child in the care and custody  
3504 or under the jurisdiction or supervision of the department who  
3505 has a known history of criminal sexual behavior with other  
3506 juveniles; is ~~an~~ alleged to have committed juvenile sexual abuse  
3507 offender, as defined in s. 39.01; or has pled guilty or nolo



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3508 contendere to, or has been found to have committed, a violation  
3509 of chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
3510 847.0133, regardless of adjudication. Any employee of a district  
3511 school board who knowingly and willfully discloses such  
3512 information to an unauthorized person commits a misdemeanor of  
3513 the second degree, punishable as provided in s. 775.082 or s.  
3514 775.083.

3515 Section 42. Section 1004.615, Florida Statutes, is created  
3516 to read:

3517 1004.615 Florida Institute for Child Welfare.—

3518 (1) There is established the Florida Institute for Child  
3519 Welfare within the Florida State University College of Social  
3520 Work. The purpose of the institute is to advance the well-being  
3521 of children and families by improving the performance of child  
3522 protection and child welfare services through research, policy  
3523 analysis, evaluation, and leadership development. The institute  
3524 shall consist of a consortium of public and private universities  
3525 offering degrees in social work and shall be housed within the  
3526 Florida State University College of Social Work.

3527 (2) Using such resources as authorized in the General  
3528 Appropriations Act, the Department of Children and Families  
3529 shall contract with the institute for performance of the duties  
3530 described in subsection (4) using state appropriations, public  
3531 and private grants, and other resources obtained by the  
3532 institute.

3533 (3) The institute shall work with the department, sheriffs  
3534 providing child protective investigative services, community-  
3535 based care lead agencies, community-based care provider  
3536 organizations, the court system, the Department of Juvenile



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3537 Justice, the federally recognized statewide association for  
3538 Florida's certified domestic violence centers, and other  
3539 partners who contribute to and participate in providing child  
3540 protection and child welfare services.

3541 (4) The institute shall:

3542 (a) Maintain a program of research which contributes to  
3543 scientific knowledge and informs both policy and practice  
3544 related to child safety, permanency, and child and family well-  
3545 being.

3546 (b) Advise the department and other organizations  
3547 participating in the child protection and child welfare system  
3548 regarding scientific evidence on policy and practice related to  
3549 child safety, permanency, and child and family well-being.

3550 (c) Provide advice regarding management practices and  
3551 administrative processes used by the department and other  
3552 organizations participating in the child protection and child  
3553 welfare system and recommend improvements that reduce  
3554 burdensome, ineffective requirements for frontline staff and  
3555 their supervisors while enhancing their ability to effectively  
3556 investigate, analyze, problem solve, and supervise.

3557 (d) Assess the performance of child protection and child  
3558 welfare services based on specific outcome measures.

3559 (e) Evaluate the scope and effectiveness of preservice and  
3560 inservice training for child protection and child welfare  
3561 employees and advise and assist the department in efforts to  
3562 improve such training.

3563 (f) Assess the readiness of social work graduates to assume  
3564 job responsibilities in the child protection and child welfare  
3565 system and identify gaps in education which can be addressed



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3566 through the modification of curricula or the establishment of  
3567 industry certifications.

3568 (g) Develop and maintain a program of professional support  
3569 including training courses and consulting services that assist  
3570 both individuals and organizations in implementing adaptive and  
3571 resilient responses to workplace stress.

3572 (h) Participate in the department's critical incident  
3573 response team, assist in the preparation of reports about such  
3574 incidents, and support the committee review of reports and  
3575 development of recommendations.

3576 (i) Identify effective policies and promising practices,  
3577 including, but not limited to, innovations in coordination  
3578 between entities participating in the child protection and child  
3579 welfare system, data analytics, working with the local  
3580 community, and management of human service organizations, and  
3581 communicate these findings to the department and other  
3582 organizations participating in the child protection and child  
3583 welfare system.

3584 (j) Develop a definition of a child or family at high risk  
3585 of abuse or neglect. Such a definition must consider  
3586 characteristics associated with a greater probability of abuse  
3587 and neglect.

