

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Sobel and Gibson

576-04540-14

20141666c1

1 A bill to be entitled
2 An act relating to child welfare; amending s. 20.19,
3 F.S.; requiring the Secretary of Children and Families
4 to appoint an Assistant Secretary for Child Welfare;
5 providing qualifications and responsibilities;
6 amending s. 39.001, F.S.; revising the purposes of ch.
7 39, F.S.; requiring the department to provide for
8 certain services for medically complex children;
9 amending s. 39.01, F.S.; providing, revising, and
10 deleting definitions; amending s. 39.013, F.S.;
11 clarifying responsibilities of the department in
12 dependency proceedings; amending s. 39.201, F.S.;
13 requiring alleged incidents of juvenile sexual abuse
14 involving specified children to be reported to the
15 department's central abuse hotline; requiring the
16 department to provide specified information on an
17 investigation of child sexual abuse to the court;
18 creating s. 39.2015, F.S.; requiring the department to
19 conduct specified investigations using critical
20 incident rapid response teams; providing requirements
21 for such investigations and for team membership;
22 authorizing team access to specified information;
23 requiring the cooperation of specified agencies and
24 organizations; providing for reimbursement of team
25 members; requiring the team to provide an
26 investigation report; requiring the secretary to
27 develop guidelines for investigations and provide team
28 member training; requiring the secretary to appoint an
29 advisory committee; requiring the committee to submit

576-04540-14

20141666c1

30 a report to the secretary; requiring the secretary to
31 submit such report to the Governor and the Legislature
32 by a specified date; creating s. 39.2022, F.S.;
33 providing legislative intent; requiring the department
34 to publish specified information on its website
35 regarding the death of a child reported to the central
36 abuse hotline; amending s. 39.301, F.S.; requiring the
37 use of safety plans in child protection investigations
38 in cases of present or impending danger; providing
39 requirements for implementation of a safety plan;
40 providing conditions for filing a petition for
41 dependency; amending s. 39.303, F.S.; requiring
42 physician involvement when a child protection team
43 evaluates a report of medical neglect of a medically
44 complex child; creating s. 39.3068, F.S.; providing
45 requirements for investigating medical neglect;
46 providing duties of the department; amending s.
47 39.307, F.S.; requiring the department to assist the
48 family, child, and caregiver in receiving services
49 upon a report alleging juvenile sexual abuse or
50 inappropriate sexual behavior; requiring the
51 department to maintain specified records; requiring
52 child sexual abuse to be taken into account in
53 placement consideration; requiring the department to
54 monitor the occurrence of child sexual abuse and
55 related services; amending s. 39.402, F.S.; requiring
56 the department to make a reasonable effort to keep
57 siblings together when they are placed in out-of-home
58 care under certain circumstances; providing for

576-04540-14

20141666c1

59 sibling visitation under certain conditions; amending
60 s. 39.501, F.S.; requiring compliance with a safety
61 plan to be considered when deciding a petition for
62 dependency; amending s. 39.504, F.S.; authorizing the
63 court to order a person to comply with a safety plan
64 that is implemented in an injunction; amending s.
65 39.5085, F.S.; revising legislative intent;
66 authorizing placement of a child with a nonrelative
67 caregiver and financial assistance for such
68 nonrelative caregiver through the Relative Caregiver
69 Program under certain circumstances; amending s.
70 39.604, F.S.; requiring certain children to attend a
71 licensed early education or child care program;
72 requiring the inclusion of attendance at a licensed
73 early education or child care program in a child's
74 safety plan; amending s. 39.701, F.S.; requiring the
75 court to consider contact among siblings in judicial
76 reviews; authorizing the court to remove specified
77 disabilities of nonage at judicial reviews; amending
78 s. 39.802, F.S.; removing department authorization to
79 sign a petition for termination of parental rights;
80 amending s. 39.806, F.S.; providing additional grounds
81 for termination of parental rights; amending s.
82 63.212, F.S.; revising advertising requirements for
83 adoption services; requiring a person who places an
84 advertisement for adoption services to provide
85 specified information; deleting a criminal penalty for
86 knowingly publishing or assisting in the publication
87 of an advertisement that violates specified

576-04540-14

20141666c1

88 provisions; amending s. 383.402, F.S.; requiring state
89 and local review committees to review all child deaths
90 that are reported to the department's central abuse
91 hotline; revising the membership of the State Child
92 Abuse Death Review Committee; revising the due date
93 for and contents of a report; requiring the State
94 Child Abuse Death Review Committee to provide training
95 to local child abuse death review committees; amending
96 s. 402.40, F.S.; requiring a third-party credentialing
97 entity to establish an advisory committee; authorizing
98 the department to approve certification of
99 specializations; creating s. 402.402, F.S.; defining
100 terms; providing preferences for education and work
101 experience for child protection and child welfare
102 personnel; requiring a report; providing training
103 requirements for department attorneys; creating s.
104 402.403, F.S.; establishing a tuition exemption
105 program for child protection and child welfare
106 personnel; providing eligibility requirements;
107 creating s. 402.404, F.S.; establishing a student loan
108 forgiveness program for child protection and child
109 welfare personnel; providing eligibility requirements;
110 authorizing community-based care lead agencies to
111 provide student loan forgiveness under certain
112 circumstances; amending s. 409.165, F.S.; enhancing
113 provision of care to medically complex children;
114 amending s. 409.967, F.S.; revising standards for
115 Medicaid managed care plan accountability with respect
116 to services for dependent children and their parents;

576-04540-14

20141666c1

117 amending s. 409.972, F.S.; exempting certain Medicaid
118 recipients from mandatory enrollment in managed care
119 plans; providing a directive to the Division of Law
120 Revision and Information; creating part V of ch. 409,
121 F.S.; creating s. 409.986, F.S.; providing legislative
122 findings and intent; providing child protection and
123 child welfare outcome goals; defining terms; creating
124 s. 409.987, F.S.; providing for department procurement
125 of community-based care lead agencies; providing
126 requirements for contracting as a lead agency;
127 creating s. 409.988, F.S.; providing duties of a
128 community-based care lead agency; providing licensure
129 requirements for a lead agency; specifying services
130 provided by a lead agency; providing conditions for an
131 agency or provider to act as a child's guardian;
132 creating s. 409.990, F.S.; providing general funding
133 provisions for lead agencies; providing for a matching
134 grant program and the maximum amount of funds that may
135 be awarded; requiring the department to develop and
136 implement a community-based care risk pool initiative;
137 providing requirements for the risk pool;
138 transferring, renumbering, and amending s. 409.16713,
139 F.S.; transferring provisions relating to the
140 allocation of funds for community-based care lead
141 agencies; conforming a cross-reference; creating s.
142 409.992, F.S.; providing requirements for community-
143 based care lead agency expenditures; creating s.
144 409.993, F.S.; providing legislative findings;
145 providing for lead agency and subcontractor liability;

576-04540-14

20141666c1

146 providing limitations on damages; transferring,
147 renumbering, and amending s. 409.1675, F.S.;
148 transferring provisions relating to receivership from
149 community-based providers to lead agencies; conforming
150 cross-references and terminology; creating s. 409.996,
151 F.S.; providing duties of the department relating to
152 community-based care and lead agencies; creating s.
153 409.997, F.S.; providing outcome goals for the
154 department and specified entities with respect to the
155 delivery of child welfare services; requiring the
156 department to maintain an accountability system;
157 requiring a report to the Governor and the
158 Legislature; requiring the department to establish a
159 technical advisory panel; requiring the department to
160 make the results of the accountability system public;
161 requiring a report to the Governor and the Legislature
162 by a specified date; creating s. 827.10, F.S.;
163 providing definitions; establishing the criminal
164 offense of unlawful desertion of a child; providing
165 criminal penalties; providing exceptions; amending s.
166 985.04, F.S.; conforming terminology; creating s.
167 1004.615, F.S.; establishing the Florida Institute for
168 Child Welfare; providing purpose, duties, and
169 responsibilities of the institute; requiring the
170 institute to contract and work with specified
171 entities; providing for the administration of the
172 institute; requiring reports to the Governor and the
173 Legislature by specified dates; amending s. 1009.25,
174 F.S.; exempting specified child protective

576-04540-14

20141666c1

175 investigators and child protective investigation
176 supervisors from certain tuition and fee requirements;
177 repealing s. 402.401, F.S., relating to child welfare
178 worker student loan forgiveness; repealing s.
179 409.1671, F.S., relating to outsourcing of foster care
180 and related services; repealing s. 409.16715, F.S.,
181 relating to certain therapy for foster children;
182 repealing s. 409.16745, F.S., relating to the
183 community partnership matching grant program;
184 repealing s. 1004.61, F.S., relating to a partnership
185 between the Department of Children and Families and
186 state universities; amending ss. 39.201, 39.302,
187 39.524, 316.613, 409.1676, 409.1677, 409.1678,
188 409.906, 409.912, 409.91211, 420.628, and 960.065,
189 F.S.; conforming cross-references; providing effective
190 dates.

191

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

193

194 Section 1. Present subsections (3) through (5) of section
195 20.19, Florida Statutes, are renumbered as subsections (4)
196 through (6), respectively, subsection (2) of that section is
197 amended, and a new subsection (3) is added to that section, to
198 read:

199 20.19 Department of Children and Families.—There is created
200 a Department of Children and Families.

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

202 (a) The head of the department is the Secretary of Children
203 and Families. The secretary is appointed by the Governor,

576-04540-14

20141666c1

204 subject to confirmation by the Senate. The secretary serves at
205 the pleasure of the Governor.

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

211 (3) ASSISTANT SECRETARIES.—

212 (a) Child welfare.—

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

218 2. The assistant secretary must have at least 7 years of
219 experience working in organizations that deliver child
220 protective or child welfare services.

221 (b) Substance abuse and mental health.—

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

226 2. The secretary shall appoint a Director for Substance
227 Abuse and Mental Health who has the requisite expertise and
228 experience to head the state's Substance Abuse and Mental Health
229 Program Office.

230 Section 2. Paragraphs (b), (c), (g), and (k) of subsection
231 (1) of section 39.001, Florida Statutes, are amended, paragraphs
232 (o) and (p) are added to that subsection, present paragraphs (f)

576-04540-14

20141666c1

233 through (h) of subsection (3) are redesignated as paragraphs (g)
234 through (i), respectively, a new paragraph (f) is added to that
235 subsection, present subsections (4) through (11) are renumbered
236 as subsections (5) through (12), respectively, a new subsection
237 (4) is added to that section, and paragraph (c) of present
238 subsection (8) and paragraph (b) of present subsection (10) of
239 that section are amended, to read:

240 39.001 Purposes and intent; personnel standards and
241 screening.—

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

243 (b) To recognize that most families desire to be competent
244 caregivers and providers for their children and that children
245 achieve their greatest potential when families are able to
246 support and nurture the growth and development of their
247 children. Therefore, the Legislature finds that policies and
248 procedures that provide for prevention and intervention through
249 the department's child protection system should be based on the
250 following principles:

251 1. The health and safety of the children served shall be of
252 paramount concern.

253 2. The prevention and intervention should engage families
254 in constructive, supportive, and nonadversarial relationships.

255 3. The prevention and intervention should intrude as little
256 as possible into the life of the family, be focused on clearly
257 defined objectives, and keep the safety of the child or children
258 as the paramount concern ~~take the most parsimonious path to~~
259 ~~remedy a family's problems.~~

260 4. The prevention and intervention should be based upon
261 outcome evaluation results that demonstrate success in

576-04540-14

20141666c1

262 protecting children and supporting families.

263 (c) To provide a child protection system that reflects a
264 partnership between the department, other agencies, the courts,
265 law enforcement agencies, service providers, and local
266 communities.

267 (g) To ensure that the parent or legal custodian from whose
268 custody the child has been taken assists the department to the
269 fullest extent possible in locating relatives suitable to serve
270 as caregivers for the child and provides all medical and
271 educational information, or consent for access thereto, needed
272 to help the child.

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

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

283 (p) To provide protective investigations that are conducted
284 by trained persons in a complete and fair manner, that are
285 promptly concluded, and that consider the purposes of this
286 subsection and the general protections provided by law relating
287 to child welfare.

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

576-04540-14

20141666c1

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

296 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The department
297 shall maintain a program of family-centered services and
298 supports for medically complex children. The purpose of the
299 program is to prevent abuse and neglect of medically complex
300 children while enhancing the capacity of families to provide for
301 their children's needs. Program services must include outreach,
302 early intervention, and the provision of other supports and
303 services to meet the child's needs. The department shall
304 collaborate with all relevant state and local agencies to
305 provide needed services.

306 (9)~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

308 1. Oversee the preparation and implementation of the state
309 plan established under subsection (10) ~~(9)~~ and revise and update
310 the state plan as necessary.

311 2. Provide for or make available continuing professional
312 education and training in the prevention of child abuse and
313 neglect.

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

576-04540-14

20141666c1

- 320 4. Make recommendations pertaining to agreements or
321 contracts for the establishment and development of:
- 322 a. Programs and services for the promotion of adoption,
323 support of adoptive families, and prevention of child abuse and
324 neglect.
- 325 b. Training programs for the prevention of child abuse and
326 neglect.
- 327 c. Multidisciplinary and discipline-specific training
328 programs for professionals with responsibilities affecting
329 children, young adults, and families.
- 330 d. Efforts to promote adoption.
- 331 e. Postadoptive services to support adoptive families.
- 332 5. Monitor, evaluate, and review the development and
333 quality of local and statewide services and programs for the
334 promotion of adoption, support of adoptive families, and
335 prevention of child abuse and neglect and shall publish and
336 distribute an annual report of its findings on or before January
337 1 of each year to the Governor, the Speaker of the House of
338 Representatives, the President of the Senate, the head of each
339 state agency affected by the report, and the appropriate
340 substantive committees of the Legislature. The report shall
341 include:
- 342 a. A summary of the activities of the office.
- 343 b. A summary of the adoption data collected and reported to
344 the federal Adoption and Foster Care Analysis and Reporting
345 System (AFCARS) and the federal Administration for Children and
346 Families.
- 347 c. A summary of the child abuse prevention data collected
348 and reported to the National Child Abuse and Neglect Data System

576-04540-14

20141666c1

349 (NCANDS) and the federal Administration for Children and
350 Families.

351 d. A summary detailing the timeliness of the adoption
352 process for children adopted from within the child welfare
353 system.

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

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

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

362 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.-

363 (b) The office and the other agencies and organizations
364 listed in paragraph (10) (a) ~~(9) (a)~~ shall readdress the state
365 plan and make necessary revisions every 5 years, at a minimum.
366 Such revisions shall be submitted to the Speaker of the House of
367 Representatives and the President of the Senate no later than
368 June 30 of each year divisible by 5. At least biennially, the
369 office shall review the state plan and make any necessary
370 revisions based on changing needs and program evaluation
371 results. An annual progress report shall be submitted to update
372 the state plan in the years between the 5-year intervals. In
373 order to avoid duplication of effort, these required plans may
374 be made a part of or merged with other plans required by either
375 the state or Federal Government, so long as the portions of the
376 other state or Federal Government plan that constitute the state
377 plan for the promotion of adoption, support of adoptive

576-04540-14

20141666c1

378 families, and prevention of child abuse, abandonment, and
379 neglect are clearly identified as such and are provided to the
380 Speaker of the House of Representatives and the President of the
381 Senate as required under this section ~~above~~.

382 Section 3. Present subsections (59) through (65) of section
383 39.01, Florida Statutes, are redesignated as subsections (60)
384 through (66), respectively, present subsections (67) through
385 (69) are redesignated as subsections (68) through (70),
386 respectively, present subsections (70) through (76) are
387 redesignated as subsections (72) through (78), respectively, new
388 subsections (31), (41), (59), (67), and (71) are added to that
389 section, and subsections (7), (14), (18), (22), (26), and (27)
390 and present subsections (28) through (41), (59), and (65) of
391 that section are amended, to read:

392 39.01 Definitions.—When used in this chapter, unless the
393 context otherwise requires:

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

395 ~~(a) A child 12 years of age or younger who is alleged to~~
396 ~~have committed a violation of chapter 794, chapter 796, chapter~~
397 ~~800, s. 827.071, or s. 847.0133; or~~

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

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

404 (a)1. “Coercion” means the exploitation of authority or the
405 use of bribes, threats of force, or intimidation to gain
406 cooperation or compliance.

576-04540-14

20141666c1

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

410 (c)3. "Consent" means an agreement, including all of the
411 following:

412 1.a. Understanding what is proposed based on age, maturity,
413 developmental level, functioning, and experience.

414 2.b. Knowledge of societal standards for what is being
415 proposed.

416 3.e. Awareness of potential consequences and alternatives.

417 4.d. Assumption that agreement or disagreement will be
418 accepted equally.

419 5.e. Voluntary decision.

420 6.f. Mental competence.

421

422 Juvenile sexual ~~offender~~ behavior ranges from noncontact sexual
423 behavior such as making obscene phone calls, exhibitionism,
424 voyeurism, and the showing or taking of lewd photographs to
425 varying degrees of direct sexual contact, such as frottage,
426 fondling, digital penetration, rape, fellatio, sodomy, and
427 various other sexually aggressive acts.

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

432 (18) "Comprehensive assessment" or "assessment" means the
433 gathering of information for the evaluation of a child's and
434 caregiver's physical, psychiatric, psychological, or mental
435 health; developmental delays or challenges; and ~~and~~ educational,

576-04540-14

20141666c1

436 vocational, and social condition and family environment as they
437 relate to the child's and caregiver's need for rehabilitative
438 and treatment services, including substance abuse treatment
439 services, mental health services, developmental services,
440 literacy services, medical services, family services, and other
441 specialized services, as appropriate.

442 (22) "Diligent efforts by a parent" means a course of
443 conduct which results in a meaningful change in the behavior of
444 a parent that reduces ~~reduction in~~ risk to the child in the
445 child's home to the extent that ~~would allow~~ the child may ~~to~~ be
446 safely placed permanently back in the home as set forth in the
447 case plan.

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

450 ~~(27) "District administrator" means the chief operating~~
451 ~~officer of each service district of the department as defined in~~
452 ~~s. 20.19(5) and, where appropriate, includes any district~~
453 ~~administrator whose service district falls within the boundaries~~
454 ~~of a judicial circuit.~~

455 ~~(26)(28)~~ (26) "Expedited termination of parental rights" means
456 proceedings wherein a case plan with the goal of reunification
457 is not being offered.

458 ~~(27)(29)~~ (27) "False report" means a report of abuse, neglect,
459 or abandonment of a child to the central abuse hotline, which
460 report is maliciously made for the purpose of:

- 461 (a) Harassing, embarrassing, or harming another person;
462 (b) Personal financial gain for the reporting person;
463 (c) Acquiring custody of a child; or
464 (d) Personal benefit for the reporting person in any other

576-04540-14

20141666c1

465 private dispute involving a child.

466

467 The term "false report" does not include a report of abuse,
468 neglect, or abandonment of a child made in good faith to the
469 central abuse hotline.

470 (28)~~(30)~~ "Family" means a collective body of persons,
471 consisting of a child and a parent, legal custodian, or adult
472 relative, in which:

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

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

477 (29)~~(31)~~ "Foster care" means care provided a child in a
478 foster family or boarding home, group home, agency boarding
479 home, child care institution, or any combination thereof.

480 (30)~~(32)~~ "Harm" to a child's health or welfare can occur
481 when any person:

482 (a) Inflicts or allows to be inflicted upon the child
483 physical, mental, or emotional injury. In determining whether
484 harm has occurred, the following factors must be considered in
485 evaluating any physical, mental, or emotional injury to a child:

486 the age of the child; any prior history of injuries to the
487 child; the location of the injury on the body of the child; the
488 multiplicity of the injury; and the type of trauma inflicted.

489 Such injury includes, but is not limited to:

490 1. Willful acts that produce the following specific
491 injuries:

492 a. Sprains, dislocations, or cartilage damage.

493 b. Bone or skull fractures.

576-04540-14

20141666c1

- 494 c. Brain or spinal cord damage.
495 d. Intracranial hemorrhage or injury to other internal
496 organs.
497 e. Asphyxiation, suffocation, or drowning.
498 f. Injury resulting from the use of a deadly weapon.
499 g. Burns or scalding.
500 h. Cuts, lacerations, punctures, or bites.
501 i. Permanent or temporary disfigurement.
502 j. Permanent or temporary loss or impairment of a body part
503 or function.

504
505 As used in this subparagraph, the term "willful" refers to the
506 intent to perform an action, not to the intent to achieve a
507 result or to cause an injury.

508 2. Purposely giving a child poison, alcohol, drugs, or
509 other substances that substantially affect the child's behavior,
510 motor coordination, or judgment or that result in sickness or
511 internal injury. For the purposes of this subparagraph, the term
512 "drugs" means prescription drugs not prescribed for the child or
513 not administered as prescribed, and controlled substances as
514 outlined in Schedule I or Schedule II of s. 893.03.

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

520 4. Inappropriate or excessively harsh disciplinary action
521 that is likely to result in physical injury, mental injury as
522 defined in this section, or emotional injury. The significance

576-04540-14

20141666c1

523 of any injury must be evaluated in light of the following
524 factors: the age of the child; any prior history of injuries to
525 the child; the location of the injury on the body of the child;
526 the multiplicity of the injury; and the type of trauma
527 inflicted. Corporal discipline may be considered excessive or
528 abusive when it results in any of the following or other similar
529 injuries:

- 530 a. Sprains, dislocations, or cartilage damage.
- 531 b. Bone or skull fractures.
- 532 c. Brain or spinal cord damage.
- 533 d. Intracranial hemorrhage or injury to other internal
534 organs.
- 535 e. Asphyxiation, suffocation, or drowning.
- 536 f. Injury resulting from the use of a deadly weapon.
- 537 g. Burns or scalding.
- 538 h. Cuts, lacerations, punctures, or bites.
- 539 i. Permanent or temporary disfigurement.
- 540 j. Permanent or temporary loss or impairment of a body part
541 or function.
- 542 k. Significant bruises or welts.

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

546 (c) Allows, encourages, or forces the sexual exploitation
547 of a child, which includes allowing, encouraging, or forcing a
548 child to:

- 549 1. Solicit for or engage in prostitution; or
- 550 2. Engage in a sexual performance, as defined by chapter
551 827.

576-04540-14

20141666c1

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

554 (e) Abandons the child. Within the context of the
555 definition of "harm," the term "abandoned the child" or
556 "abandonment of the child" means a situation in which the parent
557 or legal custodian of a child or, in the absence of a parent or
558 legal custodian, the caregiver, while being able, has made no
559 significant contribution to the child's care and maintenance or
560 has failed to establish or maintain a substantial and positive
561 relationship with the child, or both. For purposes of this
562 paragraph, "establish or maintain a substantial and positive
563 relationship" includes, but is not limited to, frequent and
564 regular contact with the child through frequent and regular
565 visitation or frequent and regular communication to or with the
566 child, and the exercise of parental rights and responsibilities.
567 Marginal efforts and incidental or token visits or
568 communications are not sufficient to establish or maintain a
569 substantial and positive relationship with a child. The term
570 "abandoned" does not include a surrendered newborn infant as
571 described in s. 383.50, a child in need of services as defined
572 in chapter 984, or a family in need of services as defined in
573 chapter 984. The incarceration, repeated incarceration, or
574 extended incarceration of a parent, legal custodian, or
575 caregiver responsible for a child's welfare may support a
576 finding of abandonment.

577 (f) Neglects the child. Within the context of the
578 definition of "harm," the term "neglects the child" means that
579 the parent or other person responsible for the child's welfare
580 fails to supply the child with adequate food, clothing, shelter,

576-04540-14

20141666c1

581 or health care, although financially able to do so or although
582 offered financial or other means to do so. However, a parent or
583 legal custodian who, by reason of the legitimate practice of
584 religious beliefs, does not provide specified medical treatment
585 for a child may not be considered abusive or neglectful for that
586 reason alone, but such an exception does not:

587 1. Eliminate the requirement that such a case be reported
588 to the department;

589 2. Prevent the department from investigating such a case;
590 or

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

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

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

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

607

608 As used in this paragraph, the term "controlled substance" means
609 prescription drugs not prescribed for the parent or not

576-04540-14

20141666c1

610 administered as prescribed and controlled substances as outlined
611 in Schedule I or Schedule II of s. 893.03.

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

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

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

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

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

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

631 (32)~~(33)~~ "Institutional child abuse or neglect" means
632 situations of known or suspected child abuse or neglect in which
633 the person allegedly perpetrating the child abuse or neglect is
634 an employee of a private school, public or private day care
635 center, residential home, institution, facility, or agency or
636 any other person at such institution responsible for the child's
637 care as defined in subsection (47).

638 (33)~~(34)~~ "Judge" means the circuit judge exercising

576-04540-14

20141666c1

639 jurisdiction pursuant to this chapter.

640 (34)~~(35)~~ "Legal custody" means a legal status created by a
641 court which vests in a custodian of the person or guardian,
642 whether an agency or an individual, the right to have physical
643 custody of the child and the right and duty to protect, nurture,
644 guide, and discipline the child and to provide him or her with
645 food, shelter, education, and ordinary medical, dental,
646 psychiatric, and psychological care.

647 (35)~~(36)~~ "Licensed child-caring agency" means a person,
648 society, association, or agency licensed by the department to
649 care for, receive, and board children.

650 (36)~~(37)~~ "Licensed child-placing agency" means a person,
651 society, association, or institution licensed by the department
652 to care for, receive, or board children and to place children in
653 a licensed child-caring institution or a foster or adoptive
654 home.

655 (37)~~(38)~~ "Licensed health care professional" means a
656 physician licensed under chapter 458, an osteopathic physician
657 licensed under chapter 459, a nurse licensed under part I of
658 chapter 464, a physician assistant licensed under chapter 458 or
659 chapter 459, or a dentist licensed under chapter 466.

660 (38)~~(39)~~ "Likely to injure oneself" means that, as
661 evidenced by violent or other actively self-destructive
662 behavior, it is more likely than not that within a 24-hour
663 period the child will attempt to commit suicide or inflict
664 serious bodily harm on himself or herself.

665 (39)~~(40)~~ "Likely to injure others" means that it is more
666 likely than not that within a 24-hour period the child will
667 inflict serious and unjustified bodily harm on another person.

576-04540-14

20141666c1

668 ~~(40)~~⁽⁴¹⁾ "Mediation" means a process whereby a neutral
669 third person called a mediator acts to encourage and facilitate
670 the resolution of a dispute between two or more parties. It is
671 an informal and nonadversarial process with the objective of
672 helping the disputing parties reach a mutually acceptable and
673 voluntary agreement. The role of the mediator includes, but is
674 not limited to, assisting the parties in identifying issues,
675 fostering joint problem solving, and exploring settlement
676 alternatives.

677 (41) "Medical neglect" means the failure to provide or the
678 failure to allow needed care as recommended by a health care
679 practitioner for a physical injury, illness, medical condition,
680 or impairment, or the failure to seek timely and appropriate
681 medical care for a serious health problem that a reasonable
682 person would have recognized as requiring professional medical
683 attention. Medical neglect does not occur if the parent or legal
684 guardian of the child has made reasonable attempts to obtain
685 necessary health care services or the immediate health condition
686 giving rise to the allegation of neglect is a known and expected
687 complication of the child's diagnosis or treatment and:

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

691 (b) The parent or legal guardian received conflicting
692 medical recommendations for treatment from multiple
693 practitioners and did not follow all recommendations.

694 (59) "Present danger" means a significant and clearly
695 observable family condition that is occurring at the current
696 moment and is already endangering or threatening to endanger the

576-04540-14

20141666c1

697 child. Present danger threats are conspicuous and require that
698 an immediate protective action be taken to ensure the child's
699 safety.

700 (60)~~(59)~~ "Preventive services" means social services and
701 other supportive and rehabilitative services provided to the
702 parent or legal custodian of the child and to the child for the
703 purpose of averting the removal of the child from the home or
704 disruption of a family which will or could result in the
705 placement of a child in foster care. Social services and other
706 supportive and rehabilitative services shall promote the child's
707 developmental needs and need for physical, mental, and emotional
708 health and a safe, stable, living environment;7 shall promote
709 family autonomy;7 and shall strengthen family life, whenever
710 possible.

711 (66)~~(65)~~ "Reunification services" means social services and
712 other supportive and rehabilitative services provided to the
713 parent of the child, to the child, and, where appropriate, to
714 the relative placement, nonrelative placement, or foster parents
715 of the child, for the purpose of enabling a child who has been
716 placed in out-of-home care to safely return to his or her parent
717 at the earliest possible time. The health and safety of the
718 child shall be the paramount goal of social services and other
719 supportive and rehabilitative services. The services shall
720 promote the child's need for physical, developmental, mental,
721 and emotional health and a safe, stable, living environment;7
722 shall promote family autonomy;7 and shall strengthen family
723 life, whenever possible.

724 (67) "Safety plan" means a plan created to control present
725 or impending danger using the least intrusive means appropriate

576-04540-14

20141666c1

726 to protect a child when a parent, caregiver, or legal custodian
727 is unavailable, unwilling, or unable to do so.

728 (71) "Sibling" means:

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

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

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

735 39.013 Procedures and jurisdiction; right to counsel.—

736 (12) The department shall be represented by counsel in each
737 dependency proceeding. Through its attorneys, the department
738 shall make recommendations to the court on issues before the
739 court and may support its recommendations through testimony and
740 other evidence by its own employees, employees of sheriff's
741 offices providing child protection services, employees of its
742 contractors, employees of its contractor's subcontractors, or
743 from any other relevant source.

744 Section 5. Paragraph (c) of subsection (2) of section
745 39.201, Florida Statutes, is amended to read:

746 39.201 Mandatory reports of child abuse, abandonment, or
747 neglect; mandatory reports of death; central abuse hotline.—

748 (2)

749 (c) Reports involving ~~a known or suspected~~ juvenile sexual
750 abuse offender or a child who has exhibited inappropriate sexual
751 behavior shall be made and received by the department. An
752 alleged incident of juvenile sexual abuse involving a child who
753 is in the custody of or protective supervision of the department
754 shall be reported to the department's central abuse hotline.

576-04540-14

20141666c1

755 ~~1. The department shall determine the age of the alleged~~
756 ~~offender, if known.~~

757 ~~2. If the alleged offender is 12 years of age or younger,~~
758 The central abuse hotline shall immediately electronically
759 transfer the report or call to the county sheriff's office. The
760 department shall conduct an assessment and assist the family in
761 receiving appropriate services pursuant to s. 39.307, and send a
762 written report of the allegation to the appropriate county
763 sheriff's office within 48 hours after the initial report is
764 made to the central abuse hotline.

765 2. The department shall ensure that the facts and results
766 of any investigation of child sexual abuse involving a child in
767 the custody of or under the protective supervision of the
768 department are made known to the court at the next hearing or
769 included in the next report to the court concerning the child.

770 ~~3. If the alleged offender is 13 years of age or older, the~~
771 ~~central abuse hotline shall immediately electronically transfer~~
772 ~~the report or call to the appropriate county sheriff's office~~
773 ~~and send a written report to the appropriate county sheriff's~~
774 ~~office within 48 hours after the initial report to the central~~
775 ~~abuse hotline.~~

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

778 39.2015 Critical incident rapid response team.-

779 (1) As part of the department's quality assurance program,
780 the department shall provide an immediate multiagency
781 investigation of certain child deaths or other serious
782 incidents. The purpose of such investigation is to identify root
783 causes and rapidly determine the need to change policies and

576-04540-14

20141666c1

784 practices related to child protection and child welfare.

785 (2) An immediate onsite investigation conducted by a
786 critical incident rapid response team is required for all child
787 deaths reported to the department if the child or another child
788 in his or her family was the subject of a verified report of
789 suspected abuse or neglect during the previous 12 months. The
790 secretary may direct an immediate investigation for other cases
791 involving serious injury to a child.

792 (3) Each investigation shall be conducted by a multiagency
793 team of at least five professionals with expertise in child
794 protection, child welfare, and organizational management. The
795 team may consist of employees of the department, community-based
796 care lead agencies, Children's Medical Services, and community-
797 based care provider organizations; faculty from the institute
798 consisting of public and private universities offering degrees
799 in social work established pursuant to s. 1004.615; or any other
800 person with the required expertise. The majority of the team
801 must reside in judicial circuits outside the location of the
802 incident. The secretary shall appoint a team leader for each
803 group assigned to an investigation.

804 (4) An investigation shall be initiated as soon as
805 possible, but not later than 2 business days after the case is
806 reported to the department. A preliminary report on each case
807 shall be provided to the secretary no later than 30 days after
808 the investigation begins.

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

811 (6) All employees of the department or other state agencies
812 and all personnel from community-based care lead agencies and

576-04540-14

20141666c1

813 community-based care lead agency subcontractors must cooperate
814 with the investigation by participating in interviews and timely
815 responding to any requests for information. The members of the
816 team may only access the records and information of contracted
817 provider organizations which are available to the department by
818 law.

819 (7) The secretary shall develop cooperative agreements with
820 other entities and organizations as necessary to facilitate the
821 work of the team.

822 (8) The members of the team may be reimbursed by the
823 department for per diem, mileage, and other reasonable expenses
824 as provided in s. 112.061. The department may also reimburse the
825 team member's employer for the associated salary and benefits
826 during the time the team member is fulfilling the duties
827 required under this section.

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

831 (10) The secretary, in conjunction with the institute
832 established pursuant to s. 1004.615, shall develop guidelines
833 for investigations conducted by critical incident rapid response
834 teams and provide training to team members. Such guidelines must
835 direct the teams in the conduct of a root-cause analysis that
836 identifies, classifies, and attributes responsibility for both
837 direct and latent causes for the death or other incident,
838 including organizational factors, preconditions, and specific
839 acts or omissions resulting from either error or a violation of
840 procedures.

841 (11) The secretary shall appoint an advisory committee made

576-04540-14

20141666c1

842 up of experts in child protection and child welfare, including
843 the Statewide Medical Director for Child Protection under the
844 Department of Health, to conduct an independent review of
845 investigative reports from the critical incident rapid response
846 teams and make recommendations to improve policies and practices
847 related to child protection and child welfare services. By
848 October 1 of each year, the advisory committee shall submit a
849 report to the secretary that includes findings and
850 recommendations. The secretary shall submit the report to the
851 Governor, the President of the Senate, and the Speaker of the
852 House of Representatives.

853 Section 7. Section 39.2022, Florida Statutes, is created to
854 read:

855 39.2022 Public disclosure of reported child deaths.-

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

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

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

867 (b) Any allegations of the cause of death or the
868 preliminary cause of death, and the verified cause of death, if
869 known.

870 (c) The county where the child resided.

576-04540-14

20141666c1

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

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

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

878 39.301 Initiation of protective investigations.—

879 (9) (a) For each report received from the central abuse
880 hotline and accepted for investigation, the department or the
881 sheriff providing child protective investigative services under
882 s. 39.3065, shall perform the following child protective
883 investigation activities to determine child safety:

884 1. Conduct a review of all relevant, available information
885 specific to the child and family and alleged maltreatment;
886 family child welfare history; local, state, and federal criminal
887 records checks; and requests for law enforcement assistance
888 provided by the abuse hotline. Based on a review of available
889 information, including the allegations in the current report, a
890 determination shall be made as to whether immediate consultation
891 should occur with law enforcement, the child protection team, a
892 domestic violence shelter or advocate, or a substance abuse or
893 mental health professional. Such consultations should include
894 discussion as to whether a joint response is necessary and
895 feasible. A determination shall be made as to whether the person
896 making the report should be contacted before the face-to-face
897 interviews with the child and family members.

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

576-04540-14

20141666c1

900 caregivers.

901 3. Assess the child's residence, including a determination
902 of the composition of the family and household, including the
903 name, address, date of birth, social security number, sex, and
904 race of each child named in the report; any siblings or other
905 children in the same household or in the care of the same
906 adults; the parents, legal custodians, or caregivers; and any
907 other adults in the same household.

908 4. Determine whether there is any indication that any child
909 in the family or household has been abused, abandoned, or
910 neglected; the nature and extent of present or prior injuries,
911 abuse, or neglect, and any evidence thereof; and a determination
912 as to the person or persons apparently responsible for the
913 abuse, abandonment, or neglect, including the name, address,
914 date of birth, social security number, sex, and race of each
915 such person.

916 5. Complete assessment of immediate child safety for each
917 child based on available records, interviews, and observations
918 with all persons named in subparagraph 2. and appropriate
919 collateral contacts, which may include other professionals. The
920 department's child protection investigators are hereby
921 designated a criminal justice agency for the purpose of
922 accessing criminal justice information to be used for enforcing
923 this state's laws concerning the crimes of child abuse,
924 abandonment, and neglect. This information shall be used solely
925 for purposes supporting the detection, apprehension,
926 prosecution, pretrial release, posttrial release, or
927 rehabilitation of criminal offenders or persons accused of the
928 crimes of child abuse, abandonment, or neglect and may not be

576-04540-14

20141666c1

929 further disseminated or used for any other purpose.

930 6. Document the present and impending dangers to each child
931 based on the identification of inadequate protective capacity
932 through utilization of a standardized safety assessment
933 instrument. If present or impending danger is identified, the
934 child protective investigator must implement a safety plan or
935 take the child into custody. If present danger is identified and
936 the child is not removed, the child protective investigator
937 shall create and implement a safety plan before leaving the home
938 or the location where there is present danger. If impending
939 danger is identified, the child protective investigator shall
940 create and implement a safety plan as soon as necessary to
941 protect the safety of the child. The child protective
942 investigator may modify the safety plan if he or she identifies
943 additional impending danger.

944 a. If the child protective investigator implements a safety
945 plan, the plan must be specific, sufficient, feasible, and
946 sustainable in response to the realities of the present or
947 impending danger. A safety plan may be an in-home plan or an
948 out-of-home plan, or a combination of both. A safety plan may
949 not rely solely on promissory commitments by the parent,
950 caregiver, or legal custodian who is currently not able to
951 protect the child or on services that are not available or will
952 not result in the safety of the child. A safety plan may not be
953 implemented if for any reason the parents, guardian, or legal
954 custodian lacks the capacity or ability to comply with the plan.
955 If the department is not able to develop a plan that is
956 specific, sufficient, feasible, and sustainable, the department
957 shall file a shelter petition. A child protective investigator

576-04540-14

20141666c1

958 shall implement separate safety plans for the perpetrator of
959 domestic violence and the parent who is a victim of domestic
960 violence as defined in s. 741.28. If the perpetrator of domestic
961 violence is not the parent, guardian, or legal custodian of the
962 child, the child protective investigator shall seek issuance of
963 an injunction authorized by s. 39.504 to implement a safety plan
964 for the perpetrator and impose any other conditions to protect
965 the child. The safety plan for the parent who is a victim of
966 domestic violence may not be shared with the perpetrator. If any
967 party to a safety plan fails to comply with the safety plan
968 resulting in the child being unsafe, the department shall file a
969 shelter petition.

970 b. The child protective investigator shall collaborate with
971 the community-based care lead agency in the development of the
972 safety plan as necessary to ensure that the safety plan is
973 specific, sufficient, feasible, and sustainable. The child
974 protective investigator shall identify services necessary for
975 the successful implementation of the safety plan. The child
976 protective investigator and the community-based care lead agency
977 shall mobilize service resources to assist all parties in
978 complying with the safety plan. The community-based care lead
979 agency shall prioritize safety plan services to families who
980 have multiple risk factors, including, but not limited to, two
981 or more of the following:

- 982 (I) The parent or legal custodian is of young age;
983 (II) The parent or legal custodian, or an adult currently
984 living in or frequently visiting the home, has a history of
985 substance abuse, mental illness, or domestic violence;
986 (III) The parent or legal custodian, or an adult currently

576-04540-14

20141666c1

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

989 (IV) The parent or legal custodian or an adult currently
990 living in or frequently visiting the home has been the subject
991 of multiple allegations by reputable reports of abuse or
992 neglect;

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

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

995 c. The child protective investigator shall monitor the
996 implementation of the plan to ensure the child's safety until
997 the case is transferred to the lead agency at which time the
998 lead agency shall monitor the implementation.

999 ~~(b) Upon completion of the immediate safety assessment, the~~
1000 ~~department shall determine the additional activities necessary~~
1001 ~~to assess impending dangers, if any, and close the~~
1002 ~~investigation.~~

1003 ~~(b)(e)~~ For each report received from the central abuse
1004 hotline, the department or the sheriff providing child
1005 protective investigative services under s. 39.3065, shall
1006 determine the protective, treatment, and ameliorative services
1007 necessary to safeguard and ensure the child's safety and well-
1008 being and development, and cause the delivery of those services
1009 through the early intervention of the department or its agent.
1010 As applicable, child protective investigators must inform
1011 parents and caregivers how and when to use the injunction
1012 process under s. 741.30 to remove a perpetrator of domestic
1013 violence from the home as an intervention to protect the child.

1014 1. If the department or the sheriff providing child
1015 protective investigative services determines that the interests

576-04540-14

20141666c1

1016 of the child and the public will be best served by providing the
1017 child care or other treatment voluntarily accepted by the child
1018 and the parents or legal custodians, the parent or legal
1019 custodian and child may be referred for such care, case
1020 management, or other community resources.

1021 2. If the department or the sheriff providing child
1022 protective investigative services determines that the child is
1023 in need of protection and supervision, the department may file a
1024 petition for dependency.

1025 3. If a petition for dependency is not being filed by the
1026 department, the person or agency originating the report shall be
1027 advised of the right to file a petition pursuant to this part.

1028 4. At the close of an investigation, the department or the
1029 sheriff providing child protective services shall provide to the
1030 person who is alleged to have caused the abuse, neglect, or
1031 abandonment and the parent or legal custodian a summary of
1032 findings from the investigation and provide information about
1033 their right to access confidential reports in accordance with s.
1034 39.202.

1035 (14) (a) If the department or its agent determines that a
1036 child requires immediate or long-term protection through~~+~~

1037 ~~1. medical or other health care~~ or

1038 ~~2. homemaker care, day care, protective supervision, or~~
1039 other services to stabilize the home environment, including
1040 intensive family preservation services through the Intensive
1041 Crisis Counseling Program, such services shall first be offered
1042 for voluntary acceptance unless:

1043 1. There are high-risk factors that may impact the ability
1044 of the parents or legal custodians to exercise judgment. Such

576-04540-14

20141666c1

1045 factors may include the parents' or legal custodians' young age
1046 or history of substance abuse, mental illness, or domestic
1047 violence; or

1048 2. There is a high likelihood of lack of compliance with
1049 voluntary services, and such noncompliance would result in the
1050 child being unsafe.

1051 (b) The parents or legal custodians shall be informed of
1052 the right to refuse services, as well as the responsibility of
1053 the department to protect the child regardless of the acceptance
1054 or refusal of services. If the services are refused, a
1055 collateral contact shall include a relative, if the protective
1056 investigator has knowledge of and the ability to contact a
1057 relative. If the services are refused and the department deems
1058 that the child's need for protection ~~se~~ requires services, the
1059 department shall take the child into protective custody or
1060 petition the court as provided in this chapter. At any time
1061 after the commencement of a protective investigation, a relative
1062 may submit in writing to the protective investigator or case
1063 manager a request to receive notification of all proceedings and
1064 hearings in accordance with s. 39.502. The request shall include
1065 the relative's name, address, and phone number and the
1066 relative's relationship to the child. The protective
1067 investigator or case manager shall forward such request to the
1068 attorney for the department. The failure to provide notice to
1069 either a relative who requests it pursuant to this subsection or
1070 to a relative who is providing out-of-home care for a child may
1071 not result in any previous action of the court at any stage or
1072 proceeding in dependency or termination of parental rights under
1073 any part of this chapter being set aside, reversed, modified, or

576-04540-14

20141666c1

1074 in any way changed absent a finding by the court that a change
1075 is required in the child's best interests.

1076 (c) The department, in consultation with the judiciary,
1077 shall adopt by rule:

1078 1. Criteria that are factors requiring that the department
1079 take the child into custody, petition the court as provided in
1080 this chapter, or, if the child is not taken into custody or a
1081 petition is not filed with the court, conduct an administrative
1082 review. Such factors must include, but are not limited to,
1083 noncompliance with a safety plan or the case plan developed by
1084 the department, and the family under this chapter, and prior
1085 abuse reports with findings that involve the child, the child's
1086 sibling, or the child's caregiver.

1087 2. Requirements that if after an administrative review the
1088 department determines not to take the child into custody or
1089 petition the court, the department shall document the reason for
1090 its decision in writing and include it in the investigative
1091 file. For all cases that were accepted by the local law
1092 enforcement agency for criminal investigation pursuant to
1093 subsection (2), the department must include in the file written
1094 documentation that the administrative review included input from
1095 law enforcement. In addition, for all cases that must be
1096 referred to child protection teams pursuant to s. 39.303(2) and
1097 (3), the file must include written documentation that the
1098 administrative review included the results of the team's
1099 evaluation. ~~Factors that must be included in the development of~~
1100 ~~the rule include noncompliance with the case plan developed by~~
1101 ~~the department, or its agent, and the family under this chapter~~
1102 ~~and prior abuse reports with findings that involve the child or~~

576-04540-14

20141666c1

1103 ~~caregiver.~~1104 Section 9. Section 39.303, Florida Statutes, is amended to
1105 read:

1106 39.303 Child protection teams; services; eligible cases.—
1107 The Children’s Medical Services Program in the Department of
1108 Health shall develop, maintain, and coordinate the services of
1109 one or more multidisciplinary child protection teams in each of
1110 the service districts of the Department of Children and Families
1111 ~~Family Services~~. Such teams may be composed of appropriate
1112 representatives of school districts and appropriate health,
1113 mental health, social service, legal service, and law
1114 enforcement agencies. ~~The Legislature finds that optimal~~
1115 ~~coordination of child protection teams and sexual abuse~~
1116 ~~treatment programs requires collaboration between~~ The Department
1117 of Health and the Department of Children and Families ~~Family~~
1118 ~~Services~~. ~~The two departments~~ shall maintain an interagency
1119 agreement that establishes protocols for oversight and
1120 operations of child protection teams and sexual abuse treatment
1121 programs. The State Surgeon General and the Deputy Secretary for
1122 Children’s Medical Services, in consultation with the Secretary
1123 of Children and Families ~~Family Services~~, shall maintain the
1124 responsibility for the screening, employment, and, if necessary,
1125 the termination of child protection team medical directors, at
1126 headquarters and in the 15 districts. Child protection team
1127 medical directors shall be responsible for oversight of the
1128 teams in the districts.

1129 (1) The Department of Health shall use ~~utilize~~ and convene
1130 the teams to supplement the assessment and protective
1131 supervision activities of the family safety and preservation

576-04540-14

20141666c1

1132 program of the Department of Children and Families ~~Family~~
1133 ~~Services. Nothing in This section does not shall be construed to~~
1134 remove or reduce the duty and responsibility of any person to
1135 report pursuant to this chapter all suspected or actual cases of
1136 child abuse, abandonment, or neglect or sexual abuse of a child.
1137 The role of the teams shall be to support activities of the
1138 program and to provide services deemed by the teams to be
1139 necessary and appropriate to abused, abandoned, and neglected
1140 children upon referral. The specialized diagnostic assessment,
1141 evaluation, coordination, consultation, and other supportive
1142 services that a child protection team shall be capable of
1143 providing include, but are not limited to, the following:

1144 (a) Medical diagnosis and evaluation services, including
1145 provision or interpretation of X rays and laboratory tests, and
1146 related services, as needed, and documentation of related
1147 findings ~~relative thereto~~.

1148 (b) Telephone consultation services in emergencies and in
1149 other situations.

1150 (c) Medical evaluation related to abuse, abandonment, or
1151 neglect, as defined by policy or rule of the Department of
1152 Health.