3588 (5) The President of the Florida State University shall  
3589 appoint a director of the institute. The director must be a  
3590 child welfare professional with a degree in social work who  
3591 holds a faculty appointment in the Florida State University  
3592 College of Social Work. The institute shall be administered by  
3593 the director, and the director's office shall be located at the  
3594 Florida State University. The director is responsible for



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3595 overall management of the institute and for developing and  
3596 executing the work of the institute consistent with the  
3597 responsibilities in subsection (4). The director shall engage  
3598 individuals in other state universities with accredited colleges  
3599 of social work to participate in the institute. Individuals from  
3600 other university programs relevant to the institute's work,  
3601 including, but not limited to, economics, management, law,  
3602 medicine, and education, may also be invited by the director to  
3603 contribute to the institute. The universities participating in  
3604 the institute shall provide facilities, staff, and other  
3605 resources to the institute to establish statewide access to  
3606 institute programs and services.

3607 (6) By October 1 of each year, the institute shall provide  
3608 a written report to the Governor, the President of the Senate,  
3609 and the Speaker of the House of Representatives which outlines  
3610 its activities in the preceding year, reports significant  
3611 research findings, as well as results of other programs, and  
3612 provides specific recommendations for improving child protection  
3613 and child welfare services.

3614 (a) The institute shall include an evaluation of the  
3615 results of the educational and training requirements for child  
3616 protection and child welfare personnel established under this  
3617 act and recommendations for application of the results to child  
3618 protection personnel employed by sheriff's offices providing  
3619 child protection services in its report due October 1, 2017.

3620 (b) The institute shall include an evaluation of the  
3621 effects of the other provisions of this act and recommendations  
3622 for improvements in child protection and child welfare services  
3623 in its report due October 1, 2018.



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3624       (7) The institute shall submit a report with  
3625 recommendations for improving the state's child welfare system.  
3626 The report shall address topics including, but not limited to,  
3627 enhancing working relationships between the entities involved in  
3628 the child protection and child welfare system, identification of  
3629 and replication of best practices, reducing paperwork,  
3630 increasing the retention of child protective investigators and  
3631 case managers, and caring for medically complex children within  
3632 the child welfare system, with the goal of allowing the child to  
3633 remain in the least restrictive and most nurturing environment.  
3634 The institute shall submit an interim report by February 1,  
3635 2015, and final report by November 1, 2015, to the Governor, the  
3636 President of the Senate, and the Speaker of the House of  
3637 Representatives.

3638       Section 43. Paragraph (h) is added to subsection (1) of  
3639 section 1009.25, Florida Statutes, to read:

3640       1009.25 Fee exemptions.—

3641       (1) The following students are exempt from the payment of  
3642 tuition and fees, including lab fees, at a school district that  
3643 provides workforce education programs, Florida College System  
3644 institution, or state university:

3645       (h) Pursuant to s. 402.403, child protection and child  
3646 welfare personnel as defined in s. 402.402 who are enrolled in  
3647 an accredited bachelor's degree or master's degree in social  
3648 work program or completing coursework required pursuant to s.  
3649 402.402(2), provided that the student attains at least a grade  
3650 of "B" in all courses for which tuition and fees are exempted.

3651       Section 44. Section 402.401, Florida Statutes, is repealed.

3652       Section 45. Section 409.1671, Florida Statutes, is



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3653 repealed.

3654 Section 46. Section 409.16715, Florida Statutes, is  
3655 repealed.

3656 Section 47. Section 409.16745, Florida Statutes, is  
3657 repealed.

3658 Section 48. Section 1004.61, Florida Statutes, is repealed.

3659 Section 49. Paragraph (g) of subsection (1) of section  
3660 39.201, Florida Statutes, is amended to read:

3661 39.201 Mandatory reports of child abuse, abandonment, or  
3662 neglect; mandatory reports of death; central abuse hotline.—

3663 (1)

3664 (g) Nothing in this chapter or in the contracting with  
3665 community-based care providers for foster care and related  
3666 services as specified in s. 409.987 ~~s. 409.1671~~ shall be  
3667 construed to remove or reduce the duty and responsibility of any  
3668 person, including any employee of the community-based care  
3669 provider, to report a suspected or actual case of child abuse,  
3670 abandonment, or neglect or the sexual abuse of a child to the  
3671 department's central abuse hotline.