1153 (d) Such psychological and psychiatric diagnosis and
1154 evaluation services for the child or the child's parent or
1155 parents, legal custodian or custodians, or other caregivers, or
1156 any other individual involved in a child abuse, abandonment, or
1157 neglect case, as the team may determine to be needed.

1158 (e) Expert medical, psychological, and related professional
1159 testimony in court cases.

1160 (f) Case staffings to develop treatment plans for children

576-04540-14

20141666c1

1161 whose cases have been referred to the team. A child protection
1162 team may provide consultation with respect to a child who is
1163 alleged or is shown to be abused, abandoned, or neglected, which
1164 consultation shall be provided at the request of a
1165 representative of the family safety and preservation program or
1166 at the request of any other professional involved with a child
1167 or the child's parent or parents, legal custodian or custodians,
1168 or other caregivers. In every such child protection team case
1169 staffing, consultation, or staff activity involving a child, a
1170 family safety and preservation program representative shall
1171 attend and participate.

1172 (g) Case service coordination and assistance, including the
1173 location of services available from other public and private
1174 agencies in the community.

1175 (h) Such training services for program and other employees
1176 of the Department of Children and Families ~~Family Services~~,
1177 employees of the Department of Health, and other medical
1178 professionals as is deemed appropriate to enable them to develop
1179 and maintain their professional skills and abilities in handling
1180 child abuse, abandonment, and neglect cases.

1181 (i) Educational and community awareness campaigns on child
1182 abuse, abandonment, and neglect in an effort to enable citizens
1183 more successfully to prevent, identify, and treat child abuse,
1184 abandonment, and neglect in the community.

1185 (j) Child protection team assessments that include, as
1186 appropriate, medical evaluations, medical consultations, family
1187 psychosocial interviews, specialized clinical interviews, or
1188 forensic interviews.

1189

576-04540-14

20141666c1

1190 All medical personnel participating on a child protection team
1191 must successfully complete the required child protection team
1192 training curriculum as set forth in protocols determined by the
1193 Deputy Secretary for Children's Medical Services and the
1194 Statewide Medical Director for Child Protection. A child
1195 protection team that is evaluating a report of medical neglect
1196 and assessing the health care needs of a medically complex child
1197 shall consult with a physician who has experience in treating
1198 children with the same condition.

1199 (2) The child abuse, abandonment, and neglect reports that
1200 must be referred by the department to child protection teams of
1201 the Department of Health for an assessment and other appropriate
1202 available support services as set forth in subsection (1) must
1203 include cases involving:

1204 (a) Injuries to the head, bruises to the neck or head,
1205 burns, or fractures in a child of any age.

1206 (b) Bruises anywhere on a child 5 years of age or under.

1207 (c) Any report alleging sexual abuse of a child.

1208 (d) Any sexually transmitted disease in a prepubescent
1209 child.

1210 (e) Reported malnutrition of a child and failure of a child
1211 to thrive.

1212 (f) Reported medical neglect of a child.

1213 (g) Any family in which one or more children have been
1214 pronounced dead on arrival at a hospital or other health care
1215 facility, or have been injured and later died, as a result of
1216 suspected abuse, abandonment, or neglect, when any sibling or
1217 other child remains in the home.

1218 (h) Symptoms of serious emotional problems in a child when

576-04540-14

20141666c1

1219 emotional or other abuse, abandonment, or neglect is suspected.

1220 (3) All abuse and neglect cases transmitted for
1221 investigation to a district by the hotline must be
1222 simultaneously transmitted to the Department of Health child
1223 protection team for review. For the purpose of determining
1224 whether face-to-face medical evaluation by a child protection
1225 team is necessary, all cases transmitted to the child protection
1226 team which meet the criteria in subsection (2) must be timely
1227 reviewed by:

1228 (a) A physician licensed under chapter 458 or chapter 459
1229 who holds board certification in pediatrics and is a member of a
1230 child protection team;

1231 (b) A physician licensed under chapter 458 or chapter 459
1232 who holds board certification in a specialty other than
1233 pediatrics, who may complete the review only when working under
1234 the direction of a physician licensed under chapter 458 or
1235 chapter 459 who holds board certification in pediatrics and is a
1236 member of a child protection team;

1237 (c) An advanced registered nurse practitioner licensed
1238 under chapter 464 who has a specialty ~~speciality~~ in pediatrics
1239 or family medicine and is a member of a child protection team;

1240 (d) A physician assistant licensed under chapter 458 or
1241 chapter 459, who may complete the review only when working under
1242 the supervision of a physician licensed under chapter 458 or
1243 chapter 459 who holds board certification in pediatrics and is a
1244 member of a child protection team; or

1245 (e) A registered nurse licensed under chapter 464, who may
1246 complete the review only when working under the direct
1247 supervision of a physician licensed under chapter 458 or chapter

576-04540-14

20141666c1

1248 459 who holds certification in pediatrics and is a member of a
1249 child protection team.

1250 (4) A face-to-face medical evaluation by a child protection
1251 team is not necessary when:

1252 (a) The child was examined for the alleged abuse or neglect
1253 by a physician who is not a member of the child protection team,
1254 and a consultation between the child protection team board-
1255 certified pediatrician, advanced registered nurse practitioner,
1256 physician assistant working under the supervision of a child
1257 protection team board-certified pediatrician, or registered
1258 nurse working under the direct supervision of a child protection
1259 team board-certified pediatrician, and the examining physician
1260 concludes that a further medical evaluation is unnecessary;

1261 (b) The child protective investigator, with supervisory
1262 approval, has determined, after conducting a child safety
1263 assessment, that there are no indications of injuries as
1264 described in paragraphs (2) (a)-(h) as reported; or

1265 (c) The child protection team board-certified pediatrician,
1266 as authorized in subsection (3), determines that a medical
1267 evaluation is not required.

1268
1269 Notwithstanding paragraphs (a), (b), and (c), a child protection
1270 team pediatrician, as authorized in subsection (3), may
1271 determine that a face-to-face medical evaluation is necessary.

1272 (5) In all instances in which a child protection team is
1273 providing certain services to abused, abandoned, or neglected
1274 children, other offices and units of the Department of Health,
1275 and offices and units of the Department of Children and Families
1276 ~~Family Services~~, shall avoid duplicating the provision of those

576-04540-14

20141666c1

1277 services.

1278 (6) The Department of Health child protection team quality
1279 assurance program and the Family Safety Program Office of the
1280 Department of Children and Families ~~Family Services' Family~~
1281 ~~Safety Program Office quality assurance program~~ shall
1282 collaborate to ensure referrals and responses to child abuse,
1283 abandonment, and neglect reports are appropriate. Each quality
1284 assurance program shall include a review of records in which
1285 there are no findings of abuse, abandonment, or neglect, and the
1286 findings of these reviews shall be included in each department's
1287 quality assurance reports.

1288 Section 10. Section 39.3068, Florida Statutes, is created
1289 to read:

1290 39.3068 Reports of medical neglect.-

1291 (1) Upon receiving a report alleging medical neglect, the
1292 department or sheriff's office shall assign the case to a child
1293 protective investigator who has specialized training in
1294 addressing medical neglect or working with medically complex
1295 children if such investigator is available. If a child
1296 protective investigator with specialized training is not
1297 available, the child protective investigator shall consult with
1298 department staff with such expertise.

1299 (2) The child protective investigator who has interacted
1300 with the child and the child's family shall promptly contact and
1301 provide information to the child protection team. The child
1302 protection team shall assist the child protective investigator
1303 in identifying immediate responses to address the medical needs
1304 of the child with the priority of maintaining the child in the
1305 home if the parents will be able to meet the needs of the child

576-04540-14

20141666c1

1306 with additional services. The child protective investigator and
1307 the child protection team must use a family-centered approach to
1308 assess the capacity of the family to meet those needs. A family-
1309 centered approach is intended to increase independence on the
1310 part of the family, accessibility to programs and services
1311 within the community, and collaboration between families and
1312 their service providers. The ethnic, cultural, economic, racial,
1313 social, and religious diversity of families must be respected
1314 and considered in the development and provision of services.

1315 (3) The child shall be evaluated by the child protection
1316 team as soon as practicable. After receipt of the report from
1317 the child protection team, the department shall convene a case
1318 staffing which shall be attended, at a minimum, by the child
1319 protective investigator; department legal staff; and
1320 representatives from the child protection team that evaluated
1321 the child, Children's Medical Services, the Agency for Health
1322 Care Administration, the community-based care lead agency, and
1323 any providers of services to the child. However, the Agency for
1324 Health Care Administration is not required to attend the
1325 staffing if the child is not Medicaid eligible. The staffing
1326 shall consider, at a minimum, available services, given the
1327 family's eligibility for services; services that are effective
1328 in addressing conditions leading to medical neglect allegations;
1329 and services that would enable the child to safely remain at
1330 home. Any services that are available and effective shall be
1331 provided.

1332 Section 11. Section 39.307, Florida Statutes, is amended to
1333 read:

1334 39.307 Reports of child-on-child sexual abuse.—

576-04540-14

20141666c1

1335 (1) Upon receiving a report alleging juvenile sexual abuse
1336 or inappropriate sexual behavior as defined in s. 39.01(7), the
1337 department shall assist the family, child, and caregiver in
1338 receiving appropriate services to address the allegations of the
1339 report.

1340 (a) The department shall ensure that information describing
1341 the child's history of child sexual abuse is included in the
1342 child's electronic record. This record must also include
1343 information describing the services the child has received as a
1344 result of his or her involvement with child sexual abuse.

1345 (b) Placement decisions for a child who has been involved
1346 with child sexual abuse must include consideration of the needs
1347 of the child and any other children in the placement.

1348 (c) The department shall monitor the occurrence of child
1349 sexual abuse and the provision of services to children involved
1350 in child sexual abuse, juvenile sexual abuse, or who have
1351 displayed inappropriate sexual behavior.

1352 (2) The department, contracted sheriff's office providing
1353 protective investigation services, or contracted case management
1354 personnel responsible for providing services, at a minimum,
1355 shall adhere to the following procedures:

1356 (a) The purpose of the response to a report alleging
1357 juvenile sexual abuse behavior or inappropriate sexual behavior
1358 shall be explained to the caregiver.

1359 1. The purpose of the response shall be explained in a
1360 manner consistent with legislative purpose and intent provided
1361 in this chapter.

1362 2. The name and office telephone number of the person
1363 responding shall be provided to the caregiver of the alleged

576-04540-14

20141666c1

1364 abuser ~~juvenile sexual offender~~ or child who has exhibited
1365 inappropriate sexual behavior and the victim's caregiver.

1366 3. The possible consequences of the department's response,
1367 including outcomes and services, shall be explained to the
1368 caregiver of the alleged abuser ~~juvenile sexual offender~~ or
1369 child who has exhibited inappropriate sexual behavior and the
1370 victim's caregiver.

1371 (b) The caregiver of the alleged abuser ~~juvenile sexual~~
1372 ~~offender~~ or child who has exhibited inappropriate sexual
1373 behavior and the victim's caregiver shall be involved to the
1374 fullest extent possible in determining the nature of the sexual
1375 behavior concerns and the nature of any problem or risk to other
1376 children.

1377 (c) The assessment of risk and the perceived treatment
1378 needs of the alleged abuser ~~juvenile sexual offender~~ or child
1379 who has exhibited inappropriate sexual behavior, the victim, and
1380 respective caregivers shall be conducted by the district staff,
1381 the child protection team of the Department of Health, and other
1382 providers under contract with the department to provide services
1383 to the caregiver of the alleged offender, the victim, and the
1384 victim's caregiver.

1385 (d) The assessment shall be conducted in a manner that is
1386 sensitive to the social, economic, and cultural environment of
1387 the family.

1388 (e) If necessary, the child protection team of the
1389 Department of Health shall conduct a physical examination of the
1390 victim, which is sufficient to meet forensic requirements.

1391 (f) Based on the information obtained from the alleged
1392 abuser ~~juvenile sexual offender~~ or child who has exhibited

576-04540-14

20141666c1

1393 inappropriate sexual behavior, his or her caregiver, the victim,
1394 and the victim's caregiver, an assessment of service and
1395 treatment needs must be completed and, if needed, a case plan
1396 developed within 30 days.

1397 (g) The department shall classify the outcome of the report
1398 as follows:

1399 1. Report closed. Services were not offered because the
1400 department determined that there was no basis for intervention.

1401 2. Services accepted by alleged abuser ~~juvenile sexual~~
1402 ~~offender~~. Services were offered to the alleged abuser ~~juvenile~~
1403 ~~sexual offender~~ or child who has exhibited inappropriate sexual
1404 behavior and accepted by the caregiver.

1405 3. Report closed. Services were offered to the alleged
1406 abuser ~~juvenile sexual offender~~ or child who has exhibited
1407 inappropriate sexual behavior, but were rejected by the
1408 caregiver.

1409 4. Notification to law enforcement. The risk to the
1410 victim's safety and well-being cannot be reduced by the
1411 provision of services or the caregiver rejected services, and
1412 notification of the alleged delinquent act or violation of law
1413 to the appropriate law enforcement agency was initiated.

1414 5. Services accepted by victim. Services were offered to
1415 the victim and accepted by the caregiver.

1416 6. Report closed. Services were offered to the victim but
1417 were rejected by the caregiver.

1418 (3) If services have been accepted by the alleged abuser
1419 ~~juvenile sexual offender~~ or child who has exhibited
1420 inappropriate sexual behavior, the victim, and respective
1421 caregivers, the department shall designate a case manager and

576-04540-14

20141666c1

1422 develop a specific case plan.

1423 (a) Upon receipt of the plan, the caregiver shall indicate
1424 its acceptance of the plan in writing.

1425 (b) The case manager shall periodically review the progress
1426 toward achieving the objectives of the plan in order to:

1427 1. Make adjustments to the plan or take additional action
1428 as provided in this part; or

1429 2. Terminate the case if indicated by successful or
1430 substantial achievement of the objectives of the plan.

1431 (4) Services provided to the alleged abuser ~~juvenile sexual~~
1432 ~~offender~~ or child who has exhibited inappropriate sexual
1433 behavior, the victim, and respective caregivers or family must
1434 be voluntary and of necessary duration.

1435 (5) If the family or caregiver of the alleged abuser
1436 ~~juvenile sexual offender~~ or child who has exhibited
1437 inappropriate sexual behavior fails to adequately participate or
1438 allow for the adequate participation of the child in the
1439 services or treatment delineated in the case plan, the case
1440 manager may recommend that the department:

1441 (a) Close the case;

1442 (b) Refer the case to mediation or arbitration, if
1443 available; or

1444 (c) Notify the appropriate law enforcement agency of
1445 failure to comply.

1446 (6) At any time, as a result of additional information,
1447 findings of facts, or changing conditions, the department may
1448 pursue a child protective investigation as provided in this
1449 chapter.

1450 (7) The department may adopt ~~is authorized to develop~~ rules

576-04540-14

20141666c1

1451 ~~and other policy directives necessary to~~ administer ~~implement~~
1452 ~~the provisions of~~ this section.

1453 Section 12. Paragraph (h) of subsection (8) and subsection
1454 (9) of section 39.402, Florida Statutes, are amended to read:
1455 39.402 Placement in a shelter.-

1456 (8)

1457 (h) The order for placement of a child in shelter care must
1458 identify the parties present at the hearing and must contain
1459 written findings:

1460 1. That placement in shelter care is necessary based on the
1461 criteria in subsections (1) and (2).

1462 2. That placement in shelter care is in the best interest
1463 of the child.

1464 3. That continuation of the child in the home is contrary
1465 to the welfare of the child because the home situation presents
1466 a substantial and immediate danger to the child's physical,
1467 mental, or emotional health or safety which cannot be mitigated
1468 by the provision of preventive services.

1469 4. That based upon the allegations of the petition for
1470 placement in shelter care, there is probable cause to believe
1471 that the child is dependent or that the court needs additional
1472 time, which may not exceed 72 hours, in which to obtain and
1473 review documents pertaining to the family in order to
1474 appropriately determine the risk to the child.

1475 5. That the department has made reasonable efforts to
1476 prevent or eliminate the need for removal of the child from the
1477 home. A finding of reasonable effort by the department to
1478 prevent or eliminate the need for removal may be made and the
1479 department is deemed to have made reasonable efforts to prevent

576-04540-14

20141666c1

1480 or eliminate the need for removal if:

1481 a. The first contact of the department with the family
1482 occurs during an emergency;

1483 b. The appraisal of the home situation by the department
1484 indicates that the home situation presents a substantial and
1485 immediate danger to the child's physical, mental, or emotional
1486 health or safety which cannot be mitigated by the provision of
1487 preventive services;

1488 c. The child cannot safely remain at home, either because
1489 there are no preventive services that can ensure the health and
1490 safety of the child or because, even with appropriate and
1491 available services being provided, the health and safety of the
1492 child cannot be ensured; or

1493 d. The parent or legal custodian is alleged to have
1494 committed any of the acts listed as grounds for expedited
1495 termination of parental rights in s. 39.806(1)(f)-(i).

1496 6. That the department has made reasonable efforts to keep
1497 siblings together if they are removed and placed in out-of-home
1498 care unless such placement is not in the best interest of each
1499 child. Reasonable efforts shall include short-term placement in
1500 a group home with the ability to accommodate sibling groups if
1501 such a placement is available. The department shall report to
1502 the court its efforts to place siblings together unless the
1503 court finds that such placement is not in the best interest of a
1504 child or his or her sibling.

1505 ~~7.6.~~ That the court notified the parents, relatives that
1506 are providing out-of-home care for the child, or legal
1507 custodians of the time, date, and location of the next
1508 dependency hearing and of the importance of the active

576-04540-14

20141666c1

1509 participation of the parents, relatives that are providing out-
1510 of-home care for the child, or legal custodians in all
1511 proceedings and hearings.

1512 ~~8.7.~~ That the court notified the parents or legal
1513 custodians of their right to counsel to represent them at the
1514 shelter hearing and at each subsequent hearing or proceeding,
1515 and the right of the parents to appointed counsel, pursuant to
1516 the procedures set forth in s. 39.013.

1517 ~~9.8.~~ That the court notified relatives who are providing
1518 out-of-home care for a child as a result of the shelter petition
1519 being granted that they have the right to attend all subsequent
1520 hearings, to submit reports to the court, and to speak to the
1521 court regarding the child, if they so desire.

1522 (9) (a) At any shelter hearing, the department shall provide
1523 to the court a recommendation for scheduled contact between the
1524 child and parents, if appropriate. The court shall determine
1525 visitation rights absent a clear and convincing showing that
1526 visitation is not in the best interest of the child. Any order
1527 for visitation or other contact must conform to ~~the provisions~~
1528 ~~of~~ s. 39.0139. If visitation is ordered but will not commence
1529 within 72 hours of the shelter hearing, the department shall
1530 provide justification to the court.

1531 (b) If siblings who are removed from the home cannot be
1532 placed together, the department shall provide to the court a
1533 recommendation for frequent visitation or other ongoing
1534 interaction between the siblings unless this interaction would
1535 be contrary to a sibling's safety or well-being. If visitation
1536 among siblings is ordered but will not commence within 72 hours
1537 after the shelter hearing, the department shall provide

576-04540-14

20141666c1

1538 justification to the court for the delay.

1539 Section 13. Paragraph (d) of subsection (3) of section
1540 39.501, Florida Statutes, is amended to read:

1541 39.501 Petition for dependency.—

1542 (3)

1543 (d) The petitioner must state in the petition, if known,
1544 whether:

1545 1. A parent or legal custodian named in the petition has
1546 previously unsuccessfully participated in voluntary services
1547 offered by the department;

1548 2. A parent or legal custodian named in the petition has
1549 participated in mediation and whether a mediation agreement
1550 exists;

1551 3. A parent or legal custodian has rejected the voluntary
1552 services offered by the department;

1553 4. A parent or legal custodian named in the petition has
1554 not fully complied with a safety plan; or

1555 ~~5.4.~~ The department has determined that voluntary services
1556 are not appropriate for the parent or legal custodian and the
1557 reasons for such determination.

1558
1559 If the department is the petitioner, it shall provide all safety
1560 plans as defined in s. 39.01 involving the parent or legal
1561 custodian to the court.

1562 Section 14. Paragraph (a) of subsection (4) of section
1563 39.504, Florida Statutes, is amended to read:

1564 39.504 Injunction pending disposition of petition;
1565 penalty.—

1566 (4) If an injunction is issued under this section, the

576-04540-14

20141666c1

1567 primary purpose of the injunction must be to protect and promote
1568 the best interests of the child, taking the preservation of the
1569 child's immediate family into consideration.

1570 (a) The injunction applies to the alleged or actual
1571 offender in a case of child abuse or acts of domestic violence.
1572 The conditions of the injunction shall be determined by the
1573 court, which may include ordering the alleged or actual offender
1574 to:

- 1575 1. Refrain from further abuse or acts of domestic violence.
- 1576 2. Participate in a specialized treatment program.
- 1577 3. Limit contact or communication with the child victim,
1578 other children in the home, or any other child.
- 1579 4. Refrain from contacting the child at home, school, work,
1580 or wherever the child may be found.
- 1581 5. Have limited or supervised visitation with the child.
- 1582 6. Vacate the home in which the child resides.
- 1583 7. Comply with the terms of a safety plan implemented in
1584 the injunction pursuant to s. 39.301.

1585 Section 15. Section 39.5085, Florida Statutes, is amended
1586 to read:

1587 39.5085 Relative Caregiver Program.—

1588 (1) It is the intent of the Legislature in enacting this
1589 section to:

1590 (a) Provide for the establishment of procedures and
1591 protocols that serve to advance the continued safety of children
1592 by acknowledging the valued resource uniquely available through
1593 grandparents, ~~and~~ relatives of children, and specified
1594 nonrelatives of children pursuant to subparagraph (2)(a)3.

1595 (b) Recognize family relationships in which a grandparent

576-04540-14

20141666c1

1596 or other relative is the head of a household that includes a
1597 child otherwise at risk of foster care placement.

1598 (c) Enhance family preservation and stability by
1599 recognizing that most children in such placements with
1600 grandparents and other relatives do not need intensive
1601 supervision of the placement by the courts or by the department.

1602 (d) Recognize that permanency in the best interests of the
1603 child can be achieved through a variety of permanency options,
1604 including permanent guardianship under s. 39.6221 if the
1605 guardian is a relative, by permanent placement with a fit and
1606 willing relative under s. 39.6231, by a relative, guardianship
1607 under chapter 744, or adoption, by providing additional
1608 placement options and incentives that will achieve permanency
1609 and stability for many children who are otherwise at risk of
1610 foster care placement because of abuse, abandonment, or neglect,
1611 but who may successfully be able to be placed by the dependency
1612 court in the care of such relatives.

1613 (e) Reserve the limited casework and supervisory resources
1614 of the courts and the department for those cases in which
1615 children do not have the option for safe, stable care within the
1616 family.

1617 (f) Recognize that a child may have a close relationship
1618 with a person who is not a blood relative or a relative by
1619 marriage and that such person should be eligible for financial
1620 assistance under this section if he or she is able and willing
1621 to care for the child and provide a safe, stable home
1622 environment.

1623 (2) (a) The Department of Children and Families ~~Family~~
1624 ~~Services~~ shall establish and operate the Relative Caregiver

576-04540-14

20141666c1

1625 Program pursuant to eligibility guidelines established in this
1626 section as further implemented by rule of the department. The
1627 Relative Caregiver Program shall, within the limits of available
1628 funding, provide financial assistance to:

1629 1. Relatives who are within the fifth degree by blood or
1630 marriage to the parent or stepparent of a child and who are
1631 caring full-time for that dependent child in the role of
1632 substitute parent as a result of a court's determination of
1633 child abuse, neglect, or abandonment and subsequent placement
1634 with the relative under this chapter.

1635 2. Relatives who are within the fifth degree by blood or
1636 marriage to the parent or stepparent of a child and who are
1637 caring full-time for that dependent child, and a dependent half-
1638 brother or half-sister of that dependent child, in the role of
1639 substitute parent as a result of a court's determination of
1640 child abuse, neglect, or abandonment and subsequent placement
1641 with the relative under this chapter.