3672 Section 50. Subsection (1) of section 39.302, Florida  
3673 Statutes, is amended to read:

3674 39.302 Protective investigations of institutional child  
3675 abuse, abandonment, or neglect.—

3676 (1) The department shall conduct a child protective  
3677 investigation of each report of institutional child abuse,  
3678 abandonment, or neglect. Upon receipt of a report that alleges  
3679 that an employee or agent of the department, or any other entity  
3680 or person covered by s. 39.01(32) ~~s. 39.01(33)~~ or (47), acting  
3681 in an official capacity, has committed an act of child abuse,



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3682 abandonment, or neglect, the department shall initiate a child  
3683 protective investigation within the timeframe established under  
3684 s. 39.201(5) and notify the appropriate state attorney, law  
3685 enforcement agency, and licensing agency, which shall  
3686 immediately conduct a joint investigation, unless independent  
3687 investigations are more feasible. When conducting investigations  
3688 or having face-to-face interviews with the child, investigation  
3689 visits shall be unannounced unless it is determined by the  
3690 department or its agent that unannounced visits threaten the  
3691 safety of the child. If a facility is exempt from licensing, the  
3692 department shall inform the owner or operator of the facility of  
3693 the report. Each agency conducting a joint investigation is  
3694 entitled to full access to the information gathered by the  
3695 department in the course of the investigation. A protective  
3696 investigation must include an interview with the child's parent  
3697 or legal guardian. The department shall make a full written  
3698 report to the state attorney within 3 working days after making  
3699 the oral report. A criminal investigation shall be coordinated,  
3700 whenever possible, with the child protective investigation of  
3701 the department. Any interested person who has information  
3702 regarding the offenses described in this subsection may forward  
3703 a statement to the state attorney as to whether prosecution is  
3704 warranted and appropriate. Within 15 days after the completion  
3705 of the investigation, the state attorney shall report the  
3706 findings to the department and shall include in the report a  
3707 determination of whether or not prosecution is justified and  
3708 appropriate in view of the circumstances of the specific case.

3709 Section 51. Subsection (1) of section 39.524, Florida  
3710 Statutes, is amended to read:





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3711 39.524 Safe-harbor placement.—

3712 (1) Except as provided in s. 39.407 or s. 985.801, a  
3713 dependent child 6 years of age or older who has been found to be  
3714 a victim of sexual exploitation as defined in s. 39.01(68)(g) ~~s.~~  
3715 ~~39.01(67)(g)~~ must be assessed for placement in a safe house as  
3716 provided in s. 409.1678. The assessment shall be conducted by  
3717 the department or its agent and shall incorporate and address  
3718 current and historical information from any law enforcement  
3719 reports; psychological testing or evaluation that has occurred;  
3720 current and historical information from the guardian ad litem,  
3721 if one has been assigned; current and historical information  
3722 from any current therapist, teacher, or other professional who  
3723 has knowledge of the child and has worked with the child; and  
3724 any other information concerning the availability and  
3725 suitability of safe-house placement. If such placement is  
3726 determined to be appropriate as a result of this assessment, the  
3727 child may be placed in a safe house, if one is available. As  
3728 used in this section, the term "available" as it relates to a  
3729 placement means a placement that is located within the circuit  
3730 or otherwise reasonably accessible.

3731 Section 52. Subsection (6) of section 316.613, Florida  
3732 Statutes, is amended to read:

3733 316.613 Child restraint requirements.—

3734 (6) The child restraint requirements imposed by this  
3735 section do not apply to a chauffeur-driven taxi, limousine,  
3736 sedan, van, bus, motor coach, or other passenger vehicle if the  
3737 operator and the motor vehicle are hired and used for the  
3738 transportation of persons for compensation. It is the obligation  
3739 and responsibility of the parent, guardian, or other person



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3740 responsible for a child's welfare, as defined in s. 39.01(47),  
3741 to comply with the requirements of this section.

3742 Section 53. Subsections (1), (3), and (5) of section  
3743 409.1676, Florida Statutes, are amended to read:

3744 409.1676 Comprehensive residential group care services to  
3745 children who have extraordinary needs.—

3746 (1) It is the intent of the Legislature to provide  
3747 comprehensive residential group care services, including  
3748 residential care, case management, and other services, to  
3749 children in the child protection system who have extraordinary  
3750 needs. These services are to be provided in a residential group  
3751 care setting by a not-for-profit corporation or a local  
3752 government entity under a contract with the Department of  
3753 Children and Families ~~Family Services~~ or by a lead agency as  
3754 described in s. 409.987 ~~s. 409.1671~~. These contracts should be  
3755 designed to provide an identified number of children with access  
3756 to a full array of services for a fixed price. Further, it is  
3757 the intent of the Legislature that the Department of Children  
3758 and Families ~~Family Services~~ and the Department of Juvenile  
3759 Justice establish an interagency agreement by December 1, 2002,  
3760 which describes respective agency responsibilities for referral,  
3761 placement, service provision, and service coordination for  
3762 dependent and delinquent youth who are referred to these  
3763 residential group care facilities. The agreement must require  
3764 interagency collaboration in the development of terms,  
3765 conditions, and performance outcomes for residential group care  
3766 contracts serving the youth referred who have been adjudicated  
3767 both dependent and delinquent.

3768 (3) The department, in accordance with a specific



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3769 appropriation for this program, shall contract with a not-for-  
3770 profit corporation, a local government entity, or the lead  
3771 agency that has been established in accordance with s. 409.987  
3772 ~~s. 409.1671~~ for the performance of residential group care  
3773 services described in this section. A lead agency that is  
3774 currently providing residential care may provide this service  
3775 directly with the approval of the local community alliance. The  
3776 department or a lead agency may contract for more than one site  
3777 in a county if that is determined to be the most effective way  
3778 to achieve the goals set forth in this section.

3779 (5) The department may transfer all casework  
3780 responsibilities for children served under this program to the  
3781 entity that provides this service, including case management and  
3782 development and implementation of a case plan in accordance with  
3783 current standards for child protection services. When the  
3784 department establishes this program in a community that has a  
3785 lead agency as described in s. 409.987 ~~s. 409.1671~~, the casework  
3786 responsibilities must be transferred to the lead agency.

3787 Section 54. Subsection (2) of section 409.1677, Florida  
3788 Statutes, is amended to read:

3789 409.1677 Model comprehensive residential services  
3790 programs.—

3791 (2) The department shall establish a model comprehensive  
3792 residential services program in Manatee and Miami-Dade Counties  
3793 through a contract with the designated lead agency established  
3794 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private  
3795 entity capable of providing residential group care and home-  
3796 based care and experienced in the delivery of a range of  
3797 services to foster children, if no lead agency exists. These



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3798 model programs are to serve that portion of eligible children  
3799 within each county which is specified in the contract, based on  
3800 funds appropriated, to include a full array of services for a  
3801 fixed price. The private entity or lead agency is responsible  
3802 for all programmatic functions necessary to carry out the intent  
3803 of this section.

3804 Section 55. Paragraph (d) of subsection (1) of section  
3805 409.1678, Florida Statutes, is amended to read:

3806 409.1678 Safe harbor for children who are victims of sexual  
3807 exploitation.—

3808 (1) As used in this section, the term:

3809 (d) "Sexually exploited child" means a dependent child who  
3810 has suffered sexual exploitation as defined in s. 39.01(68)(g)  
3811 ~~s. 39.01(67)(g)~~ and is ineligible for relief and benefits under  
3812 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.  
3813 7101 et seq.

3814 Section 56. Subsection (24) of section 409.906, Florida  
3815 Statutes, is amended to read:

3816 409.906 Optional Medicaid services.—Subject to specific  
3817 appropriations, the agency may make payments for services which  
3818 are optional to the state under Title XIX of the Social Security  
3819 Act and are furnished by Medicaid providers to recipients who  
3820 are determined to be eligible on the dates on which the services  
3821 were provided. Any optional service that is provided shall be  
3822 provided only when medically necessary and in accordance with  
3823 state and federal law. Optional services rendered by providers  
3824 in mobile units to Medicaid recipients may be restricted or  
3825 prohibited by the agency. Nothing in this section shall be  
3826 construed to prevent or limit the agency from adjusting fees,