1642 3. Nonrelatives who are willing to assume custody and care
1643 of a dependent child in the role of substitute parent as a
1644 result of a court's determination of child abuse, neglect, or
1645 abandonment and subsequent placement with the nonrelative
1646 caregiver under this chapter. The court must find that a
1647 proposed placement under this subparagraph is in the best
1648 interest of the child.

1649
1650 The placement may be court-ordered temporary legal custody to
1651 the relative or nonrelative under protective supervision of the
1652 department pursuant to s. 39.521(1)(b)3., or court-ordered
1653 placement in the home of a relative or nonrelative as a

576-04540-14

20141666c1

1654 permanency option under s. 39.6221 or s. 39.6231 or under former
1655 s. 39.622 if the placement was made before July 1, 2006. The
1656 Relative Caregiver Program shall offer financial assistance to
1657 caregivers ~~who are relatives and~~ who would be unable to serve in
1658 that capacity without the ~~relative~~ caregiver payment because of
1659 financial burden, thus exposing the child to the trauma of
1660 placement in a shelter or in foster care.

1661 (b) Caregivers ~~who are relatives and~~ who receive assistance
1662 under this section must be capable, as determined by a home
1663 study, of providing a physically safe environment and a stable,
1664 supportive home for the children under their care, and must
1665 assure that the children's well-being is met, including, but not
1666 limited to, the provision of immunizations, education, and
1667 mental health services as needed.

1668 (c) Relatives or nonrelatives who qualify for and
1669 participate in the Relative Caregiver Program are not required
1670 to meet foster care licensing requirements under s. 409.175.

1671 (d) Relatives or nonrelatives who are caring for children
1672 placed with them by the court pursuant to this chapter shall
1673 receive a special monthly ~~relative~~ caregiver benefit established
1674 by rule of the department. The amount of the special benefit
1675 payment shall be based on the child's age within a payment
1676 schedule established by rule of the department and subject to
1677 availability of funding. The statewide average monthly rate for
1678 children judicially placed with relatives or nonrelatives who
1679 are not licensed as foster homes may not exceed 82 percent of
1680 the statewide average foster care rate, and ~~nor may~~ the cost of
1681 providing the assistance described in this section to any
1682 ~~relative~~ caregiver may not exceed the cost of providing out-of-

576-04540-14

20141666c1

1683 home care in emergency shelter or foster care.

1684 (e) Children receiving cash benefits under this section are
1685 not eligible to simultaneously receive WAGES cash benefits under
1686 chapter 414.

1687 (f) Within available funding, the Relative Caregiver
1688 Program shall provide ~~relative~~ caregivers with family support
1689 and preservation services, flexible funds in accordance with s.
1690 409.165, school readiness, and other available services in order
1691 to support the child's safety, growth, and healthy development.
1692 Children living with ~~relative~~ caregivers who are receiving
1693 assistance under this section shall be eligible for Medicaid
1694 coverage.

1695 (g) The department may use appropriate available state,
1696 federal, and private funds to operate the Relative Caregiver
1697 Program. The department may develop liaison functions to be
1698 available to relatives or nonrelatives who care for children
1699 pursuant to this chapter to ensure placement stability in
1700 extended family settings.

1701 Section 16. Subsections (3) and (4) of section 39.604,
1702 Florida Statutes, are amended to read:

1703 39.604 Rilya Wilson Act; short title; legislative intent;
1704 requirements; attendance and reporting responsibilities.-

1705 (3) REQUIREMENTS.-A child from birth to the age of ~~who is~~
1706 ~~age 3 years to~~ school entry, under court-ordered ~~court-ordered~~
1707 protective supervision or in the custody of the Family Safety
1708 Program Office of the Department of Children and Families ~~Family~~
1709 ~~Services~~ or a community-based lead agency, and enrolled in a
1710 licensed early education or child care program must attend ~~be~~
1711 ~~enrolled to participate in~~ the program 5 days a week.

576-04540-14

20141666c1

1712 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of
1713 Children and Families ~~Family Services~~ must notify operators of
1714 the licensed early education or child care program, subject to
1715 the reporting requirements of this act, of the enrollment of any
1716 child from birth to the age of age 3 years to school entry,
1717 under court-ordered ~~court-ordered~~ protective supervision or in
1718 the custody of the Family Safety Program Office of the
1719 Department of Children and Families ~~Family Services~~ or a
1720 community-based lead agency. When a child is enrolled in an
1721 early education or child care program regulated by the
1722 department, the child's attendance in the program must be a
1723 required action in the safety plan or the case plan developed
1724 for the ~~a~~ child pursuant to this chapter ~~who is enrolled in a~~
1725 ~~licensed early education or child care program must contain the~~
1726 ~~participation in this program as a required action.~~ An exemption
1727 to participating in the licensed early education or child care
1728 program 5 days a week may be granted by the court.

1729 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1730 (a) A child enrolled in a licensed early education or child
1731 care program who meets the requirements of subsection (3) may
1732 not be withdrawn from the program without the prior written
1733 approval of the Family Safety Program Office of the Department
1734 of Children and Families ~~Family Services~~ or the community-based
1735 lead agency.

1736 (b)1. If a child covered by this section is absent from the
1737 program on a day when he or she is supposed to be present, the
1738 person with whom the child resides must report the absence to
1739 the program by the end of the business day. If the person with
1740 whom the child resides, whether the parent or caregiver, fails

576-04540-14

20141666c1

1741 to timely report the absence, the absence is considered to be
1742 unexcused. The program shall report any unexcused absence or
1743 seven consecutive excused absences of a child who is enrolled in
1744 the program and covered by this act to the local designated
1745 staff of the Family Safety Program Office of the Department of
1746 Children and Families ~~Family Services~~ or the community-based
1747 lead agency by the end of the business day following the
1748 unexcused absence or seventh consecutive excused absence.

1749 2. The department or community-based lead agency shall
1750 conduct a site visit to the residence of the child upon
1751 receiving a report of two consecutive unexcused absences or
1752 seven consecutive excused absences.

1753 3. If the site visit results in a determination that the
1754 child is missing, the department or community-based lead agency
1755 shall report the child as missing to a law enforcement agency
1756 and proceed with the necessary actions to locate the child
1757 pursuant to procedures for locating missing children.

1758 4. If the site visit results in a determination that the
1759 child is not missing, the parent or caregiver shall be notified
1760 that failure to ensure that the child attends the licensed early
1761 education or child care program is a violation of the safety
1762 plan or the case plan. If more than two site visits are
1763 conducted pursuant to this subsection, staff shall initiate
1764 action to notify the court of the parent or caregiver's
1765 noncompliance with the case plan.

1766 Section 17. Paragraph (c) of subsection (2) and paragraph
1767 (a) of subsection (3) of section 39.701, Florida Statutes, are
1768 amended to read:

1769 39.701 Judicial review.—

576-04540-14

20141666c1

1770 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1771 AGE.—

1772 (c) *Review determinations.*—The court and any citizen review
1773 panel shall take into consideration the information contained in
1774 the social services study and investigation and all medical,
1775 psychological, and educational records that support the terms of
1776 the case plan; testimony by the social services agency, the
1777 parent, the foster parent or legal custodian, the guardian ad
1778 litem or surrogate parent for educational decisionmaking if one
1779 has been appointed for the child, and any other person deemed
1780 appropriate; and any relevant and material evidence submitted to
1781 the court, including written and oral reports to the extent of
1782 their probative value. These reports and evidence may be
1783 received by the court in its effort to determine the action to
1784 be taken with regard to the child and may be relied upon to the
1785 extent of their probative value, even though not competent in an
1786 adjudicatory hearing. In its deliberations, the court and any
1787 citizen review panel shall seek to determine:

1788 1. If the parent was advised of the right to receive
1789 assistance from any person or social service agency in the
1790 preparation of the case plan.

1791 2. If the parent has been advised of the right to have
1792 counsel present at the judicial review or citizen review
1793 hearings. If not so advised, the court or citizen review panel
1794 shall advise the parent of such right.

1795 3. If a guardian ad litem needs to be appointed for the
1796 child in a case in which a guardian ad litem has not previously
1797 been appointed or if there is a need to continue a guardian ad
1798 litem in a case in which a guardian ad litem has been appointed.

576-04540-14

20141666c1

1799 4. Who holds the rights to make educational decisions for
1800 the child. If appropriate, the court may refer the child to the
1801 district school superintendent for appointment of a surrogate
1802 parent or may itself appoint a surrogate parent under the
1803 Individuals with Disabilities Education Act and s. 39.0016.

1804 5. The compliance or lack of compliance of all parties with
1805 applicable items of the case plan, including the parents'
1806 compliance with child support orders.

1807 6. The compliance or lack of compliance with a visitation
1808 contract between the parent and the social service agency for
1809 contact with the child, including the frequency, duration, and
1810 results of the parent-child visitation and the reason for any
1811 noncompliance.

1812 7. The frequency, kind, and duration of contacts among
1813 siblings who have been separated during placement, as well as
1814 any efforts undertaken to reunite separated siblings if doing so
1815 is in the best interest of the child.

1816 ~~8.7.~~ The compliance or lack of compliance of the parent in
1817 meeting specified financial obligations pertaining to the care
1818 of the child, including the reason for failure to comply, if
1819 applicable ~~such is the case.~~

1820 ~~9.8.~~ Whether the child is receiving safe and proper care
1821 according to s. 39.6012, including, but not limited to, the
1822 appropriateness of the child's current placement, including
1823 whether the child is in a setting that is as family-like and as
1824 close to the parent's home as possible, consistent with the
1825 child's best interests and special needs, and including
1826 maintaining stability in the child's educational placement, as
1827 documented by assurances from the community-based care provider

576-04540-14

20141666c1

1828 that:

1829 a. The placement of the child takes into account the
1830 appropriateness of the current educational setting and the
1831 proximity to the school in which the child is enrolled at the
1832 time of placement.

1833 b. The community-based care agency has coordinated with
1834 appropriate local educational agencies to ensure that the child
1835 remains in the school in which the child is enrolled at the time
1836 of placement.

1837 ~~10.9.~~ A projected date likely for the child's return home
1838 or other permanent placement.

1839 ~~11.10.~~ When appropriate, the basis for the unwillingness or
1840 inability of the parent to become a party to a case plan. The
1841 court and the citizen review panel shall determine if the
1842 efforts of the social service agency to secure party
1843 participation in a case plan were sufficient.

1844 ~~12.11.~~ For a child who has reached 13 years of age but is
1845 not yet 18 years of age, the adequacy of the child's preparation
1846 for adulthood and independent living.

1847 ~~13.12.~~ If amendments to the case plan are required.
1848 Amendments to the case plan must be made under s. 39.6013.

1849 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1850 (a) In addition to the review and report required under
1851 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
1852 a judicial review hearing within 90 days after a child's 17th
1853 birthday. The court shall also issue an order, separate from the
1854 order on judicial review, that the disability of nonage of the
1855 child has been removed pursuant to ss. 743.044, 743.045, and
1856 743.046, and for any of these disabilities that the court finds

576-04540-14

20141666c1

1857 is in the child's best interest to remove. The court s. 743.045
1858 ~~and~~ shall continue to hold timely judicial review hearings. If
1859 necessary, the court may review the status of the child more
1860 frequently during the year before the child's 18th birthday. At
1861 each review hearing held under this subsection, in addition to
1862 any information or report provided to the court by the foster
1863 parent, legal custodian, or guardian ad litem, the child shall
1864 be given the opportunity to address the court with any
1865 information relevant to the child's best interest, particularly
1866 in relation to independent living transition services. The
1867 department shall include in the social study report for judicial
1868 review written verification that the child has:

1869 1. A current Medicaid card and all necessary information
1870 concerning the Medicaid program sufficient to prepare the child
1871 to apply for coverage upon reaching the age of 18, if such
1872 application is appropriate.

1873 2. A certified copy of the child's birth certificate and,
1874 if the child does not have a valid driver license, a Florida
1875 identification card issued under s. 322.051.

1876 3. A social security card and information relating to
1877 social security insurance benefits if the child is eligible for
1878 those benefits. If the child has received such benefits and they
1879 are being held in trust for the child, a full accounting of
1880 these funds must be provided and the child must be informed as
1881 to how to access those funds.

1882 4. All relevant information related to the Road-to-
1883 Independence Program, including, but not limited to, eligibility
1884 requirements, information on participation, and assistance in
1885 gaining admission to the program. If the child is eligible for

576-04540-14

20141666c1

1886 the Road-to-Independence Program, he or she must be advised that
1887 he or she may continue to reside with the licensed family home
1888 or group care provider with whom the child was residing at the
1889 time the child attained his or her 18th birthday, in another
1890 licensed family home, or with a group care provider arranged by
1891 the department.

1892 5. An open bank account or the identification necessary to
1893 open a bank account and to acquire essential banking and
1894 budgeting skills.

1895 6. Information on public assistance and how to apply for
1896 public assistance.

1897 7. A clear understanding of where he or she will be living
1898 on his or her 18th birthday, how living expenses will be paid,
1899 and the educational program or school in which he or she will be
1900 enrolled.

1901 8. Information related to the ability of the child to
1902 remain in care until he or she reaches 21 years of age under s.
1903 39.013.

1904 9. A letter providing the dates that the child is under the
1905 jurisdiction of the court.

1906 10. A letter stating that the child is in compliance with
1907 financial aid documentation requirements.

1908 11. The child's educational records.

1909 12. The child's entire health and mental health records.

1910 13. The process for accessing his or her case file.

1911 14. A statement encouraging the child to attend all
1912 judicial review hearings occurring after the child's 17th
1913 birthday.

1914 Section 18. Subsection (2) of section 39.802, Florida

576-04540-14

20141666c1

1915 Statutes, is amended to read:

1916 39.802 Petition for termination of parental rights; filing;
1917 elements.—

1918 (2) The form of the petition is governed by the Florida
1919 Rules of Juvenile Procedure. The petition must be in writing and
1920 signed by the petitioner ~~or, if the department is the~~
1921 ~~petitioner, by an employee of the department,~~ under oath stating
1922 the petitioner's good faith in filing the petition.

1923 Section 19. Paragraphs (e), (f), and (h) of subsection (1)
1924 of section 39.806, Florida Statutes, are amended, and paragraph
1925 (n) is added to that subsection, to read:

1926 39.806 Grounds for termination of parental rights.—

1927 (1) Grounds for the termination of parental rights may be
1928 established under any of the following circumstances:

1929 (e) When a child has been adjudicated dependent, a case
1930 plan has been filed with the court, and:

1931 1. The child continues to be abused, neglected, or
1932 abandoned by the parent or parents. The failure of the parent or
1933 parents to substantially comply with the case plan for a period
1934 of 12 months after an adjudication of the child as a dependent
1935 child or the child's placement into shelter care, whichever
1936 occurs first, constitutes evidence of continuing abuse, neglect,
1937 or abandonment unless the failure to substantially comply with
1938 the case plan was due to the parent's lack of financial
1939 resources or to the failure of the department to make reasonable
1940 efforts to reunify the parent and child. The 12-month period
1941 begins to run only after the child's placement into shelter care
1942 or the entry of a disposition order placing the custody of the
1943 child with the department or a person other than the parent and

576-04540-14

20141666c1

1944 the court's approval of a case plan having the goal of
1945 reunification with the parent, whichever occurs first; or

1946 2. The parent or parents have materially breached the case
1947 plan. Time is of the essence for permanency of children in the
1948 dependency system. In order to prove the parent or parents have
1949 materially breached the case plan, the court must find by clear
1950 and convincing evidence that the parent or parents are unlikely
1951 or unable to substantially comply with the case plan before time
1952 to comply with the case plan expires.

1953 3. The child has been in care for any 12 of the last 22
1954 months and the parents have not substantially complied with the
1955 case plan so as to permit reunification under s. 39.522(2)
1956 unless the failure to substantially comply with the case plan
1957 was due to the parent's lack of financial resources or to the
1958 failure of the department to make reasonable efforts to reunify
1959 the parent and child.

1960 (f) The parent or parents engaged in egregious conduct or
1961 had the opportunity and capability to prevent and knowingly
1962 failed to prevent egregious conduct that threatens the life,
1963 safety, or physical, mental, or emotional health of the child or
1964 the child's sibling. Proof of a nexus between egregious conduct
1965 to a child and the potential harm to the child's sibling is not
1966 required.

1967 1. As used in this subsection, the term "sibling" means
1968 another child who resides with or is cared for by the parent or
1969 parents regardless of whether the child is related legally or by
1970 consanguinity.

1971 2. As used in this subsection, the term "egregious conduct"
1972 means abuse, abandonment, neglect, or any other conduct that is

576-04540-14

20141666c1

1973 deplorable, flagrant, or outrageous by a normal standard of
 1974 conduct. Egregious conduct may include an act or omission that
 1975 occurred only once but was of such intensity, magnitude, or
 1976 severity as to endanger the life of the child.

1977 (h) The parent or parents have committed the murder,
 1978 manslaughter, aiding or abetting the murder, or conspiracy or
 1979 solicitation to murder the other parent or another child, or a
 1980 felony battery that resulted in serious bodily injury to the
 1981 child or to another child. Proof of a nexus between the murder,
 1982 manslaughter, aiding or abetting the murder, or conspiracy or
 1983 solicitation to murder the other parent or another child, or a
 1984 felony battery to a child and the potential harm to a child or
 1985 another child is not required.

1986 (n) The parent is convicted of an offense that requires the
 1987 parent to register as a sexual predator under s. 775.21.

1988 Section 20. Paragraph (g) of subsection (1) and subsection
 1989 (8) of section 63.212, Florida Statutes, are amended to read:

1990 63.212 Prohibited acts; penalties for violation.—

1991 (1) It is unlawful for any person:

1992 (g) Except an adoption entity, to place an advertisement
 1993 ~~advertise~~ or offer to the public, in any way, by any medium
 1994 whatever that a minor is available for adoption or that a minor
 1995 is sought for adoption; and, further, it is unlawful for any
 1996 person purchasing advertising space or purchasing broadcast time
 1997 to advertise adoption services to fail to include in any
 1998 publication ~~publish~~ or fail to include in the broadcast for any
 1999 such advertisement ~~the~~ ~~or assist an unlicensed person or entity~~
 2000 ~~in publishing or broadcasting any such advertisement without~~
 2001 ~~including a Florida license number of the~~ adoption entity ~~agency~~

576-04540-14

20141666c1

2002 or the Florida Bar number of the attorney placing the
2003 advertisement.

2004 1. Only a person who is an attorney licensed to practice
2005 law in this state or an adoption entity licensed under the laws
2006 of this state may place a paid advertisement or paid listing of
2007 the person's telephone number, on the person's own behalf, in a
2008 telephone directory that:

2009 a. A child is offered or wanted for adoption; or

2010 b. The person is able to place, locate, or receive a child
2011 for adoption.

2012 2. A person who publishes a telephone directory that is
2013 distributed in this state:

2014 ~~a.~~ shall include, at the beginning of any classified
2015 heading for adoption and adoption services, a statement that
2016 informs directory users that only attorneys licensed to practice
2017 law in this state and licensed adoption entities may legally
2018 provide adoption services under state law.

2019 ~~3.b.~~ A person who places ~~may publish~~ an advertisement
2020 described in subparagraph 1. in a ~~the~~ telephone directory must
2021 include ~~only if the advertisement contains~~ the following
2022 information:

2023 a.~~(I)~~ For an attorney licensed to practice law in this
2024 state, the person's Florida Bar number.

2025 b.~~(II)~~ For a child-placing ~~child-placing~~ agency licensed
2026 under the laws of this state, the number on the person's
2027 adoption entity license.

2028 (8) Unless otherwise indicated, a person who willfully and
2029 with criminal intent violates any provision of this section,
2030 excluding paragraph (1)(g), commits a felony of the third

576-04540-14

20141666c1

2031 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2032 775.084. A person who willfully and with criminal intent
2033 violates paragraph (1)(g) commits a misdemeanor of the second
2034 degree, punishable as provided in s. 775.083; and each day of
2035 continuing violation shall be considered a separate offense. ~~In~~
2036 ~~addition, any person who knowingly publishes or assists with the~~
2037 ~~publication of any advertisement or other publication which~~
2038 ~~violates the requirements of paragraph (1)(g) commits a~~
2039 ~~misdemeanor of the second degree, punishable as provided in s.~~
2040 ~~775.083, and may be required to pay a fine of up to \$150 per day~~
2041 ~~for each day of continuing violation.~~

2042 Section 21. Subsection (1), paragraph (b) of subsection
2043 (2), and paragraphs (c) and (d) of subsection (3) of section
2044 383.402, Florida Statutes, are amended to read:

2045 383.402 Child abuse death review; State Child Abuse Death
2046 Review Committee; local child abuse death review committees.—

2047 (1) It is the intent of the Legislature to establish a
2048 statewide multidisciplinary, multiagency child abuse death
2049 assessment and prevention system that consists of state and
2050 local review committees. The state and local review committees
2051 shall review the facts and circumstances of all deaths of
2052 children from birth through age 18 which occur in this state and
2053 are reported to the central abuse hotline of the Department of
2054 Children and Families as the result of verified child abuse or
2055 neglect. The purpose of the review shall be to:

2056 (a) Achieve a greater understanding of the causes and
2057 contributing factors of deaths resulting from child abuse.

2058 (b) Whenever possible, develop a communitywide approach to
2059 address such cases and contributing factors.

576-04540-14

20141666c1

2060 (c) Identify any gaps, deficiencies, or problems in the
2061 delivery of services to children and their families by public
2062 and private agencies which may be related to deaths that are the
2063 result of child abuse.

2064 (d) Make and implement recommendations for changes in law,
2065 rules, and policies, as well as develop practice standards that
2066 support the safe and healthy development of children and reduce
2067 preventable child abuse deaths.

2068 (2)

2069 (b) In addition, the State Surgeon General shall appoint
2070 the following members to the state committee, based on
2071 recommendations from the Department of Health and the agencies
2072 listed in paragraph (a), and ensuring that the committee
2073 represents the regional, gender, and ethnic diversity of the
2074 state to the greatest extent possible:

2075 1. The Statewide Medical Director for Child Protection A
2076 ~~board-certified pediatrician.~~

2077 2. A public health nurse.

2078 3. A mental health professional who treats children or
2079 adolescents.

2080 4. An employee of the Department of Children and Families
2081 ~~Family Services~~ who supervises family services counselors and
2082 who has at least 5 years of experience in child protective
2083 investigations.

2084 5. The medical director of a child protection team.

2085 6. A member of a child advocacy organization.

2086 7. A social worker who has experience in working with
2087 victims and perpetrators of child abuse.

2088 8. A person trained as a paraprofessional in patient

576-04540-14

20141666c1

2089 resources who is employed in a child abuse prevention program.

2090 9. A law enforcement officer who has at least 5 years of
2091 experience in children's issues.

2092 10. A representative of the Florida Coalition Against
2093 Domestic Violence.

2094 11. A representative from a private provider of programs on
2095 preventing child abuse and neglect.

2096 (3) The State Child Abuse Death Review Committee shall:

2097 (c) Prepare an annual statistical report on the incidence
2098 and causes of death resulting from reported child abuse in the
2099 state during the prior calendar year. The state committee shall
2100 submit a copy of the report by October 1 ~~December 31~~ of each
2101 year to the Governor, the President of the Senate, and the
2102 Speaker of the House of Representatives. The report must include
2103 recommendations to the Department of Children and Families
2104 regarding for state and local action, including specific policy
2105 and procedural changes to the child protection and child
2106 welfare system and regulatory or statutory changes, and any
2107 other recommended preventive action.

2108 (d) Provide training to ~~Encourage and assist in developing~~
2109 ~~the~~ local child abuse death review committee members on the
2110 dynamics and impact of domestic violence, substance abuse, or
2111 mental health disorders when there is a co-occurrence of child
2112 abuse committees. Training shall be provided by the Florida
2113 Coalition Against Domestic Violence, the Florida Alcohol and
2114 Drug Abuse Association, and the Florida Council for Community
2115 Mental Health in each entity's respective area of expertise.