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3827 reimbursement rates, lengths of stay, number of visits, or  
3828 number of services, or making any other adjustments necessary to  
3829 comply with the availability of moneys and any limitations or  
3830 directions provided for in the General Appropriations Act or  
3831 chapter 216. If necessary to safeguard the state's systems of  
3832 providing services to elderly and disabled persons and subject  
3833 to the notice and review provisions of s. 216.177, the Governor  
3834 may direct the Agency for Health Care Administration to amend  
3835 the Medicaid state plan to delete the optional Medicaid service  
3836 known as "Intermediate Care Facilities for the Developmentally  
3837 Disabled." Optional services may include:

3838 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for  
3839 Health Care Administration, in consultation with the Department  
3840 of Children and Families ~~Family Services~~, may establish a  
3841 targeted case-management project in those counties identified by  
3842 the Department of Children and Families ~~Family Services~~ and for  
3843 all counties with a community-based child welfare project, as  
3844 authorized under s. 409.987 ~~s. 409.1671~~, which have been  
3845 specifically approved by the department. The covered group of  
3846 individuals who are eligible to receive targeted case management  
3847 include children who are eligible for Medicaid; who are between  
3848 the ages of birth through 21; and who are under protective  
3849 supervision or postplacement supervision, under foster-care  
3850 supervision, or in shelter care or foster care. The number of  
3851 individuals who are eligible to receive targeted case management  
3852 is limited to the number for whom the Department of Children and  
3853 Families ~~Family Services~~ has matching funds to cover the costs.  
3854 The general revenue funds required to match the funds for  
3855 services provided by the community-based child welfare projects



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3856 are limited to funds available for services described under s.  
3857 409.990 ~~s. 409.1671~~. The Department of Children and Families  
3858 ~~Family Services~~ may transfer the general revenue matching funds  
3859 as billed by the Agency for Health Care Administration.

3860 Section 57. Paragraph (b) of subsection (4) of section  
3861 409.912, Florida Statutes, is amended to read:

3862 409.912 Cost-effective purchasing of health care.—The  
3863 agency shall purchase goods and services for Medicaid recipients  
3864 in the most cost-effective manner consistent with the delivery  
3865 of quality medical care. To ensure that medical services are  
3866 effectively utilized, the agency may, in any case, require a  
3867 confirmation or second physician's opinion of the correct  
3868 diagnosis for purposes of authorizing future services under the  
3869 Medicaid program. This section does not restrict access to  
3870 emergency services or poststabilization care services as defined  
3871 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
3872 shall be rendered in a manner approved by the agency. The agency  
3873 shall maximize the use of prepaid per capita and prepaid  
3874 aggregate fixed-sum basis services when appropriate and other  
3875 alternative service delivery and reimbursement methodologies,  
3876 including competitive bidding pursuant to s. 287.057, designed  
3877 to facilitate the cost-effective purchase of a case-managed  
3878 continuum of care. The agency shall also require providers to  
3879 minimize the exposure of recipients to the need for acute  
3880 inpatient, custodial, and other institutional care and the  
3881 inappropriate or unnecessary use of high-cost services. The  
3882 agency shall contract with a vendor to monitor and evaluate the  
3883 clinical practice patterns of providers in order to identify  
3884 trends that are outside the normal practice patterns of a



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3885 provider's professional peers or the national guidelines of a  
3886 provider's professional association. The vendor must be able to  
3887 provide information and counseling to a provider whose practice  
3888 patterns are outside the norms, in consultation with the agency,  
3889 to improve patient care and reduce inappropriate utilization.  
3890 The agency may mandate prior authorization, drug therapy  
3891 management, or disease management participation for certain  
3892 populations of Medicaid beneficiaries, certain drug classes, or  
3893 particular drugs to prevent fraud, abuse, overuse, and possible  
3894 dangerous drug interactions. The Pharmaceutical and Therapeutics  
3895 Committee shall make recommendations to the agency on drugs for  
3896 which prior authorization is required. The agency shall inform  
3897 the Pharmaceutical and Therapeutics Committee of its decisions  
3898 regarding drugs subject to prior authorization. The agency is  
3899 authorized to limit the entities it contracts with or enrolls as  
3900 Medicaid providers by developing a provider network through  
3901 provider credentialing. The agency may competitively bid single-  
3902 source-provider contracts if procurement of goods or services  
3903 results in demonstrated cost savings to the state without  
3904 limiting access to care. The agency may limit its network based  
3905 on the assessment of beneficiary access to care, provider  
3906 availability, provider quality standards, time and distance  
3907 standards for access to care, the cultural competence of the  
3908 provider network, demographic characteristics of Medicaid  
3909 beneficiaries, practice and provider-to-beneficiary standards,  
3910 appointment wait times, beneficiary use of services, provider  
3911 turnover, provider profiling, provider licensure history,  
3912 previous program integrity investigations and findings, peer  
3913 review, provider Medicaid policy and billing compliance records,