2116 Section 22. Subsection (5) of section 402.40, Florida
2117 Statutes, is amended, and paragraph (g) is added to subsection

576-04540-14

20141666c1

2118 (3) of that section, to read:

2119 402.40 Child welfare training and certification.—

2120 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
2121 shall approve one or more third-party credentialing entities for
2122 the purpose of developing and administering child welfare
2123 certification programs for persons who provide child welfare
2124 services. A third-party credentialing entity shall request such
2125 approval in writing from the department. In order to obtain
2126 approval, the third-party credentialing entity must:

2127 (g) Maintain an advisory committee, including
2128 representatives from each region of the department, each
2129 sheriff's office providing child protective services, and each
2130 community-based care lead agency, who shall be appointed by the
2131 organization they represent. The third-party credentialing
2132 entity may appoint additional members to the advisory committee.

2133 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

2134 (a) The Department of Children and Families ~~Family Services~~
2135 shall approve the core competencies and related preservice
2136 curricula that ensures that each person delivering child welfare
2137 services obtains the knowledge, skills, and abilities to
2138 competently carry out his or her work responsibilities.

2139 (b) The identification of these core competencies and
2140 development of preservice curricula shall be a collaborative
2141 effort that includes professionals who have expertise in child
2142 welfare services, department-approved third-party credentialing
2143 entities, and providers that will be affected by the curriculum,
2144 including, but not limited to, representatives from the
2145 community-based care lead agencies, the Florida Coalition
2146 Against Domestic Violence, the Florida Alcohol and Drug Abuse

576-04540-14

20141666c1

2147 Association, the Florida Council for Community Mental Health,
2148 sheriffs' offices conducting child protection investigations,
2149 and child welfare legal services providers.

2150 (c) Community-based care agencies, sheriffs' offices, and
2151 the department may contract for the delivery of preservice and
2152 any additional training for persons delivering child welfare
2153 services if the curriculum satisfies the department-approved
2154 core competencies.

2155 (d) The department may also approve certifications
2156 involving specializations in serving specific populations or in
2157 skills relevant to child protection to be awarded to persons
2158 delivering child welfare services by a third-party credentialing
2159 entity approved pursuant to subsection (3).

2160 (e)~~(d)~~ Department-approved credentialing entities shall,
2161 for a period of at least 12 months after implementation of the
2162 third-party child welfare certification programs, grant
2163 reciprocity and award a child welfare certification to
2164 individuals who hold current department-issued child welfare
2165 certification in good standing, at no cost to the department or
2166 the certificateholder.

2167 Section 23. Section 402.402, Florida Statutes, is created
2168 to read:

2169 402.402 Child protection and child welfare personnel;
2170 attorneys employed by the department.-

2171 (1) DEFINITIONS.-As used in this section, the term:

2172 (a) "Child protection and child welfare personnel" includes
2173 child protective investigators and child protective
2174 investigation supervisors employed by the department and case
2175 managers and case manager supervisors employed by a community-

576-04540-14

20141666c1

2176 based care lead agency or a subcontractor of a community-based
2177 care lead agency.

2178 (b) "Human services-related field" means psychology,
2179 sociology, counseling, special education, human development,
2180 child development, family development, marriage and family
2181 therapy, and nursing.

2182 (2) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF
2183 REQUIREMENTS.—The department is responsible for recruitment of
2184 qualified professional staff to serve as child protective
2185 investigators and child protective investigation supervisors.
2186 The department shall make every effort to recruit and hire
2187 persons qualified by their education and experience to perform
2188 social work functions. The department's efforts shall be guided
2189 by the goal that by July 1, 2019, at least half of all child
2190 protective investigators and supervisors will have a bachelor's
2191 degree or a master's degree in social work from a college or
2192 university social work program accredited by the Council on
2193 Social Work Education. The department, in collaboration with the
2194 lead agencies, subcontracted provider organizations, the Florida
2195 Institute for Child Welfare created pursuant to s. 1004.615, and
2196 other partners in the child welfare system, shall develop a
2197 protocol for screening candidates for child protective positions
2198 which reflects the preferences specified in paragraphs (a)-(f).
2199 The following persons shall be given preference in the
2200 recruitment of qualified professional staff, but the preferences
2201 serve only as guidance and do not limit the department's
2202 discretion to select the best available candidates:

2203 (a) Child protective investigators with bachelor's degrees
2204 in social work and child protective investigation supervisors

576-04540-14

20141666c1

2205 with master's degrees in social work from a college or
2206 university social work program accredited by the Council on
2207 Social Work Education.

2208 (b) Child protective investigators and supervisors with
2209 baccalaureate or master's degrees in a human service-related
2210 field such as counseling, sociology, special education, human
2211 development, child development, family development, marriage and
2212 family therapy, and nursing.

2213 (c) Child protective investigators and supervisors with
2214 work experience demonstrating critical thinking skills, formal
2215 assessment processes, communication skills, problem solving, and
2216 empathy.

2217 (d) Child protective investigators and supervisors with a
2218 combination of work and volunteer experience in public service
2219 fields, especially those related to children's services.

2220 (e) Child protective investigators and supervisors with a
2221 commitment to helping children and families, a capacity to work
2222 as part of a team, and an interest in continuous development of
2223 skills and knowledge.

2224 (f) Child protective investigators and supervisors with
2225 personal strength and resilience to manage competing demands and
2226 handle workplace stresses.

2227 (3) REPORT.—By each October 1, the department shall submit
2228 a report on the educational qualifications, turnover, and
2229 working conditions of the child protective investigators and
2230 supervisors to the Governor, the President of the Senate, and
2231 the Speaker of the House of Representatives.

2232 (4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
2233 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose

576-04540-14

20141666c1

2234 primary responsibility is representing the department in child
2235 welfare cases shall, within the first 6 months of employment,
2236 receive training in:

2237 (a) The dependency court process, including the attorney's
2238 role in preparing and reviewing documents prepared for
2239 dependency court for accuracy and completeness;

2240 (b) Preparing and presenting child welfare cases, including
2241 at least 1 week shadowing an experienced children's legal
2242 services attorney preparing and presenting cases;

2243 (c) Safety assessment, safety decisionmaking tools, and
2244 safety plans;

2245 (d) Developing information presented by investigators and
2246 case managers to support decisionmaking in the best interest of
2247 children; and

2248 (e) The experiences and techniques of case managers and
2249 investigators, including shadowing an experienced child
2250 protective investigator and an experienced case manager for at
2251 least 8 hours.

2252 Section 24. Section 402.403, Florida Statutes, is created
2253 to read:

2254 402.403 Child Protection and Child Welfare Personnel
2255 Tuition Exemption Program.—

2256 (1) There is established within the department the Child
2257 Protection and Child Welfare Personnel Tuition Exemption Program
2258 for the purpose of recruiting and retaining high-performing
2259 individuals who are employed as child protection and child
2260 welfare personnel as defined in s. 402.402 and who do not
2261 possess a master's degree in social work or a certificate in an
2262 area related to child welfare.

576-04540-14

20141666c1

2263 (2) Child protection and child welfare personnel who meet
2264 the requirements specified in subsection (3) are exempt from the
2265 payment of tuition and fees at a state university.

2266 (3) The department may approve child protection and child
2267 welfare personnel for the tuition and fee exemption if such
2268 personnel:

2269 (a) Are employed as child protection and child welfare
2270 personnel and are determined by their employers to perform at a
2271 high level as established by their personnel evaluations; and

2272 (b) Are accepted in a graduate-level social work program or
2273 a certificate program related to child welfare which is
2274 accredited by the Council on Social Work Education.

2275 (4) Child protection and child welfare personnel who meet
2276 the requirements specified in subsection (3) may enroll for up
2277 to 6 credit hours of courses per term.

2278 (5) Child protection and child welfare personnel who are
2279 accepted into a graduate-level social work program or a
2280 certificate program related to child welfare which is accredited
2281 by the Council on Social Work Education shall take courses
2282 associated with the degree or certificate program online if such
2283 courses are offered online.

2284 (6) All child protection and child welfare personnel who
2285 participate in the tuition exemption program established under
2286 this section must remain employed by the department, a state
2287 agency, or a contracted provider for 5 years after completion of
2288 a graduate level social work program. If employment ends before
2289 the 5-year period, the benefit shall be repaid according to a
2290 pro rata calculation based on the number of years of service.

2291 Section 25. Section 402.404, Florida Statutes, is created

576-04540-14

20141666c1

2292 to read:

2293 402.404 Child Protection and Child Welfare Personnel
2294 Student Loan Forgiveness Program.—

2295 (1) There is established within the department the Child
2296 Protection and Child Welfare Personnel Student Loan Forgiveness
2297 Program. The purpose of the program is to increase employment
2298 and retention of high-performing individuals who have either a
2299 bachelor's degree or a master's degree in social work and work
2300 in child protection or child welfare for the department, a
2301 community-based care lead agency, or a community-based care
2302 subcontractor by making payments toward loans received by
2303 students from federal or state programs or commercial lending
2304 institutions for the support of prior postsecondary study in
2305 accredited social work programs.

2306 (2) To be eligible for the program, a candidate must:

2307 (a) Be employed by the department as a child protective
2308 investigator or a child protective investigation supervisor or
2309 be employed by a community-based care lead agency or
2310 subcontractor as a case manager or case manager supervisor;

2311 (b) Be determined by the department or his or her employer
2312 to have a high level of performance based on his or her personal
2313 evaluation; and

2314 (c) Have graduated from an accredited social work program
2315 with either a bachelor's degree or a master's degree in social
2316 work.

2317 (3) Only loans to pay the costs of tuition, books, fees,
2318 and living expenses shall be covered.

2319 (4) The department or lead agency may make loan payments of
2320 up to \$3,000 each year for up to 4 years on behalf of selected

576-04540-14

20141666c1

2321 graduates of an accredited social work program from the funds
2322 appropriated for this purpose. All payments are contingent upon
2323 continued proof of employment and shall be made directly to the
2324 holder of the loan.

2325 (5) A student who receives a tuition exemption pursuant to
2326 s. 402.403 is not eligible to participate in the Child
2327 Protection and Child Welfare Personnel Student Loan Forgiveness
2328 Program.

2329 (6) All child protection and child welfare personnel who
2330 participate in the student loan forgiveness program established
2331 under this section must remain employed by the department, a
2332 state agency, or a contracted provider for 5 years after
2333 completion of a graduate level social work program. If
2334 employment ends before the 5-year period, the benefit shall be
2335 repaid according to a pro rata calculation based on the number
2336 of years of service.

2337 (7) The department shall prioritize funds appropriated for
2338 this purpose to regions with high-average caseloads and low
2339 workforce-retention rates.

2340 Section 26. Section 409.165, Florida Statutes, is amended
2341 to read:

2342 409.165 Alternate care for children.—

2343 (1) Within funds appropriated, the department shall
2344 establish and supervise a program of emergency shelters, runaway
2345 shelters, foster homes, group homes, agency-operated group
2346 treatment homes, nonpsychiatric residential group care
2347 facilities, psychiatric residential treatment facilities, and
2348 other appropriate facilities to provide shelter and care for
2349 dependent children who must be placed away from their families.

576-04540-14

20141666c1

2350 The department, in accordance with outcome ~~established~~ goals
2351 established in s. 409.986, shall contract for the provision of
2352 such shelter and care by counties, municipalities, nonprofit
2353 corporations, and other entities capable of providing needed
2354 services if:

2355 (a) The services ~~se~~ provided comply with all department
2356 standards, policies, and procedures ~~are available~~;

2357 (b) The services can be ~~se~~ provided at a reasonable cost
2358 ~~are more cost-effective than those provided by the department~~;
2359 and

2360 (c) Unless otherwise provided by law, such providers of
2361 shelter and care are licensed by the department.

2362
2363 ~~It is the legislative intent that the~~

2364 (2) Funds appropriated for the alternate care of children
2365 as described in this section may be used to meet the needs of
2366 children in their own homes or those of relatives if the
2367 children can be safely served in such settings ~~their own homes,~~
2368 ~~or the homes of relatives~~, and the expenditure of funds in such
2369 manner is equal to or less than the cost of out-of-home
2370 placement ~~calculated by the department to be an eventual cost~~
2371 ~~savings over placement of children.~~

2372 (3) ~~(2)~~ The department shall ~~may~~ cooperate with all child
2373 service institutions or agencies within the state which meet the
2374 department's standards in order to maintain a comprehensive,
2375 coordinated, and inclusive system for promoting and protecting
2376 the well-being of children, consistent with the goals
2377 established in s. 409.986 ~~rules for proper care and supervision~~
2378 ~~prescribed by the department for the well-being of children.~~

576-04540-14

20141666c1

2379 (a) The department shall work with the Department of Health
 2380 in the development, use, and monitoring of medical foster homes
 2381 for medically complex children.

2382 (b) The department shall collaborate with all relevant
 2383 state and local agencies to provide such supports and services
 2384 as may be necessary to maintain medically complex children in
 2385 the least restrictive and most nurturing environment.

2386 ~~(4)(3)~~ With the written consent of parents, custodians, or
 2387 guardians, or in accordance with those provisions in chapter 39
 2388 that relate to dependent children, the department, under rules
 2389 properly adopted, may place a child:

2390 (a) With a relative;

2391 (b) With an adult nonrelative approved by the court for
 2392 long-term custody;

2393 (c) With a person who is considering the adoption of a
 2394 child in the manner provided for by law;

2395 (d) When limited, except as provided in paragraph (b), to
 2396 temporary emergency situations, with a responsible adult
 2397 approved by the court;

2398 (e) With a person or family approved by the department to
 2399 serve as a medical foster home;

2400 ~~(f)(e)~~ With a person or agency licensed by the department
 2401 in accordance with s. 409.175; or

2402 ~~(g)(f)~~ In a subsidized independent living situation,
 2403 subject to the provisions of s. 409.1451(4)(c),

2404
 2405 under such conditions as are determined to be for the best
 2406 interests or the welfare of the child. Any child placed in an
 2407 institution or in a family home by the department or its agency

576-04540-14

20141666c1

2408 may be removed by the department or its agency, and such other
2409 disposition may be made as is for the best interest of the
2410 child, including transfer of the child to another institution,
2411 another home, or the home of the child. Expenditure of funds
2412 appropriated for out-of-home care can be used to meet the needs
2413 of a child in the child's own home or the home of a relative if
2414 the child can be safely served in the child's own home or that
2415 of a relative if placement can be avoided by the expenditure of
2416 such funds, and if the expenditure of such funds in this manner
2417 is equal to or less than the cost of out-of-home placement
2418 ~~calculated by the department to be a potential cost savings.~~

2419 Section 27. Paragraph (c) of subsection (2) of section
2420 409.967, Florida Statutes, is amended to read:

2421 409.967 Managed care plan accountability.—

2422 (2) The agency shall establish such contract requirements
2423 as are necessary for the operation of the statewide managed care
2424 program. In addition to any other provisions the agency may deem
2425 necessary, the contract must require:

2426 (c) Access.—

2427 1. The agency shall establish specific standards for the
2428 number, type, and regional distribution of providers in managed
2429 care plan networks to ensure access to care for both adults and
2430 children. Each plan must maintain a regionwide network of
2431 providers in sufficient numbers to meet the access standards for
2432 specific medical services for all recipients enrolled in the
2433 plan. The exclusive use of mail-order pharmacies may not be
2434 sufficient to meet network access standards. Consistent with the
2435 standards established by the agency, provider networks may
2436 include providers located outside the region. A plan may

576-04540-14

20141666c1

2437 contract with a new hospital facility before the date the
2438 hospital becomes operational if the hospital has commenced
2439 construction, will be licensed and operational by January 1,
2440 2013, and a final order has issued in any civil or
2441 administrative challenge. Each plan shall establish and maintain
2442 an accurate and complete electronic database of contracted
2443 providers, including information about licensure or
2444 registration, locations and hours of operation, specialty
2445 credentials and other certifications, specific performance
2446 indicators, and such other information as the agency deems
2447 necessary. The database must be available online to both the
2448 agency and the public and have the capability to compare the
2449 availability of providers to network adequacy standards and to
2450 accept and display feedback from each provider's patients. Each
2451 plan shall submit quarterly reports to the agency identifying
2452 the number of enrollees assigned to each primary care provider.

2453 2. Each managed care plan must publish any prescribed drug
2454 formulary or preferred drug list on the plan's website in a
2455 manner that is accessible to and searchable by enrollees and
2456 providers. The plan must update the list within 24 hours after
2457 making a change. Each plan must ensure that the prior
2458 authorization process for prescribed drugs is readily accessible
2459 to health care providers, including posting appropriate contact
2460 information on its website and providing timely responses to
2461 providers. For Medicaid recipients diagnosed with hemophilia who
2462 have been prescribed anti-hemophilic-factor replacement
2463 products, the agency shall provide for those products and
2464 hemophilia overlay services through the agency's hemophilia
2465 disease management program.

576-04540-14

20141666c1

2466 3. Managed care plans, and their fiscal agents or
2467 intermediaries, must accept prior authorization requests for any
2468 service electronically.

2469 4. Managed care plans serving children in the care and
2470 custody of the Department of Children and Families or serving
2471 parents of such children must maintain complete medical, dental,
2472 and behavioral health information and provide such information
2473 to the department for inclusion in the state's child welfare
2474 data system. Using such documentation, the agency and the
2475 department shall determine the plan's compliance with standards
2476 for access to medical, dental, and behavioral health services;
2477 the use of psychotropic medications; and followup on all
2478 medically necessary services recommended as a result of early
2479 and periodic screening, diagnosis, and treatment.

2480 Section 28. Paragraph (f) is added to subsection (2) of
2481 section 409.972, Florida Statutes, to read:

2482 409.972 Mandatory and voluntary enrollment.—

2483 (2) The following Medicaid-eligible persons are exempt from
2484 mandatory managed care enrollment required by s. 409.965, and
2485 may voluntarily choose to participate in the managed medical
2486 assistance program:

2487 (f) Medicaid recipients residing in a group home facility
2488 licensed under chapter 393.

2489 Section 29. The Division of Law Revision and Information is
2490 directed to create part V of chapter 409, Florida Statutes,
2491 consisting of ss. 409.986-409.997, to be entitled "Community-
2492 based Child Welfare."

2493 Section 30. Section 409.986, Florida Statutes, is created
2494 to read:

576-04540-14

20141666c1

2495 409.986 Legislative findings and intent; child protection
2496 and child welfare outcomes; definitions.—

2497 (1) LEGISLATIVE FINDINGS AND INTENT.—

2498 (a) It is the intent of the Legislature that the Department
2499 of Children and Families provide child protection and child
2500 welfare services to children through contracting with community-
2501 based care lead agencies. Counties that provide children and
2502 family services with at least 40 licensed residential group care
2503 beds by July 1, 2003, and that provide at least \$2 million
2504 annually in county general revenue funds to supplement foster
2505 and family care services shall continue to contract directly
2506 with the state. It is the further intent of the Legislature that
2507 communities have responsibility for and participate in ensuring
2508 safety, permanence, and well-being for all children in the
2509 state.

2510 (b) The Legislature finds that when private entities assume
2511 responsibility for the care of children in the child protection
2512 and child welfare system, comprehensive oversight of the
2513 programmatic, administrative, and fiscal operation of those
2514 entities is essential. The Legislature further finds that the
2515 appropriate care of children is ultimately the responsibility of
2516 the state and that outsourcing such care does not relieve the
2517 state of its responsibility to ensure that appropriate care is
2518 provided.

2519 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the
2520 goal of the department to protect the best interest of children
2521 by achieving the following outcomes in conjunction with the
2522 community-based care lead agency, community-based
2523 subcontractors, and the community alliance:

576-04540-14

20141666c1

2524 (a) Children are first and foremost protected from abuse
2525 and neglect.

2526 (b) Children are safely maintained in their homes, if
2527 possible and appropriate.

2528 (c) Services are provided to protect children and prevent
2529 their removal from their home.

2530 (d) Children have permanency and stability in their living
2531 arrangements.

2532 (e) Family relationships and connections are preserved for
2533 children.

2534 (f) Families have enhanced capacity to provide for their
2535 children's needs.

2536 (g) Children receive appropriate services to meet their
2537 educational needs.

2538 (h) Children receive services to meet their physical and
2539 mental health needs.

2540 (i) Children develop the capacity for independent living
2541 and competence as an adult.

2542 (3) DEFINITIONS.—As used in this part, except as otherwise
2543 provided, the term:

2544 (a) "Care" means services of any kind which are designed to
2545 facilitate a child remaining safely in his or her own home,
2546 returning safely to his or her own home if he or she is removed
2547 from the home, or obtaining an alternative permanent home if he
2548 or she cannot remain at home or be returned home. The term
2549 includes, but is not be limited to, prevention, diversion, and
2550 related services.

2551 (b) "Child" or "children" has the same meaning as provided
2552 in s. 39.01.

576-04540-14

20141666c1

2553 (c) "Community alliance" or "alliance" means the group of
2554 stakeholders, community leaders, client representatives, and
2555 funders of human services established pursuant to s. 20.19(5) to
2556 provide a focal point for community participation and oversight
2557 of community-based services.

2558 (d) "Community-based care lead agency" or "lead agency"
2559 means a single entity with which the department has a contract
2560 for the provision of care for children in the child protection
2561 and child welfare system in a community that is no smaller than
2562 a county and no larger than two contiguous judicial circuits.
2563 The secretary of the department may authorize more than one
2564 eligible lead agency within a single county if doing so will
2565 result in more effective delivery of services to children.

2566 (e) "Related services" includes, but is not limited to,
2567 family preservation, independent living, emergency shelter,
2568 residential group care, foster care, therapeutic foster care,
2569 intensive residential treatment, foster care supervision, case
2570 management, coordination of mental health services,
2571 postplacement supervision, permanent foster care, and family
2572 reunification.

2573 Section 31. Section 409.987, Florida Statutes, is created
2574 to read:

2575 409.987 Lead agency procurement.-

2576 (1) Community-based care lead agencies shall be procured by
2577 the department through a competitive process as required under
2578 chapter 287.

2579 (2) The department shall produce a schedule for the
2580 procurement of community-based care lead agencies and provide
2581 the schedule to the community alliances established pursuant to

576-04540-14

20141666c1

2582 s. 20.19(5) and post the schedule on the department's website.

2583 (3) Notwithstanding s. 287.057, the department shall use 5-
2584 year contracts with lead agencies.

2585 (4) In order to serve as a lead agency, an entity must:

2586 (a) Be organized as a Florida corporation or a governmental
2587 entity.

2588 (b) Be governed by a board of directors or a board
2589 committee composed of board members. The membership of the board
2590 of directors or board committee must be described in the bylaws
2591 or articles of incorporation of each lead agency, which must
2592 provide that at least 75 percent of the membership of the board
2593 of directors or board committee must consist of persons residing
2594 in this state, and at least 51 percent of the state residents on
2595 the board of directors must reside within the service area of
2596 the lead agency. However, for procurements of lead agency
2597 contracts initiated on or after July 1, 2014:

2598 1. At least 75 percent of the membership of the board of
2599 directors must consist of persons residing in this state, and at
2600 least 51 percent of the membership of the board of directors
2601 must consist of persons residing within the service area of the
2602 lead agency. If a board committee governs the lead agency, 100
2603 percent of its membership must consist of persons residing
2604 within the service area of the lead agency.

2605 2. The powers of the board of directors or board committee
2606 include, are not limited to, approving the lead agency's budget
2607 and setting the lead agency's operational policy and procedures.
2608 A board of directors must additionally have the power to hire
2609 the lead agency's executive director, unless a board committee
2610 governs the lead agency, in which case the board committee must

576-04540-14

20141666c1

2611 have the power to confirm the selection of the lead agency's
2612 executive director.

2613 (c) Demonstrate financial responsibility through an
2614 organized plan for regular fiscal audits and the posting of a
2615 performance bond.

2616 (5) The department's procurement team procuring any lead
2617 agencies' contracts must include individuals from the community
2618 alliance in the area to be served under the contract. All
2619 meetings at which vendors make presentations to or negotiate
2620 with the procurement team shall be held in the area to be served
2621 by the contract.

2622 Section 32. Section 409.988, Florida Statutes, is created
2623 to read:

2624 409.988 Lead agency duties; general provisions.-

2625 (1) DUTIES.-A lead agency:

2626 (a) Shall serve all children referred as a result of a
2627 report of abuse, neglect, or abandonment to the department's
2628 central abuse hotline, including, but not limited to, children
2629 who are the subject of verified reports and children who are not
2630 the subject of verified reports but who are at moderate to
2631 extremely high risk of abuse, neglect, or abandonment, as
2632 determined using the department's risk assessment instrument,
2633 regardless of the level of funding allocated to the lead agency
2634 by the state if all related funding is transferred. The lead
2635 agency may also serve children who have not been the subject of
2636 reports of abuse, neglect, or abandonment, but who are at risk
2637 of abuse, neglect, or abandonment, to prevent their entry into
2638 the child protection and child welfare system.

2639 (b) Shall provide accurate and timely information necessary

576-04540-14

20141666c1

2640 for oversight by the department pursuant to the child welfare
2641 results-oriented accountability system required by s. 409.997.

2642 (c) Shall follow the financial guidelines developed by the
2643 department and provide for a regular independent auditing of its
2644 financial activities. Such financial information shall be
2645 provided to the community alliance established under s.
2646 20.19(5).

2647 (d) Shall post on its website the current budget for the
2648 lead agency, including the Internal Revenue Service Form 990 for
2649 the agency's chief executive officer, chief financial officer,
2650 and chief operating officer, or their equivalents.

2651 (e) Shall prepare all judicial reviews, case plans, and
2652 other reports necessary for court hearings for dependent
2653 children, except those related to the investigation of a
2654 referral from the department's child abuse hotline, and shall
2655 submit these documents timely to the department's attorneys for
2656 review, any necessary revision, and filing with the court. The
2657 lead agency shall make the necessary staff available to
2658 department attorneys for preparation for dependency proceedings,
2659 and shall provide testimony and other evidence required for
2660 dependency court proceedings in coordination with the
2661 department's attorneys. This duty does not include the
2662 preparation of legal pleadings or other legal documents, which
2663 remain the responsibility of the department.

2664 (f) Shall ensure that all individuals providing care for
2665 dependent children receive appropriate training and meet the
2666 minimum employment standards established by the department.

2667 (g) Shall maintain eligibility to receive all available
2668 federal child welfare funds.

576-04540-14

20141666c1

2669 (h) Shall maintain written agreements with Healthy Families
2670 Florida lead entities in its service area pursuant to s. 409.153
2671 to promote cooperative planning for the provision of prevention
2672 and intervention services.

2673 (i) Shall comply with federal and state statutory
2674 requirements and agency rules in the provision of contractual
2675 services.

2676 (j) May subcontract for the provision of services required
2677 by the contract with the lead agency and the department;
2678 however, the subcontracts must specify how the provider will
2679 contribute to the lead agency meeting the performance standards
2680 established pursuant to the child welfare results-oriented
2681 accountability system required by s. 409.997. The lead agency
2682 shall directly provide no more than 35 percent of all child
2683 welfare services provided.

2684 (k) Shall post on its website by the 15th day of each month
2685 at a minimum the information contained in subparagraphs 1.-4.
2686 for the preceding calendar month regarding its case management
2687 services. The following information shall be reported by each
2688 individual subcontracted case management provider, by the lead
2689 agency, if the lead agency provides case management services,
2690 and in total for all case management services subcontracted or
2691 directly provided by the lead agency:

2692 1. The average caseload of case managers, including only
2693 filled positions;

2694 2. The turnover rate for case managers and case management
2695 supervisors for the previous 12 months;

2696 3. The percentage of required home visits completed; and

2697 4. Performance on outcome measures required pursuant to s.

576-04540-14

20141666c1

2698 409.997 for the previous 12 months.

2699 (2) LICENSURE.—

2700 (a) A lead agency must be licensed as a child-caring or
2701 child-placing agency by the department under this chapter.

2702 (b) Each foster home, therapeutic foster home, emergency
2703 shelter, or other placement facility operated by the lead agency
2704 must be licensed by the department under chapter 402 or this
2705 chapter.

2706 (c) Substitute care providers who are licensed under s.
2707 409.175 and who have contracted with a lead agency are also
2708 authorized to provide registered or licensed family day care
2709 under s. 402.313 if such care is consistent with federal law and
2710 if the home has met the requirements of s. 402.313.

2711 (d) In order to eliminate or reduce the number of duplicate
2712 inspections by various program offices, the department shall
2713 coordinate inspections required for licensure of agencies under
2714 this subsection.

2715 (e) The department may adopt rules to administer this
2716 subsection.

2717 (3) SERVICES.—A lead agency must serve dependent children
2718 through services that are supported by research or are best
2719 child welfare practices. The agency may also provide innovative
2720 services, including, but not limited to, family-centered,
2721 cognitive-behavioral, trauma-informed interventions designed to
2722 mitigate out-of-home placements.

2723 (4) LEAD AGENCY ACTING AS GUARDIAN.—

2724 (a) If a lead agency or other provider has accepted case
2725 management responsibilities for a child who is sheltered or
2726 found to be dependent and who is assigned to the care of the

576-04540-14

20141666c1

2727 lead agency or other provider, the agency or provider may act as
2728 the child's guardian for the purpose of registering the child in
2729 school if a parent or guardian of the child is unavailable and
2730 his or her whereabouts cannot reasonably be ascertained.

2731 (b) The lead agency or other provider may also seek
2732 emergency medical attention for the child, but only if a parent
2733 or guardian of the child is unavailable, the parent or
2734 guardian's whereabouts cannot reasonably be ascertained, and a
2735 court order for such emergency medical services cannot be
2736 obtained because of the severity of the emergency or because it
2737 is after normal working hours.

2738 (c) A lead agency or other provider may not consent to
2739 sterilization, abortion, or termination of life support.

2740 (d) If a child's parents' rights have been terminated, the
2741 lead agency shall act as guardian of the child in all
2742 circumstances.

2743 Section 33. Section 409.990, Florida Statutes, is created
2744 to read:

2745 409.990 Funding for lead agencies.—A contract established
2746 between the department and a lead agency must be funded by a
2747 grant of general revenue, other applicable state funds, or
2748 applicable federal funding sources.

2749 (1) The method of payment for a fixed-price contract with a
2750 lead agency must provide for a 2-month advance payment at the
2751 beginning of each fiscal year and equal monthly payments
2752 thereafter.

2753 (2) Notwithstanding s. 215.425, all documented federal
2754 funds earned for the current fiscal year by the department and
2755 lead agencies which exceed the amount appropriated by the

576-04540-14

20141666c1

2756 Legislature shall be distributed to all entities that
2757 contributed to the excess earnings based on a schedule and
2758 methodology developed by the department and approved by the
2759 Executive Office of the Governor.

2760 (a) Distribution shall be pro rata, based on total
2761 earnings, and shall be made only to those entities that
2762 contributed to excess earnings.

2763 (b) Excess earnings of lead agencies shall be used only in
2764 the service district in which they were earned.

2765 (c) Additional state funds appropriated by the Legislature
2766 for lead agencies or made available pursuant to the budgetary
2767 amendment process described in s. 216.177 shall be transferred
2768 to the lead agencies.

2769 (d) The department shall amend a lead agency's contract to
2770 permit expenditure of the funds.

2771 (3) Notwithstanding any other provision of this section,
2772 the amount of the annual contract for a lead agency may be
2773 increased by excess federal funds earned in accordance with s.
2774 216.181(11).

2775 (4) Each contract with a lead agency shall provide for the
2776 payment by the department to the lead agency of a reasonable
2777 administrative cost in addition to funding for the provision of
2778 services.

2779 (5) A lead agency may carry forward documented unexpended
2780 state funds from one fiscal year to the next; however, the
2781 cumulative amount carried forward may not exceed 8 percent of
2782 the total contract. Any unexpended state funds in excess of that
2783 percentage must be returned to the department.

2784 (a) The funds carried forward may not be used in any way

576-04540-14

20141666c1

2785 that would create increased recurring future obligations, and
2786 such funds may not be used for any type of program or service
2787 that is not currently authorized by the existing contract with
2788 the department.

2789 (b) Expenditures of funds carried forward must be
2790 separately reported to the department.

2791 (c) Any unexpended funds that remain at the end of the
2792 contract period shall be returned to the department.

2793 (d) Funds carried forward may be retained through any
2794 contract renewals and any new procurements as long as the same
2795 lead agency is retained by the department.

2796 (6) It is the intent of the Legislature to improve services
2797 and local participation in community-based care initiatives by
2798 fostering community support and providing enhanced prevention
2799 and in-home services, thereby reducing the risk otherwise faced
2800 by lead agencies. A community partnership matching grant program
2801 is established and shall be operated by the department to
2802 encourage local participation in community-based care for
2803 children in the child welfare system. A children's services
2804 council or another local entity that makes a financial
2805 commitment to a community-based care lead agency may be eligible
2806 for a matching grant. The total amount of the local contribution
2807 may be matched on a one-to-one basis up to a maximum annual
2808 amount of \$500,000 per lead agency. Awarded matching grant funds
2809 may be used for any prevention or in-home services that can be
2810 reasonably expected to reduce the number of children entering
2811 the child welfare system. Funding available for the matching
2812 grant program is subject to legislative appropriation of
2813 nonrecurring funds provided for this purpose.

576-04540-14

20141666c1

2814 (7) (a) The department, in consultation with the Florida
2815 Coalition for Children, Inc., shall develop and implement a
2816 community-based care risk pool initiative to mitigate the
2817 financial risk to eligible lead agencies. This initiative must
2818 include:

2819 1. A risk pool application and protocol developed by the
2820 department which outlines submission criteria, including, but
2821 not limited to, financial and program management, descriptive
2822 data requirements, and timeframes for submission of
2823 applications. Requests for funding from risk pool applicants
2824 must be based on relevant and verifiable service trends and
2825 changes that have occurred during the current fiscal year. The
2826 application must confirm that expenditure of approved risk pool
2827 funds by the lead agency will be completed within the current
2828 fiscal year.

2829 2. A risk pool peer review committee, appointed by the
2830 secretary and consisting of department staff and representatives
2831 from at least three nonapplicant lead agencies, which reviews
2832 and assesses all risk pool applications. Upon completion of each
2833 application review, the peer review committee shall report its
2834 findings and recommendations to the secretary, providing, at a
2835 minimum, the following information:

2836 a. Justification for the specific funding amount required
2837 by the risk pool applicant based on the current year's service
2838 trend data, including validation that the applicant's financial
2839 need was caused by circumstances beyond the control of the lead
2840 agency management;

2841 b. Verification that the proposed use of risk pool funds
2842 meets at least one of the purposes specified in paragraph (c);

576-04540-14

20141666c1

2843 and

2844 c. Evidence of technical assistance provided in an effort
2845 to avoid the need to access the risk pool and recommendations
2846 for technical assistance to the lead agency to ensure that risk
2847 pool funds are expended effectively and that the agency's need
2848 for future risk pool funding is diminished.

2849 (b) Upon approval by the secretary of a risk pool
2850 application, the department may request funds from the risk pool
2851 in accordance with s. 216.181(6) (a).

2852 (c) The purposes for which the community-based care risk
2853 pool shall be used include:

2854 1. Significant changes in the number or composition of
2855 clients eligible to receive services.

2856 2. Significant changes in the services that are eligible
2857 for reimbursement.

2858 3. Continuity of care in the event of failure,
2859 discontinuance of service, or financial misconduct by a lead
2860 agency.

2861 4. Significant changes in the mix of available funds.

2862 (d) The department may also request in its annual
2863 legislative budget request, and the Governor may recommend, that
2864 the funding necessary to effect paragraph (c) be appropriated to
2865 the department. In addition, the department may request the
2866 allocation of funds from the community-based care risk pool in
2867 accordance with s. 216.181(6) (a). Funds from the pool may be
2868 used to match available federal dollars.

2869 1. Such funds shall constitute partial security for
2870 contract performance by lead agencies and shall be used to
2871 offset the need for a performance bond.

576-04540-14

20141666c1

2872 2. The department may separately require a bond to mitigate
 2873 the financial consequences of potential acts of malfeasance or
 2874 misfeasance or criminal violations by the service provider.

2875 Section 34. Section 409.16713, Florida Statutes, is
 2876 transferred and renumbered as section 409.991, Florida Statutes,
 2877 and paragraph (a) of subsection (1) of that section is amended,
 2878 to read:

2879 409.991 ~~409.16713~~ Allocation of funds for community-based
 2880 care lead agencies.—

2881 (1) As used in this section, the term:

2882 (a) "Core services funding" means all funds allocated to
 2883 community-based care lead agencies operating under contract with
 2884 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
 2885 following exceptions:

- 2886 1. Funds appropriated for independent living;
- 2887 2. Funds appropriated for maintenance adoption subsidies;
- 2888 3. Funds allocated by the department for protective
 2889 investigations training;
- 2890 4. Nonrecurring funds;
- 2891 5. Designated mental health wrap-around services funds; and
- 2892 6. Funds for special projects for a designated community-
 2893 based care lead agency.

2894 Section 35. Section 409.992, Florida Statutes, is created
 2895 to read:

2896 409.992 Lead agency expenditures.—

2897 (1) The procurement of commodities or contractual services
 2898 by lead agencies shall be governed by the financial guidelines
 2899 developed by the department and must comply with applicable
 2900 state and federal law and follow good business practices.

576-04540-14

20141666c1

2901 Pursuant to s. 11.45, the Auditor General may provide technical
2902 advice in the development of the financial guidelines.

2903 (2) Notwithstanding any other provision of law, a
2904 community-based care lead agency may make expenditures for staff
2905 cellular telephone allowances, contracts requiring deferred
2906 payments and maintenance agreements, security deposits for
2907 office leases, related agency professional membership dues other
2908 than personal professional membership dues, promotional
2909 materials, and grant writing services. Expenditures for food and
2910 refreshments, other than those provided to clients in the care
2911 of the agency or to foster parents, adoptive parents, and
2912 caseworkers during training sessions, are not allowable.

2913 (3) A lead community-based care agency and its
2914 subcontractors are exempt from state travel policies as provided
2915 in s. 112.061(3)(a) for their travel expenses incurred in order
2916 to comply with the requirements of this section.

2917 Section 36. Section 409.993, Florida Statutes, is created
2918 to read:

2919 409.993 Lead agencies and subcontractor liability.—

2920 (1) FINDINGS.—

2921 (a) The Legislature finds that the state has traditionally
2922 provided foster care services to children who are the
2923 responsibility of the state. As such, foster children have not
2924 had the right to recover for injuries beyond the limitations
2925 specified in s. 768.28. The Legislature has determined that
2926 foster care and related services should be outsourced pursuant
2927 to this section and that the provision of such services is of
2928 paramount importance to the state. The purpose of such
2929 outsourcing is to increase the level of safety, security, and

576-04540-14

20141666c1

2930 stability of children who are or become the responsibility of
2931 the state. One of the components necessary to secure a safe and
2932 stable environment for such children is the requirement that
2933 private providers maintain liability insurance. As such,
2934 insurance needs to be available and remain available to
2935 nongovernmental foster care and related services providers
2936 without the resources of such providers being significantly
2937 reduced by the cost of maintaining such insurance.

2938 (b) The Legislature further finds that, by requiring the
2939 following minimum levels of insurance, children in outsourced
2940 foster care and related services will gain increased protection
2941 and rights of recovery in the event of injury than currently
2942 provided in s. 768.28.

2943 (2) LEAD AGENCY LIABILITY.—

2944 (a) Other than an entity to which s. 768.28 applies, an
2945 eligible community-based care lead agency, or its employees or
2946 officers, except as otherwise provided in paragraph (b), shall,
2947 as a part of its contract, obtain a minimum of \$1 million per
2948 occurrence with a policy period aggregate limit of \$3 million in
2949 general liability insurance coverage. The lead agency must also
2950 require that staff who transport client children and families in
2951 their personal automobiles in order to carry out their job
2952 responsibilities obtain minimum bodily injury liability
2953 insurance in the amount of \$100,000 per person per any one
2954 automobile accident, and subject to such limits for each person,
2955 \$300,000 for all damages resulting from any one automobile
2956 accident, on their personal automobiles. In lieu of personal
2957 motor vehicle insurance, the lead agency's casualty, liability,
2958 or motor vehicle insurance carrier may provide nonowned

576-04540-14

20141666c1

2959 automobile liability coverage. This insurance provides liability
2960 insurance for an automobile that the lead agency uses in
2961 connection with the lead agency's business but does not own,
2962 lease, rent, or borrow. This coverage includes an automobile
2963 owned by an employee of the lead agency or a member of the
2964 employee's household but only while the automobile is used in
2965 connection with the lead agency's business. The nonowned
2966 automobile coverage for the lead agency applies as excess
2967 coverage over any other collectible insurance. The personal
2968 automobile policy for the employee of the lead agency shall be
2969 primary insurance, and the nonowned automobile coverage of the
2970 lead agency acts as excess insurance to the primary insurance.
2971 The lead agency shall provide a minimum limit of \$1 million in
2972 nonowned automobile coverage. In a tort action brought against
2973 such a lead agency or employee, net economic damages shall be
2974 limited to \$2 million per liability claim and \$200,000 per
2975 automobile claim, including, but not limited to, past and future
2976 medical expenses, wage loss, and loss of earning capacity,
2977 offset by any collateral source payment paid or payable. In any
2978 tort action brought against a lead agency, noneconomic damages
2979 shall be limited to \$400,000 per claim. A claims bill may be
2980 brought on behalf of a claimant pursuant to s. 768.28 for any
2981 amount exceeding the limits specified in this paragraph. Any
2982 offset of collateral source payments made as of the date of the
2983 settlement or judgment shall be in accordance with s. 768.76.
2984 The lead agency is not liable in tort for the acts or omissions
2985 of its subcontractors or the officers, agents, or employees of
2986 its subcontractors.

2987 (b) The liability of a lead agency described in this

576-04540-14

20141666c1

2988 section shall be exclusive and in place of all other liability
2989 of such lead agency. The same immunities from liability enjoyed
2990 by such lead agencies shall extend to each employee of the lead
2991 agency if he or she is acting in furtherance of the lead
2992 agency's business, including the transportation of clients
2993 served, as described in this subsection, in privately owned
2994 vehicles. Such immunities are not applicable to a lead agency or
2995 an employee who acts in a culpably negligent manner or with
2996 willful and wanton disregard or unprovoked physical aggression
2997 if such acts result in injury or death or such acts proximately
2998 cause such injury or death. Such immunities are not applicable
2999 to employees of the same lead agency when each is operating in
3000 the furtherance of the agency's business, but they are assigned
3001 primarily to unrelated work within private or public employment.
3002 The same immunity provisions enjoyed by a lead agency also apply
3003 to any sole proprietor, partner, corporate officer or director,
3004 supervisor, or other person who, in the course and scope of his
3005 or her duties, acts in a managerial or policymaking capacity and
3006 the conduct that caused the alleged injury arose within the
3007 course and scope of those managerial or policymaking duties. As
3008 used in this subsection and subsection (3), the term "culpably
3009 negligent manner" means reckless indifference or grossly
3010 careless disregard of human life.

3011 (3) SUBCONTRACTOR LIABILITY.—

3012 (a) A subcontractor of an eligible community-based care
3013 lead agency that is a direct provider of foster care and related
3014 services to children and families, and its employees or
3015 officers, except as otherwise provided in paragraph (b), must,
3016 as a part of its contract, obtain a minimum of \$1 million per

576-04540-14

20141666c1

3017 occurrence with a policy period aggregate limit of \$3 million in
3018 general liability insurance coverage. The subcontractor of a
3019 lead agency must also require that staff who transport client
3020 children and families in their personal automobiles in order to
3021 carry out their job responsibilities obtain minimum bodily
3022 injury liability insurance in the amount of \$100,000 per person
3023 in any one automobile accident, and subject to such limits for
3024 each person, \$300,000 for all damages resulting from any one
3025 automobile accident, on their personal automobiles. In lieu of
3026 personal motor vehicle insurance, the subcontractor's casualty,
3027 liability, or motor vehicle insurance carrier may provide
3028 nonowned automobile liability coverage. This insurance provides
3029 liability insurance for automobiles that the subcontractor uses
3030 in connection with the subcontractor's business but does not
3031 own, lease, rent, or borrow. This coverage includes automobiles
3032 owned by the employees of the subcontractor or a member of the
3033 employee's household but only while the automobiles are used in
3034 connection with the subcontractor's business. The nonowned
3035 automobile coverage for the subcontractor applies as excess
3036 coverage over any other collectible insurance. The personal
3037 automobile policy for the employee of the subcontractor shall be
3038 primary insurance, and the nonowned automobile coverage of the
3039 subcontractor acts as excess insurance to the primary insurance.
3040 The subcontractor shall provide a minimum limit of \$1 million in
3041 nonowned automobile coverage. In a tort action brought against
3042 such subcontractor or employee, net economic damages shall be
3043 limited to \$2 million per liability claim and \$200,000 per
3044 automobile claim, including, but not limited to, past and future
3045 medical expenses, wage loss, and loss of earning capacity,

576-04540-14

20141666c1

3046 offset by any collateral source payment paid or payable. In a
3047 tort action brought against such subcontractor, noneconomic
3048 damages shall be limited to \$400,000 per claim. A claims bill
3049 may be brought on behalf of a claimant pursuant to s. 768.28 for
3050 any amount exceeding the limits specified in this paragraph. Any
3051 offset of collateral source payments made as of the date of the
3052 settlement or judgment shall be in accordance with s. 768.76.

3053 (b) The liability of a subcontractor of a lead agency that
3054 is a direct provider of foster care and related services as
3055 described in this section is exclusive and in place of all other
3056 liability of such provider. The same immunities from liability
3057 enjoyed by such subcontractor provider extend to each employee
3058 of the subcontractor when such employee is acting in furtherance
3059 of the subcontractor's business, including the transportation of
3060 clients served, as described in this subsection, in privately
3061 owned vehicles. Such immunities are not applicable to a
3062 subcontractor or an employee who acts in a culpably negligent
3063 manner or with willful and wanton disregard or unprovoked
3064 physical aggression if such acts result in injury or death or if
3065 such acts proximately cause such injury or death. Such
3066 immunities are not applicable to employees of the same
3067 subcontractor who are operating in the furtherance of the
3068 subcontractor's business but are assigned primarily to unrelated
3069 works within private or public employment. The same immunity
3070 provisions enjoyed by a subcontractor also apply to any sole
3071 proprietor, partner, corporate officer or director, supervisor,
3072 or other person who, in the course and scope of his or her
3073 duties, acts in a managerial or policymaking capacity and the
3074 conduct that caused the alleged injury arose within the course

576-04540-14

20141666c1

3075 and scope of those managerial or policymaking duties.

3076 (4) LIMITATIONS ON DAMAGES.—The Legislature is cognizant of
 3077 the increasing costs of goods and services each year and
 3078 recognizes that fixing a set amount of compensation has the
 3079 effect of a reduction in compensation each year. Accordingly,
 3080 the conditional limitations on damages in this section shall be
 3081 increased at the rate of 5 percent each year, prorated from July
 3082 1, 2014, to the date at which damages subject to such
 3083 limitations are awarded by final judgment or settlement.

3084 Section 37. Section 409.1675, Florida Statutes, is
 3085 transferred, renumbered as section 409.994, Florida Statutes,
 3086 and amended to read:

3087 409.994 ~~409.1675~~ ~~Lead~~ Community-based care lead agencies
 3088 ~~providers~~; receivership.—

3089 (1) The Department of Children and ~~Families~~ Family Services
 3090 may petition a court of competent jurisdiction for the
 3091 appointment of a receiver for a ~~lead~~ community-based care lead
 3092 agency provider established pursuant to s. 409.987 if ~~s.~~
 3093 ~~409.1671~~ when any of the following conditions exist:

3094 (a) The lead agency ~~community-based provider~~ is operating
 3095 without a license as a child-placing agency.