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3914 clinical and medical record audits, and other factors. Providers  
3915 are not entitled to enrollment in the Medicaid provider network.  
3916 The agency shall determine instances in which allowing Medicaid  
3917 beneficiaries to purchase durable medical equipment and other  
3918 goods is less expensive to the Medicaid program than long-term  
3919 rental of the equipment or goods. The agency may establish rules  
3920 to facilitate purchases in lieu of long-term rentals in order to  
3921 protect against fraud and abuse in the Medicaid program as  
3922 defined in s. 409.913. The agency may seek federal waivers  
3923 necessary to administer these policies.

3924 (4) The agency may contract with:

3925 (b) An entity that is providing comprehensive behavioral  
3926 health care services to certain Medicaid recipients through a  
3927 capitated, prepaid arrangement pursuant to the federal waiver  
3928 provided for by s. 409.905(5). Such entity must be licensed  
3929 under chapter 624, chapter 636, or chapter 641, or authorized  
3930 under paragraph (c) or paragraph (d), and must possess the  
3931 clinical systems and operational competence to manage risk and  
3932 provide comprehensive behavioral health care to Medicaid  
3933 recipients. As used in this paragraph, the term "comprehensive  
3934 behavioral health care services" means covered mental health and  
3935 substance abuse treatment services that are available to  
3936 Medicaid recipients. The secretary of the Department of Children  
3937 and Families ~~Family Services~~ shall approve provisions of  
3938 procurements related to children in the department's care or  
3939 custody before enrolling such children in a prepaid behavioral  
3940 health plan. Any contract awarded under this paragraph must be  
3941 competitively procured. In developing the behavioral health care  
3942 prepaid plan procurement document, the agency shall ensure that





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3943 the procurement document requires the contractor to develop and  
3944 implement a plan to ensure compliance with s. 394.4574 related  
3945 to services provided to residents of licensed assisted living  
3946 facilities that hold a limited mental health license. Except as  
3947 provided in subparagraph 5., and except in counties where the  
3948 Medicaid managed care pilot program is authorized pursuant to s.  
3949 409.91211, the agency shall seek federal approval to contract  
3950 with a single entity meeting these requirements to provide  
3951 comprehensive behavioral health care services to all Medicaid  
3952 recipients not enrolled in a Medicaid managed care plan  
3953 authorized under s. 409.91211, a provider service network  
3954 authorized under paragraph (d), or a Medicaid health maintenance  
3955 organization in an AHCA area. In an AHCA area where the Medicaid  
3956 managed care pilot program is authorized pursuant to s.  
3957 409.91211 in one or more counties, the agency may procure a  
3958 contract with a single entity to serve the remaining counties as  
3959 an AHCA area or the remaining counties may be included with an  
3960 adjacent AHCA area and are subject to this paragraph. Each  
3961 entity must offer a sufficient choice of providers in its  
3962 network to ensure recipient access to care and the opportunity  
3963 to select a provider with whom they are satisfied. The network  
3964 shall include all public mental health hospitals. To ensure  
3965 unimpaired access to behavioral health care services by Medicaid  
3966 recipients, all contracts issued pursuant to this paragraph must  
3967 require 80 percent of the capitation paid to the managed care  
3968 plan, including health maintenance organizations and capitated  
3969 provider service networks, to be expended for the provision of  
3970 behavioral health care services. If the managed care plan  
3971 expends less than 80 percent of the capitation paid for the



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3972 provision of behavioral health care services, the difference  
3973 shall be returned to the agency. The agency shall provide the  
3974 plan with a certification letter indicating the amount of  
3975 capitation paid during each calendar year for behavioral health  
3976 care services pursuant to this section. The agency may reimburse  
3977 for substance abuse treatment services on a fee-for-service  
3978 basis until the agency finds that adequate funds are available  
3979 for capitated, prepaid arrangements.