3096 (b) The lead agency ~~community-based provider~~ has given less
 3097 than 120 days' notice of its intent to cease operations, and
 3098 arrangements have not been made for another lead agency
 3099 ~~community-based provider~~ or for the department to continue the
 3100 uninterrupted provision of services.

3101 (c) The department determines that conditions exist in the
 3102 lead agency ~~community-based provider~~ which present an imminent
 3103 danger to the health, safety, or welfare of the dependent

576-04540-14

20141666c1

3104 children under that agency's ~~provider's~~ care or supervision.
3105 Whenever possible, the department shall make a reasonable effort
3106 to facilitate the continued operation of the program.

3107 (d) The lead agency ~~community-based provider~~ cannot meet
3108 its current financial obligations to its employees, contractors,
3109 or foster parents. Issuance of bad checks or the existence of
3110 delinquent obligations for payment of salaries, utilities, or
3111 invoices for essential services or commodities shall constitute
3112 prima facie evidence that the lead agency ~~community-based~~
3113 ~~provider~~ lacks the financial ability to meet its financial
3114 obligations.

3115 (2) (a) The petition for receivership shall take precedence
3116 over other court business unless the court determines that some
3117 other pending proceeding, having statutory precedence, has
3118 priority.

3119 (b) A hearing shall be conducted within 5 days after the
3120 filing of the petition, at which time interested parties shall
3121 have the opportunity to present evidence as to whether a
3122 receiver should be appointed. The department shall give
3123 reasonable notice of the hearing on the petition to the lead
3124 agency ~~community-based provider~~.

3125 (c) The court shall grant the petition upon finding that
3126 one or more of the conditions in subsection (1) exists and the
3127 continued existence of the condition or conditions jeopardizes
3128 the health, safety, or welfare of dependent children. A receiver
3129 may be appointed ex parte when the court determines that one or
3130 more of the conditions in subsection (1) exists. After such
3131 finding, the court may appoint any person, including an employee
3132 of the department who is qualified by education, training, or

576-04540-14

20141666c1

3133 experience to carry out the duties of the receiver pursuant to
3134 this section, except that the court may ~~shall~~ not appoint any
3135 member of the governing board or any officer of the lead agency
3136 ~~community-based provider~~. The receiver may be selected from a
3137 list of persons qualified to act as receivers which is developed
3138 by the department and presented to the court with each petition
3139 of receivership.

3140 (d) A receiver may be appointed for up to 90 days, and the
3141 department may petition the court for additional 30-day
3142 extensions. Sixty days after appointment of a receiver and every
3143 30 days thereafter until the receivership is terminated, the
3144 department shall submit to the court an assessment of the lead
3145 agency's ~~community-based provider's~~ ability to ensure the
3146 health, safety, and welfare of the dependent children under its
3147 supervision.

3148 (3) The receiver shall take such steps as are reasonably
3149 necessary to ensure the continued health, safety, and welfare of
3150 the dependent children under the supervision of the lead agency
3151 ~~community-based provider~~ and shall exercise those powers and
3152 perform those duties set out by the court, including, but not
3153 limited to:

3154 (a) Taking such action as is reasonably necessary to
3155 protect or conserve the assets or property of the lead agency
3156 ~~community-based provider~~. The receiver may use the assets and
3157 property and any proceeds from any transfer thereof only in the
3158 performance of the powers and duties provided ~~set forth~~ in this
3159 section and by order of the court.

3160 (b) Using the assets of the lead agency ~~community-based~~
3161 ~~provider~~ in the provision of care and services to dependent

576-04540-14

20141666c1

3162 children.

3163 (c) Entering into contracts and hiring agents and employees
3164 to carry out the powers and duties of the receiver under this
3165 section.

3166 (d) Having full power to direct, manage, hire, and
3167 discharge employees of the lead agency ~~community-based provider~~.
3168 The receiver shall hire and pay new employees at the rate of
3169 compensation, including benefits, approved by the court.

3170 (e) Honoring all leases, mortgages, and contractual
3171 obligations of the lead agency ~~community-based provider~~, but
3172 only to the extent of payments that become due during the period
3173 of the receivership.

3174 (4) (a) The receiver shall deposit funds received in a
3175 separate account and shall use this account for all
3176 disbursements.

3177 (b) A payment to the receiver of any sum owing to the lead
3178 agency ~~community-based provider~~ shall discharge any obligation
3179 to the provider to the extent of the payment.

3180 (5) A receiver may petition the court for temporary relief
3181 from obligations entered into by the lead agency ~~community-based~~
3182 ~~provider~~ if the rent, price, or rate of interest required to be
3183 paid under the agreement was substantially in excess of a
3184 reasonable rent, price, or rate of interest at the time the
3185 contract was entered into, or if any material provision of the
3186 agreement was unreasonable when compared to contracts negotiated
3187 under similar conditions. Any relief in this form provided by
3188 the court shall be limited to the life of the receivership,
3189 unless otherwise determined by the court.

3190 (6) The court shall set the compensation of the receiver,

576-04540-14

20141666c1

3191 which shall be considered a necessary expense of a receivership
3192 and may grant to the receiver such other authority necessary to
3193 ensure the health, safety, and welfare of the children served.

3194 (7) A receiver may be held liable in a personal capacity
3195 only for the receiver's own gross negligence, intentional acts,
3196 or breaches of fiduciary duty. This section may ~~shall~~ not be
3197 interpreted to be a waiver of sovereign immunity should the
3198 department be appointed receiver.

3199 (8) If the receiver is not the department, the court may
3200 require a receiver to post a bond to ensure the faithful
3201 performance of these duties.

3202 (9) The court may terminate a receivership when:

3203 (a) The court determines that the receivership is no longer
3204 necessary because the conditions that gave rise to the
3205 receivership no longer exist; or

3206 (b) The department has entered into a contract with a new
3207 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~
3208 ~~409.1671~~, and that contractor is ready and able to assume the
3209 duties of the previous lead agency ~~provider~~.

3210 (10) Within 30 days after the termination, unless this time
3211 period is extended by the court, the receiver shall give the
3212 court a complete accounting of all property of which the
3213 receiver has taken possession, of all funds collected and
3214 disbursed, and of the expenses of the receivership.

3215 (11) ~~Nothing in~~ This section does not ~~shall be construed to~~
3216 relieve any employee of the lead agency ~~community-based provider~~
3217 placed in receivership of any civil or criminal liability
3218 incurred, or any duty imposed by law, by reason of acts or
3219 omissions of the employee before ~~prior to~~ the appointment of a

576-04540-14

20141666c1

3220 receiver, ~~and~~; ~~nor shall anything contained in this section does~~
3221 ~~not be construed to~~ suspend during the receivership any
3222 obligation of the employee for payment of taxes or other
3223 operating or maintenance expenses of the lead agency ~~community-~~
3224 ~~based provider~~ or for the payment of mortgages or liens. The
3225 lead agency ~~community-based provider~~ shall retain the right to
3226 sell or mortgage any facility under receivership, subject to the
3227 prior approval of the court that ordered the receivership.

3228 Section 38. Section 409.996, Florida Statutes, is created
3229 to read:

3230 409.996 Duties of the Department of Children and Families.-
3231 The department shall contract for the delivery, administration,
3232 or management of care for children in the child protection and
3233 child welfare system. In doing so, the department retains
3234 responsibility for the quality of contracted services and
3235 programs and shall ensure that services are delivered in
3236 accordance with applicable federal and state statutes and
3237 regulations.

3238 (1) The department shall enter into contracts with lead
3239 agencies for the performance of the duties by the lead agencies
3240 pursuant to s. 409.988. At a minimum, the contracts must:

3241 (a) Provide for the services needed to accomplish the
3242 duties established in s. 409.988 and provide information to the
3243 department which is necessary to meet the requirements for a
3244 quality assurance program pursuant to subsection (18) and the
3245 child welfare results-oriented accountability system pursuant to
3246 s. 409.997.

3247 (b) Provide for graduated penalties for failure to comply
3248 with contract terms. Such penalties may include financial

576-04540-14

20141666c1

3249 penalties, enhanced monitoring and reporting, corrective action
3250 plans, and early termination of contracts or other appropriate
3251 action to ensure contract compliance.

3252 (c) Ensure that the lead agency shall furnish current and
3253 accurate information on its activities in all cases in client
3254 case records in the state's statewide automated child welfare
3255 information system.

3256 (d) Specify the procedures to be used by the parties to
3257 resolve differences in interpreting the contract or to resolve
3258 disputes as to the adequacy of the parties' compliance with
3259 their respective obligations under the contract.

3260 (2) The department must adopt written policies and
3261 procedures for monitoring the contract for delivery of services
3262 by lead agencies which must be posted on the department's
3263 website. These policies and procedures must, at a minimum,
3264 address the evaluation of fiscal accountability and program
3265 operations, including provider achievement of performance
3266 standards, provider monitoring of subcontractors, and timely
3267 followup of corrective actions for significant monitoring
3268 findings related to providers and subcontractors. These policies
3269 and procedures must also include provisions for reducing the
3270 duplication of the department's program monitoring activities
3271 both internally and with other agencies, to the extent possible.
3272 The department's written procedures must ensure that the written
3273 findings, conclusions, and recommendations from monitoring the
3274 contract for services of lead agencies are communicated to the
3275 director of the provider agency and the community alliance as
3276 expeditiously as possible.

3277 (3) The department shall receive federal and state funds as

576-04540-14

20141666c1

3278 appropriated for the operation of the child welfare system,
3279 transmit these funds to the lead agencies as agreed to in the
3280 contract, and provide information on its website of the
3281 distribution of the federal funds. The department retains
3282 responsibility for the appropriate spending of these funds. The
3283 department shall monitor lead agencies to assess compliance with
3284 the financial guidelines established pursuant to s. 409.992 and
3285 other applicable state and federal laws.

3286 (4) The department shall provide technical assistance and
3287 consultation to lead agencies in the provision of care to
3288 children in the child protection and child welfare system.

3289 (5) The department retains the responsibility for the
3290 review, approval or denial, and issuances of all foster home
3291 licenses.

3292 (6) The department shall process all applications submitted
3293 by lead agencies for the Interstate Compact on the Placement of
3294 Children and the Interstate Compact on Adoption and Medical
3295 Assistance.

3296 (7) The department shall assist lead agencies with access
3297 to and coordination with other service programs within the
3298 department.

3299 (8) The department shall determine Medicaid eligibility for
3300 all referred children and shall coordinate services with the
3301 Agency for Health Care Administration.

3302 (9) The department shall develop, in cooperation with the
3303 lead agencies, a third-party credentialing entity approved
3304 pursuant to s. 402.40(3), and the Florida Institute for Child
3305 Welfare established pursuant to s. 1004.615, a standardized
3306 competency-based curriculum for certification training for child

576-04540-14

20141666c1

3307 protection staff.

3308 (10) The department shall maintain the statewide adoptions
3309 website and provide information and training to the lead
3310 agencies relating to the website.

3311 (11) The department shall provide training and assistance
3312 to lead agencies regarding the responsibility of lead agencies
3313 relating to children receiving supplemental security income,
3314 social security, railroad retirement, or veterans' benefits.

3315 (12) With the assistance of a lead agency, the department
3316 shall develop and implement statewide and local interagency
3317 agreements needed to coordinate services for children and
3318 parents involved in the child welfare system who are also
3319 involved with the Agency for Persons with Disabilities, the
3320 Department of Juvenile Justice, the Department of Education, the
3321 Department of Health, and other governmental organizations that
3322 share responsibilities for children or parents in the child
3323 welfare system.

3324 (13) With the assistance of a lead agency, the department
3325 shall develop and implement a working agreement between the lead
3326 agency and the substance abuse and mental health managing entity
3327 to integrate services and supports for children and parents
3328 serviced in the child welfare system.

3329 (14) The department shall work with the Agency for Health
3330 Care Administration to provide each Medicaid-eligible child with
3331 early and periodic screening, diagnosis, and treatment,
3332 including 72-hour screening, periodic child health checkups, and
3333 prescribed followup for ordered services, including, but not
3334 limited to, medical, dental, and vision care.

3335 (15) The department shall assist lead agencies in

576-04540-14

20141666c1

3336 developing an array of services in compliance with the Title IV-
3337 E waiver and shall monitor the provision of such services.

3338 (16) The department shall provide a mechanism to allow lead
3339 agencies to request a waiver of department policies and
3340 procedures that create inefficiencies or inhibit the performance
3341 of the lead agency's duties.

3342 (17) The department shall directly or through contract
3343 provide attorneys to prepare and present cases in dependency
3344 court and shall ensure that the court is provided with adequate
3345 information for informed decisionmaking in dependency cases,
3346 including a face sheet for each case which lists the names and
3347 contact information for any child protective investigator, child
3348 protective investigation supervisor, case manager, and case
3349 manager supervisor, and the regional department official
3350 responsible for the lead agency contract. The department shall
3351 provide to the court the case information and recommendations
3352 provided by the lead agency or subcontractor. For the Sixth
3353 Judicial Circuit, the department shall contract with the state
3354 attorney for the provision of these services.

3355 (18) The department, in consultation with lead agencies,
3356 shall establish a quality assurance program for contracted
3357 services to dependent children. The quality assurance program
3358 shall be based on standards established by federal and state law
3359 and national accrediting organizations.

3360 (a) The department must evaluate each lead agency under
3361 contract at least annually. These evaluations shall cover the
3362 programmatic, operational, and fiscal operations of the lead
3363 agency and must be consistent with the child welfare results-
3364 oriented accountability system required by s. 409.997. The

576-04540-14

20141666c1

3365 department must consult with dependency judges in the circuit or
3366 circuits served by the lead agency on the performance of the
3367 lead agency.

3368 (b) The department and each lead agency shall monitor out-
3369 of-home placements, including the extent to which sibling groups
3370 are placed together or provisions to provide visitation and
3371 other contacts if siblings are separated. The data shall
3372 identify reasons for sibling separation. Information related to
3373 sibling placement shall be incorporated into the results-
3374 oriented accountability system required pursuant to s. 409.997
3375 and in the evaluation of the outcome specified in s.
3376 409.986(2) (e). The information related to sibling placement
3377 shall also be made available to the institute established
3378 pursuant s. 1004.615 for use in assessing the performance of
3379 child welfare services in relation to the outcome specified in
3380 s. 409.986(2) (e).

3381 (c) The department shall, to the extent possible, use
3382 independent financial audits provided by the lead agency to
3383 eliminate or reduce the ongoing contract and administrative
3384 reviews conducted by the department. If the department
3385 determines that such independent financial audits are
3386 inadequate, other audits, as necessary, may be conducted by the
3387 department. This paragraph does not abrogate the requirements of
3388 s. 215.97.

3389 (d) The department may suggest additional items to be
3390 included in such independent financial audits to meet the
3391 department's needs.

3392 (e) The department may outsource programmatic,
3393 administrative, or fiscal monitoring oversight of lead agencies.

576-04540-14

20141666c1

3394 (f) A lead agency must assure that all subcontractors are
3395 subject to the same quality assurance activities as the lead
3396 agency.

3397 (19) The department and its attorneys have the
3398 responsibility to ensure that the court is fully informed about
3399 issues before it, to make recommendations to the court, and to
3400 present competent evidence, including testimony by the
3401 department's employees, contractors, and subcontractors, as well
3402 as other individuals, to support all recommendations made to the
3403 court. The department's attorneys shall coordinate lead agency
3404 or subcontractor staff to ensure that dependency cases are
3405 presented appropriately to the court, giving consideration to
3406 the information developed by the case manager and direction to
3407 the case manager if more information is needed.

3408 (20) The department, in consultation with lead agencies,
3409 shall develop a dispute resolution process so that disagreements
3410 between legal staff, investigators, and case management staff
3411 can be resolved in the best interest of the child in question
3412 before court appearances regarding that child.

3413 (21) The department shall periodically, and before
3414 procuring a lead agency, solicit comments and recommendations
3415 from the community alliance established in s. 20.19(5), any
3416 other community groups, or public hearings. The recommendations
3417 must include, but are not limited to:

3418 (a) The current and past performance of a lead agency.

3419 (b) The relationship between a lead agency and its
3420 community partners.

3421 (c) Any local conditions or service needs in child
3422 protection and child welfare.

576-04540-14

20141666c1

3423 Section 39. Effective January 1, 2015, section 409.997,
3424 Florida Statutes, is created to read:

3425 409.997 Child welfare results-oriented accountability
3426 system.-

3427 (1) The department, the community-based care lead agencies,
3428 and the lead agencies' subcontractors share the responsibility
3429 for achieving the outcome goals specified in s. 409.986(2).

3430 (2) In order to assess the achievement of the outcome goals
3431 specified in s. 409.986(2), the department shall maintain a
3432 comprehensive, results-oriented accountability system that
3433 monitors the use of resources, the quality and amount of
3434 services provided, and child and family outcomes through data
3435 analysis, research review, evaluation, and quality improvement.
3436 The system shall provide information about individual entities'
3437 performance as well as the performance of groups of entities
3438 working together as an integrated system of care on a local,
3439 regional, and statewide basis. The department shall issue a
3440 request for information for the accountability system to
3441 identify system development and implementation approaches,
3442 technical and operational solutions, timeframes for
3443 implementation, pricing and costs, and implementation
3444 considerations; assess respondents' experience in providing
3445 similar systems and interest in providing the accountability
3446 system; and generate any other information determined by the
3447 department to be useful in establishing the system. The
3448 department shall provide a report to the Governor, the President
3449 of the Senate, and the Speaker of the House of Representatives
3450 by February 1, 2015, summarizing the responses and providing the
3451 department's recommendations regarding procurement and

576-04540-14

20141666c1

3452 implementation of the system. In maintaining the accountability
3453 system, the department shall:

3454 (a) Identify valid and reliable outcome measures for each
3455 of the goals specified in this subsection. The outcome data set
3456 must consist of a limited number of understandable measures
3457 using available data to quantify outcomes as children move
3458 through the system of care. Such measures may aggregate multiple
3459 variables that affect the overall achievement of the outcome
3460 goals. Valid and reliable measures must be based on adequate
3461 sample sizes, be gathered over suitable time periods, and
3462 reflect authentic rather than spurious results, and may not be
3463 susceptible to manipulation.

3464 (b) Implement a monitoring system to track the identified
3465 outcome measures on a statewide, regional, and provider-specific
3466 basis. The monitoring system must identify trends and chart
3467 progress toward achievement of the goals specified s.
3468 409.986(2). The requirements of the monitoring system may be
3469 incorporated into the quality assurance program required under
3470 s. 409.996(18). The monitoring system shall track the placement
3471 of siblings in the child welfare system, including the extent to
3472 which siblings are placed together and, if the siblings are not
3473 placed together, the efforts to maintain the relationship
3474 between siblings through face-to-face visitation and written and
3475 electronic contact.

3476 (c) Develop and maintain an analytical system that builds
3477 on the outcomes monitoring system to assess the statistical
3478 validity of observed associations between child welfare
3479 interventions and the measured outcomes. The analysis must use
3480 quantitative methods to adjust for variations in demographic or

576-04540-14

20141666c1

3481 other conditions. The analysis must include longitudinal studies
3482 to evaluate longer-term outcomes such as continued safety,
3483 family permanence, and transition to self-sufficiency. The
3484 analysis may also include qualitative research methods to
3485 provide insight into statistical patterns.

3486 (d) Develop and maintain a program of research review to
3487 identify interventions that are supported by evidence as
3488 causally linked to improved outcomes.

3489 (e) Support an ongoing process of evaluation to determine
3490 the efficacy and effectiveness of various interventions.
3491 Efficacy evaluation is intended to determine the validity of a
3492 causal relationship between an intervention and an outcome.
3493 Effectiveness evaluation is intended to determine the extent to
3494 which the results can be generalized.

3495 (f) Develop and maintain an inclusive, interactive, and
3496 evidence-supported program of quality improvement which promotes
3497 individual skill building as well as organizational learning.

3498 (g) Develop and implement a method for making the results
3499 of the accountability system transparent for all parties
3500 involved in the child welfare system as well as policymakers and
3501 the public. The presentation of the results shall provide a
3502 comprehensible, visual report card for the state and each
3503 community-based care region, indicating the current status
3504 relative to each goal and trends in that status over time. The
3505 presentation shall identify and report outcome measures that
3506 assess the performance of the department, the community-based
3507 care lead agency, and the lead agency's subcontractors working
3508 together as an integrated system of care.

3509 (3) The department shall establish a technical advisory

576-04540-14

20141666c1

3510 panel consisting of representatives from the Florida Institute
3511 for Child Welfare established in s. 1004.615, lead agencies,
3512 community-based care providers, other contract providers,
3513 community alliances, and family representatives. The President
3514 of the Senate and the Speaker of the House of Representatives
3515 shall each appoint a member to serve as a legislative liaison to
3516 the panel. The technical advisory panel shall advise the
3517 department on meeting the requirements of this section.

3518 (4) The accountability system may not rank or compare
3519 performance among community-based care regions unless adequate
3520 and specific adjustments are adopted that account for the
3521 diversity in regions' demographics, resources, and other
3522 relevant characteristics.

3523 (5) The results of the accountability system must provide
3524 the basis for performance incentives if funds for such payments
3525 are made available through the General Appropriations Act.

3526 (6) At least quarterly, the department shall make the
3527 results of the accountability system available to the public
3528 through publication on its website. The website must allow for
3529 custom searches of the performance data.

3530 (7) By October 1 of each year, the department shall submit
3531 a report on the statewide and individual community-based care
3532 lead agency results for child protection and child welfare
3533 systems. The department shall use the accountability system and
3534 consult with the community alliance and the chief judge or
3535 judges in the community-based care service area to prepare the
3536 report. The report shall be submitted to the Governor, the
3537 President of the Senate, and the Speaker of the House of
3538 Representatives.

576-04540-14

20141666c1

3539 Section 40. Section 827.10, Florida Statutes, is created to
3540 read:

3541 827.10 Unlawful desertion of a child.-

3542 (1) As used in this section, the term:

3543 (a) "Care" means support and services necessary to maintain
3544 the child's physical and mental health, including, but not
3545 limited to, food, nutrition, clothing, shelter, supervision,
3546 medicine, and medical services that a prudent person would
3547 consider essential for the well-being of the child.

3548 (b) "Caregiver" has the same meaning as provided in s.
3549 39.01.

3550 (c) "Child" means a child for whose care the caregiver is
3551 legally responsible.

3552 (d) "Desertion" or "deserts" means to leave a child in a
3553 place or with a person other than a relative with the intent not
3554 to return to the child and with the intent not to provide for
3555 the care of the child.

3556 (e) "Relative" has the same meaning as provided in s.
3557 39.01.

3558 (2) A caregiver who deserts a child under circumstances in
3559 which the caregiver knew or should have known that the desertion
3560 exposes the child to unreasonable risk of harm commits a felony
3561 of the third degree, punishable as provided in s. 775.082, s.
3562 775.083, or s. 775.084.

3563 (3) This section does not apply to a person who surrenders
3564 a newborn infant in compliance with s. 383.50.

3565 (4) This section does not preclude prosecution for a
3566 criminal act under any other law, including, but not limited to,
3567 prosecution of child abuse or neglect of a child under s.

576-04540-14

20141666c1

3568 827.03.

3569 Section 41. Paragraph (d) of subsection (4) of section
3570 985.04, Florida Statutes, is amended to read:

3571 985.04 Oaths; records; confidential information.—

3572 (4)

3573 (d) The department shall disclose to the school
3574 superintendent the presence of any child in the care and custody
3575 or under the jurisdiction or supervision of the department who
3576 has a known history of criminal sexual behavior with other
3577 juveniles; ~~is an~~ alleged to have committed juvenile sexual abuse
3578 ~~offender,~~ as defined in s. 39.01; or has pled guilty or nolo
3579 contendere to, or has been found to have committed, a violation
3580 of chapter 794, chapter 796, chapter 800, s. 827.071, or s.
3581 847.0133, regardless of adjudication. Any employee of a district
3582 school board who knowingly and willfully discloses such
3583 information to an unauthorized person commits a misdemeanor of
3584 the second degree, punishable as provided in s. 775.082 or s.
3585 775.083.