3980 1. The agency shall modify the contracts with the entities  
3981 providing comprehensive inpatient and outpatient mental health  
3982 care services to Medicaid recipients in Hillsborough, Highlands,  
3983 Hardee, Manatee, and Polk Counties, to include substance abuse  
3984 treatment services.

3985 2. Except as provided in subparagraph 5., the agency and  
3986 the Department of Children and Families ~~Family Services~~ shall  
3987 contract with managed care entities in each AHCA area except  
3988 area 6 or arrange to provide comprehensive inpatient and  
3989 outpatient mental health and substance abuse services through  
3990 capitated prepaid arrangements to all Medicaid recipients who  
3991 are eligible to participate in such plans under federal law and  
3992 regulation. In AHCA areas where eligible individuals number less  
3993 than 150,000, the agency shall contract with a single managed  
3994 care plan to provide comprehensive behavioral health services to  
3995 all recipients who are not enrolled in a Medicaid health  
3996 maintenance organization, a provider service network authorized  
3997 under paragraph (d), or a Medicaid capitated managed care plan  
3998 authorized under s. 409.91211. The agency may contract with more  
3999 than one comprehensive behavioral health provider to provide  
4000 care to recipients who are not enrolled in a Medicaid capitated



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4001 managed care plan authorized under s. 409.91211, a provider  
4002 service network authorized under paragraph (d), or a Medicaid  
4003 health maintenance organization in AHCA areas where the eligible  
4004 population exceeds 150,000. In an AHCA area where the Medicaid  
4005 managed care pilot program is authorized pursuant to s.  
4006 409.91211 in one or more counties, the agency may procure a  
4007 contract with a single entity to serve the remaining counties as  
4008 an AHCA area or the remaining counties may be included with an  
4009 adjacent AHCA area and shall be subject to this paragraph.  
4010 Contracts for comprehensive behavioral health providers awarded  
4011 pursuant to this section shall be competitively procured. Both  
4012 for-profit and not-for-profit corporations are eligible to  
4013 compete. Managed care plans contracting with the agency under  
4014 subsection (3) or paragraph (d) shall provide and receive  
4015 payment for the same comprehensive behavioral health benefits as  
4016 provided in AHCA rules, including handbooks incorporated by  
4017 reference. In AHCA area 11, the agency shall contract with at  
4018 least two comprehensive behavioral health care providers to  
4019 provide behavioral health care to recipients in that area who  
4020 are enrolled in, or assigned to, the MediPass program. One of  
4021 the behavioral health care contracts must be with the existing  
4022 provider service network pilot project, as described in  
4023 paragraph (d), for the purpose of demonstrating the cost-  
4024 effectiveness of the provision of quality mental health services  
4025 through a public hospital-operated managed care model. Payment  
4026 shall be at an agreed-upon capitated rate to ensure cost  
4027 savings. Of the recipients in area 11 who are assigned to  
4028 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those  
4029 MediPass-enrolled recipients shall be assigned to the existing



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4030 provider service network in area 11 for their behavioral care.

4031           3. Children residing in a statewide inpatient psychiatric  
4032 program, or in a Department of Juvenile Justice or a Department  
4033 of Children and Families ~~Family Services~~ residential program  
4034 approved as a Medicaid behavioral health overlay services  
4035 provider may not be included in a behavioral health care prepaid  
4036 health plan or any other Medicaid managed care plan pursuant to  
4037 this paragraph.

4038           4. Traditional community mental health providers under  
4039 contract with the Department of Children and Families ~~Family~~  
4040 ~~Services~~ pursuant to part IV of chapter 394, child welfare  
4041 providers under contract with the Department of Children and  
4042 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental  
4043 health providers licensed pursuant to chapter 395 must be  
4044 offered an opportunity to accept or decline a contract to  
4045 participate in any provider network for prepaid behavioral  
4046 health services.

4047           5. All Medicaid-eligible children, except children in area  
4048 1 and children in Highlands County, Hardee County, Polk County,  
4049 or Manatee County of area 6, which ~~that~~ are open for child  
4050 welfare services in the statewide automated child welfare  
4051 information system, shall receive their behavioral health care  
4052 services through a specialty prepaid plan operated by community-  
4053 based lead agencies through a single agency or formal agreements  
4054 among several agencies. The agency shall work with the specialty  
4055 plan to develop clinically effective, evidence-based  
4056 alternatives as a downward substitution for the statewide  
4057 inpatient psychiatric program and similar residential care and  
4058 institutional services. The specialty prepaid plan must result



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4059 in savings to the state comparable to savings achieved in other  
4060 Medicaid managed care and prepaid programs. Such plan must  
4061 provide mechanisms to maximize state and local revenues. The  
4062 specialty prepaid plan shall be developed by the agency and the  
4063 Department of Children and Families ~~Family Services~~. The agency  
4064 may seek federal waivers to implement this initiative. Medicaid-  
4065 eligible children whose cases are open for child welfare  
4066 services in the statewide automated child welfare information  
4067 system and who reside in AHCA area 10 shall be enrolled in a  
4068 capitated provider service network or other capitated managed  
4069 care plan, which, in coordination with available community-based  
4070 care providers specified in s. 409.987 ~~s. 409.1671~~, shall  
4071 provide sufficient medical, developmental, and behavioral health  
4072 services to meet the needs of these children.

4073  
4074 Effective July 1, 2012, in order to ensure continuity of care,  
4075 the agency is authorized to extend or modify current contracts  
4076 based on current service areas or on a regional basis, as  
4077 determined appropriate by the agency, with comprehensive  
4078 behavioral health care providers as described in this paragraph  
4079 during the period prior to its expiration. This paragraph  
4080 expires October 1, 2014.

4081 Section 58. Paragraph (dd) of subsection (3) of section  
4082 409.91211, Florida Statutes, is amended to read:

4083 409.91211 Medicaid managed care pilot program.—

4084 (3) The agency shall have the following powers, duties, and  
4085 responsibilities with respect to the pilot program:

4086 (dd) To implement service delivery mechanisms within a  
4087 specialty plan in area 10 to provide behavioral health care



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4088 services to Medicaid-eligible children whose cases are open for  
4089 child welfare services in the HomeSafeNet system. These services  
4090 must be coordinated with community-based care providers as  
4091 specified in s. 409.986 ~~s. 409.1671~~, where available, and be  
4092 sufficient to meet the developmental, behavioral, and emotional  
4093 needs of these children. Children in area 10 who have an open  
4094 case in the HomeSafeNet system shall be enrolled into the  
4095 specialty plan. These service delivery mechanisms must be  
4096 implemented no later than July 1, 2011, in AHCA area 10 in order  
4097 for the children in AHCA area 10 to remain exempt from the  
4098 statewide plan under s. 409.912(4)(b)5. An administrative fee  
4099 may be paid to the specialty plan for the coordination of  
4100 services based on the receipt of the state share of that fee  
4101 being provided through intergovernmental transfers.

4102 Section 59. Paragraph (d) of subsection (1) of section  
4103 420.628, Florida Statutes, is amended to read:

4104 420.628 Affordable housing for children and young adults  
4105 leaving foster care; legislative findings and intent.—

4106 (1)

4107 (d) The Legislature intends that the Florida Housing  
4108 Finance Corporation, agencies within the State Housing  
4109 Initiative Partnership Program, local housing finance agencies,  
4110 public housing authorities, and their agents, and other  
4111 providers of affordable housing coordinate with the Department  
4112 of Children and Families ~~Family Services~~, their agents, and  
4113 community-based care providers who provide services under s.  
4114 409.986 ~~s. 409.1671~~ to develop and implement strategies and  
4115 procedures designed to make affordable housing available  
4116 whenever and wherever possible to young adults who leave the



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4117 child welfare system.

4118 Section 60. Subsection (5) of section 960.065, Florida  
4119 Statutes, is amended to read:

4120 960.065 Eligibility for awards.—

4121 (5) A person is not ineligible for an award pursuant to  
4122 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
4123 person is a victim of sexual exploitation of a child as defined  
4124 in s. 39.01(68)(g) ~~s. 39.01(67)(g)~~.

4125 Section 61. This act shall take effect July 1, 2014.