3586 Section 42. Section 1004.615, Florida Statutes, is created
3587 to read:

3588 1004.615 Florida Institute for Child Welfare.—

3589 (1) There is established the Florida Institute for Child
3590 Welfare within the Florida State University College of Social
3591 Work. The purpose of the institute is to advance the well-being
3592 of children and families by improving the performance of child
3593 protection and child welfare services through research, policy
3594 analysis, evaluation, and leadership development. The institute
3595 shall consist of a consortium of public and private universities
3596 offering degrees in social work and shall be housed within the

576-04540-14

20141666c1

3597 Florida State University College of Social Work.

3598 (2) Using such resources as authorized in the General
3599 Appropriations Act, the Department of Children and Families
3600 shall contract with the institute for performance of the duties
3601 described in subsection (4) using state appropriations, public
3602 and private grants, and other resources obtained by the
3603 institute.

3604 (3) The institute shall work with the department, sheriffs
3605 providing child protective investigative services, community-
3606 based care lead agencies, community-based care provider
3607 organizations, the court system, the Department of Juvenile
3608 Justice, the Florida Coalition Against Domestic Violence, and
3609 other partners who contribute to and participate in providing
3610 child protection and child welfare services.

3611 (4) The institute shall:

3612 (a) Maintain a program of research which contributes to
3613 scientific knowledge and informs both policy and practice
3614 related to child safety, permanency, and child and family well-
3615 being.

3616 (b) Advise the department and other organizations
3617 participating in the child protection and child welfare system
3618 regarding scientific evidence on policy and practice related to
3619 child safety, permanency, and child and family well-being.

3620 (c) Provide advice regarding management practices and
3621 administrative processes used by the department and other
3622 organizations participating in the child protection and child
3623 welfare system and recommend improvements that reduce
3624 burdensome, ineffective requirements for frontline staff and
3625 their supervisors while enhancing their ability to effectively

576-04540-14

20141666c1

3626 investigate, analyze, problem solve, and supervise.

3627 (d) Assess the performance of child protection and child
3628 welfare services based on specific outcome measures.

3629 (e) Evaluate the scope and effectiveness of preservice and
3630 inservice training for child protection and child welfare
3631 employees and advise and assist the department in efforts to
3632 improve such training.

3633 (f) Assess the readiness of social work graduates to assume
3634 job responsibilities in the child protection and child welfare
3635 system and identify gaps in education which can be addressed
3636 through the modification of curricula or the establishment of
3637 industry certifications.

3638 (g) Develop and maintain a program of professional support
3639 including training courses and consulting services that assist
3640 both individuals and organizations in implementing adaptive and
3641 resilient responses to workplace stress.

3642 (h) Participate in the department's critical incident
3643 response team, assist in the preparation of reports about such
3644 incidents, and support the committee review of reports and
3645 development of recommendations.

3646 (i) Identify effective policies and promising practices,
3647 including, but not limited to, innovations in coordination
3648 between entities participating in the child protection and child
3649 welfare system, data analytics, working with the local
3650 community, and management of human service organizations, and
3651 communicate these findings to the department and other
3652 organizations participating in the child protection and child
3653 welfare system.

3654 (j) Develop a definition of a child or family at high risk

576-04540-14

20141666c1

3655 of abuse or neglect. Such a definition must consider
3656 characteristics associated with a greater probability of abuse
3657 and neglect.

3658 (5) The President of the Florida State University shall
3659 appoint a director of the institute. The director must be a
3660 child welfare professional with a degree in social work who
3661 holds a faculty appointment in the Florida State University
3662 College of Social Work. The institute shall be administered by
3663 the director, and the director's office shall be located at the
3664 Florida State University. The director is responsible for
3665 overall management of the institute and for developing and
3666 executing the work of the institute consistent with the
3667 responsibilities in subsection (4). The director shall engage
3668 individuals in other state universities with accredited colleges
3669 of social work to participate in the institute. Individuals from
3670 other university programs relevant to the institute's work,
3671 including, but not limited to, economics, management, law,
3672 medicine, and education, may also be invited by the director to
3673 contribute to the institute. The universities participating in
3674 the institute shall provide facilities, staff, and other
3675 resources to the institute to establish statewide access to
3676 institute programs and services.

3677 (6) By October 1 of each year, the institute shall provide
3678 a written report to the Governor, the President of the Senate,
3679 and the Speaker of the House of Representatives which outlines
3680 its activities in the preceding year, reports significant
3681 research findings, as well as results of other programs, and
3682 provides specific recommendations for improving child protection
3683 and child welfare services.

576-04540-14

20141666c1

3684 (a) The institute shall include an evaluation of the
3685 results of the educational and training requirements for child
3686 protection and child welfare personnel established under this
3687 act and recommendations for application of the results to child
3688 protection personnel employed by sheriff's offices providing
3689 child protection services in its report due October 1, 2017.

3690 (b) The institute shall include an evaluation of the
3691 effects of the other provisions of this act and recommendations
3692 for improvements in child protection and child welfare services
3693 in its report due October 1, 2018.

3694 (7) The institute shall submit a report with
3695 recommendations for improving the state's child welfare system.
3696 The report shall address topics including, but not limited to,
3697 enhancing working relationships between the entities involved in
3698 the child protection and child welfare system, identification of
3699 and replication of best practices, reducing paperwork,
3700 increasing the retention of child protective investigators and
3701 case managers, and caring for medically complex children within
3702 the child welfare system, with the goal of allowing the child to
3703 remain in the least restrictive and most nurturing environment.
3704 The institute shall submit an interim report by February 1,
3705 2015, and final report by October 1, 2015, to the Governor, the
3706 President of the Senate, and the Speaker of the House of
3707 Representatives.

3708 Section 43. Paragraph (h) is added to subsection (1) of
3709 section 1009.25, Florida Statutes, to read:

3710 1009.25 Fee exemptions.—

3711 (1) The following students are exempt from the payment of
3712 tuition and fees, including lab fees, at a school district that

576-04540-14

20141666c1

3713 provides workforce education programs, Florida College System
3714 institution, or state university:

3715 (h) Pursuant to s. 402.403, child protection and child
3716 welfare personnel as defined in s. 402.402 who are enrolled in
3717 an accredited bachelor's degree or master's degree in social
3718 work program, provided that the student attains at least a grade
3719 of "B" in all courses for which tuition and fees are exempted.

3720 Section 44. Section 402.401, Florida Statutes, is repealed.

3721 Section 45. Section 409.1671, Florida Statutes, is
3722 repealed.

3723 Section 46. Section 409.16715, Florida Statutes, is
3724 repealed.

3725 Section 47. Section 409.16745, Florida Statutes, is
3726 repealed.

3727 Section 48. Section 1004.61, Florida Statutes, is repealed.

3728 Section 49. Paragraph (g) of subsection (1) of section
3729 39.201, Florida Statutes, is amended to read:

3730 39.201 Mandatory reports of child abuse, abandonment, or
3731 neglect; mandatory reports of death; central abuse hotline.—

3732 (1)

3733 (g) Nothing in this chapter or in the contracting with
3734 community-based care providers for foster care and related
3735 services as specified in s. 409.987 ~~s. 409.1671~~ shall be
3736 construed to remove or reduce the duty and responsibility of any
3737 person, including any employee of the community-based care
3738 provider, to report a suspected or actual case of child abuse,
3739 abandonment, or neglect or the sexual abuse of a child to the
3740 department's central abuse hotline.

3741 Section 50. Subsection (1) of section 39.302, Florida

576-04540-14

20141666c1

3742 Statutes, is amended to read:

3743 39.302 Protective investigations of institutional child
3744 abuse, abandonment, or neglect.—

3745 (1) The department shall conduct a child protective
3746 investigation of each report of institutional child abuse,
3747 abandonment, or neglect. Upon receipt of a report that alleges
3748 that an employee or agent of the department, or any other entity
3749 or person covered by s. 39.01(32) ~~s. 39.01(33)~~ or (47), acting
3750 in an official capacity, has committed an act of child abuse,
3751 abandonment, or neglect, the department shall initiate a child
3752 protective investigation within the timeframe established under
3753 s. 39.201(5) and notify the appropriate state attorney, law
3754 enforcement agency, and licensing agency, which shall
3755 immediately conduct a joint investigation, unless independent
3756 investigations are more feasible. When conducting investigations
3757 or having face-to-face interviews with the child, investigation
3758 visits shall be unannounced unless it is determined by the
3759 department or its agent that unannounced visits threaten the
3760 safety of the child. If a facility is exempt from licensing, the
3761 department shall inform the owner or operator of the facility of
3762 the report. Each agency conducting a joint investigation is
3763 entitled to full access to the information gathered by the
3764 department in the course of the investigation. A protective
3765 investigation must include an interview with the child's parent
3766 or legal guardian. The department shall make a full written
3767 report to the state attorney within 3 working days after making
3768 the oral report. A criminal investigation shall be coordinated,
3769 whenever possible, with the child protective investigation of
3770 the department. Any interested person who has information

576-04540-14

20141666c1

3771 regarding the offenses described in this subsection may forward
3772 a statement to the state attorney as to whether prosecution is
3773 warranted and appropriate. Within 15 days after the completion
3774 of the investigation, the state attorney shall report the
3775 findings to the department and shall include in the report a
3776 determination of whether or not prosecution is justified and
3777 appropriate in view of the circumstances of the specific case.

3778 Section 51. Subsection (1) of section 39.524, Florida
3779 Statutes, is amended to read:

3780 39.524 Safe-harbor placement.—

3781 (1) Except as provided in s. 39.407 or s. 985.801, a
3782 dependent child 6 years of age or older who has been found to be
3783 a victim of sexual exploitation as defined in s. 39.01(68)(g) ~~s.~~
3784 ~~39.01(67)(g)~~ must be assessed for placement in a safe house as
3785 provided in s. 409.1678. The assessment shall be conducted by
3786 the department or its agent and shall incorporate and address
3787 current and historical information from any law enforcement
3788 reports; psychological testing or evaluation that has occurred;
3789 current and historical information from the guardian ad litem,
3790 if one has been assigned; current and historical information
3791 from any current therapist, teacher, or other professional who
3792 has knowledge of the child and has worked with the child; and
3793 any other information concerning the availability and
3794 suitability of safe-house placement. If such placement is
3795 determined to be appropriate as a result of this assessment, the
3796 child may be placed in a safe house, if one is available. As
3797 used in this section, the term "available" as it relates to a
3798 placement means a placement that is located within the circuit
3799 or otherwise reasonably accessible.

576-04540-14

20141666c1

3800 Section 52. Subsection (6) of section 316.613, Florida
3801 Statutes, is amended to read:

3802 316.613 Child restraint requirements.—

3803 (6) The child restraint requirements imposed by this
3804 section do not apply to a chauffeur-driven taxi, limousine,
3805 sedan, van, bus, motor coach, or other passenger vehicle if the
3806 operator and the motor vehicle are hired and used for the
3807 transportation of persons for compensation. It is the obligation
3808 and responsibility of the parent, guardian, or other person
3809 responsible for a child's welfare, ~~as defined in s. 39.01(47),~~
3810 to comply with the requirements of this section.

3811 Section 53. Subsections (1), (3), and (5) of section
3812 409.1676, Florida Statutes, are amended to read:

3813 409.1676 Comprehensive residential group care services to
3814 children who have extraordinary needs.—

3815 (1) It is the intent of the Legislature to provide
3816 comprehensive residential group care services, including
3817 residential care, case management, and other services, to
3818 children in the child protection system who have extraordinary
3819 needs. These services are to be provided in a residential group
3820 care setting by a not-for-profit corporation or a local
3821 government entity under a contract with the Department of
3822 Children and Families ~~Family Services~~ or by a lead agency as
3823 described in s. 409.987 ~~s. 409.1671~~. These contracts should be
3824 designed to provide an identified number of children with access
3825 to a full array of services for a fixed price. Further, it is
3826 the intent of the Legislature that the Department of Children
3827 and Families ~~Family Services~~ and the Department of Juvenile
3828 Justice establish an interagency agreement by December 1, 2002,

576-04540-14

20141666c1

3829 which describes respective agency responsibilities for referral,
3830 placement, service provision, and service coordination for
3831 dependent and delinquent youth who are referred to these
3832 residential group care facilities. The agreement must require
3833 interagency collaboration in the development of terms,
3834 conditions, and performance outcomes for residential group care
3835 contracts serving the youth referred who have been adjudicated
3836 both dependent and delinquent.

3837 (3) The department, in accordance with a specific
3838 appropriation for this program, shall contract with a not-for-
3839 profit corporation, a local government entity, or the lead
3840 agency that has been established in accordance with s. 409.987
3841 ~~s. 409.1671~~ for the performance of residential group care
3842 services described in this section. A lead agency that is
3843 currently providing residential care may provide this service
3844 directly with the approval of the local community alliance. The
3845 department or a lead agency may contract for more than one site
3846 in a county if that is determined to be the most effective way
3847 to achieve the goals set forth in this section.

3848 (5) The department may transfer all casework
3849 responsibilities for children served under this program to the
3850 entity that provides this service, including case management and
3851 development and implementation of a case plan in accordance with
3852 current standards for child protection services. When the
3853 department establishes this program in a community that has a
3854 lead agency as described in s. 409.987 ~~s. 409.1671~~, the casework
3855 responsibilities must be transferred to the lead agency.

3856 Section 54. Subsection (2) of section 409.1677, Florida
3857 Statutes, is amended to read:

576-04540-14

20141666c1

3858 409.1677 Model comprehensive residential services
3859 programs.—

3860 (2) The department shall establish a model comprehensive
3861 residential services program in Manatee and Miami-Dade Counties
3862 through a contract with the designated lead agency established
3863 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private
3864 entity capable of providing residential group care and home-
3865 based care and experienced in the delivery of a range of
3866 services to foster children, if no lead agency exists. These
3867 model programs are to serve that portion of eligible children
3868 within each county which is specified in the contract, based on
3869 funds appropriated, to include a full array of services for a
3870 fixed price. The private entity or lead agency is responsible
3871 for all programmatic functions necessary to carry out the intent
3872 of this section.

3873 Section 55. Paragraph (d) of subsection (1) of section
3874 409.1678, Florida Statutes, is amended to read:

3875 409.1678 Safe harbor for children who are victims of sexual
3876 exploitation.—

3877 (1) As used in this section, the term:

3878 (d) "Sexually exploited child" means a dependent child who
3879 has suffered sexual exploitation as defined in s. 39.01(68)(g)
3880 ~~s. 39.01(67)(g)~~ and is ineligible for relief and benefits under
3881 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.
3882 7101 et seq.

3883 Section 56. Subsection (24) of section 409.906, Florida
3884 Statutes, is amended to read:

3885 409.906 Optional Medicaid services.—Subject to specific
3886 appropriations, the agency may make payments for services which

576-04540-14

20141666c1

3887 are optional to the state under Title XIX of the Social Security
3888 Act and are furnished by Medicaid providers to recipients who
3889 are determined to be eligible on the dates on which the services
3890 were provided. Any optional service that is provided shall be
3891 provided only when medically necessary and in accordance with
3892 state and federal law. Optional services rendered by providers
3893 in mobile units to Medicaid recipients may be restricted or
3894 prohibited by the agency. Nothing in this section shall be
3895 construed to prevent or limit the agency from adjusting fees,
3896 reimbursement rates, lengths of stay, number of visits, or
3897 number of services, or making any other adjustments necessary to
3898 comply with the availability of moneys and any limitations or
3899 directions provided for in the General Appropriations Act or
3900 chapter 216. If necessary to safeguard the state's systems of
3901 providing services to elderly and disabled persons and subject
3902 to the notice and review provisions of s. 216.177, the Governor
3903 may direct the Agency for Health Care Administration to amend
3904 the Medicaid state plan to delete the optional Medicaid service
3905 known as "Intermediate Care Facilities for the Developmentally
3906 Disabled." Optional services may include:

3907 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for
3908 Health Care Administration, in consultation with the Department
3909 of Children and Families ~~Family Services~~, may establish a
3910 targeted case-management project in those counties identified by
3911 the Department of Children and Families ~~Family Services~~ and for
3912 all counties with a community-based child welfare project, as
3913 authorized under s. 409.987 ~~s. 409.1671~~, which have been
3914 specifically approved by the department. The covered group of
3915 individuals who are eligible to receive targeted case management

576-04540-14

20141666c1

3916 include children who are eligible for Medicaid; who are between
3917 the ages of birth through 21; and who are under protective
3918 supervision or postplacement supervision, under foster-care
3919 supervision, or in shelter care or foster care. The number of
3920 individuals who are eligible to receive targeted case management
3921 is limited to the number for whom the Department of Children and
3922 Families ~~Family Services~~ has matching funds to cover the costs.
3923 The general revenue funds required to match the funds for
3924 services provided by the community-based child welfare projects
3925 are limited to funds available for services described under s.
3926 409.990 ~~s. 409.1671~~. The Department of Children and Families
3927 ~~Family Services~~ may transfer the general revenue matching funds
3928 as billed by the Agency for Health Care Administration.

3929 Section 57. Paragraph (b) of subsection (4) of section
3930 409.912, Florida Statutes, is amended to read:

3931 409.912 Cost-effective purchasing of health care.—The
3932 agency shall purchase goods and services for Medicaid recipients
3933 in the most cost-effective manner consistent with the delivery
3934 of quality medical care. To ensure that medical services are
3935 effectively utilized, the agency may, in any case, require a
3936 confirmation or second physician's opinion of the correct
3937 diagnosis for purposes of authorizing future services under the
3938 Medicaid program. This section does not restrict access to
3939 emergency services or poststabilization care services as defined
3940 in 42 C.F.R. part 438.114. Such confirmation or second opinion
3941 shall be rendered in a manner approved by the agency. The agency
3942 shall maximize the use of prepaid per capita and prepaid
3943 aggregate fixed-sum basis services when appropriate and other
3944 alternative service delivery and reimbursement methodologies,

576-04540-14

20141666c1

3945 including competitive bidding pursuant to s. 287.057, designed
3946 to facilitate the cost-effective purchase of a case-managed
3947 continuum of care. The agency shall also require providers to
3948 minimize the exposure of recipients to the need for acute
3949 inpatient, custodial, and other institutional care and the
3950 inappropriate or unnecessary use of high-cost services. The
3951 agency shall contract with a vendor to monitor and evaluate the
3952 clinical practice patterns of providers in order to identify
3953 trends that are outside the normal practice patterns of a
3954 provider's professional peers or the national guidelines of a
3955 provider's professional association. The vendor must be able to
3956 provide information and counseling to a provider whose practice
3957 patterns are outside the norms, in consultation with the agency,
3958 to improve patient care and reduce inappropriate utilization.
3959 The agency may mandate prior authorization, drug therapy
3960 management, or disease management participation for certain
3961 populations of Medicaid beneficiaries, certain drug classes, or
3962 particular drugs to prevent fraud, abuse, overuse, and possible
3963 dangerous drug interactions. The Pharmaceutical and Therapeutics
3964 Committee shall make recommendations to the agency on drugs for
3965 which prior authorization is required. The agency shall inform
3966 the Pharmaceutical and Therapeutics Committee of its decisions
3967 regarding drugs subject to prior authorization. The agency is
3968 authorized to limit the entities it contracts with or enrolls as
3969 Medicaid providers by developing a provider network through
3970 provider credentialing. The agency may competitively bid single-
3971 source-provider contracts if procurement of goods or services
3972 results in demonstrated cost savings to the state without
3973 limiting access to care. The agency may limit its network based

576-04540-14

20141666c1

3974 on the assessment of beneficiary access to care, provider
3975 availability, provider quality standards, time and distance
3976 standards for access to care, the cultural competence of the
3977 provider network, demographic characteristics of Medicaid
3978 beneficiaries, practice and provider-to-beneficiary standards,
3979 appointment wait times, beneficiary use of services, provider
3980 turnover, provider profiling, provider licensure history,
3981 previous program integrity investigations and findings, peer
3982 review, provider Medicaid policy and billing compliance records,
3983 clinical and medical record audits, and other factors. Providers
3984 are not entitled to enrollment in the Medicaid provider network.
3985 The agency shall determine instances in which allowing Medicaid
3986 beneficiaries to purchase durable medical equipment and other
3987 goods is less expensive to the Medicaid program than long-term
3988 rental of the equipment or goods. The agency may establish rules
3989 to facilitate purchases in lieu of long-term rentals in order to
3990 protect against fraud and abuse in the Medicaid program as
3991 defined in s. 409.913. The agency may seek federal waivers
3992 necessary to administer these policies.

3993 (4) The agency may contract with:

3994 (b) An entity that is providing comprehensive behavioral
3995 health care services to certain Medicaid recipients through a
3996 capitated, prepaid arrangement pursuant to the federal waiver
3997 provided for by s. 409.905(5). Such entity must be licensed
3998 under chapter 624, chapter 636, or chapter 641, or authorized
3999 under paragraph (c) or paragraph (d), and must possess the
4000 clinical systems and operational competence to manage risk and
4001 provide comprehensive behavioral health care to Medicaid
4002 recipients. As used in this paragraph, the term "comprehensive

576-04540-14

20141666c1

4003 behavioral health care services" means covered mental health and
4004 substance abuse treatment services that are available to
4005 Medicaid recipients. The secretary of the Department of Children
4006 and Families ~~Family Services~~ shall approve provisions of
4007 procurements related to children in the department's care or
4008 custody before enrolling such children in a prepaid behavioral
4009 health plan. Any contract awarded under this paragraph must be
4010 competitively procured. In developing the behavioral health care
4011 prepaid plan procurement document, the agency shall ensure that
4012 the procurement document requires the contractor to develop and
4013 implement a plan to ensure compliance with s. 394.4574 related
4014 to services provided to residents of licensed assisted living
4015 facilities that hold a limited mental health license. Except as
4016 provided in subparagraph 5., and except in counties where the
4017 Medicaid managed care pilot program is authorized pursuant to s.
4018 409.91211, the agency shall seek federal approval to contract
4019 with a single entity meeting these requirements to provide
4020 comprehensive behavioral health care services to all Medicaid
4021 recipients not enrolled in a Medicaid managed care plan
4022 authorized under s. 409.91211, a provider service network
4023 authorized under paragraph (d), or a Medicaid health maintenance
4024 organization in an AHCA area. In an AHCA area where the Medicaid
4025 managed care pilot program is authorized pursuant to s.
4026 409.91211 in one or more counties, the agency may procure a
4027 contract with a single entity to serve the remaining counties as
4028 an AHCA area or the remaining counties may be included with an
4029 adjacent AHCA area and are subject to this paragraph. Each
4030 entity must offer a sufficient choice of providers in its
4031 network to ensure recipient access to care and the opportunity

576-04540-14

20141666c1

4032 to select a provider with whom they are satisfied. The network
4033 shall include all public mental health hospitals. To ensure
4034 unimpaired access to behavioral health care services by Medicaid
4035 recipients, all contracts issued pursuant to this paragraph must
4036 require 80 percent of the capitation paid to the managed care
4037 plan, including health maintenance organizations and capitated
4038 provider service networks, to be expended for the provision of
4039 behavioral health care services. If the managed care plan
4040 expends less than 80 percent of the capitation paid for the
4041 provision of behavioral health care services, the difference
4042 shall be returned to the agency. The agency shall provide the
4043 plan with a certification letter indicating the amount of
4044 capitation paid during each calendar year for behavioral health
4045 care services pursuant to this section. The agency may reimburse
4046 for substance abuse treatment services on a fee-for-service
4047 basis until the agency finds that adequate funds are available
4048 for capitated, prepaid arrangements.

4049 1. The agency shall modify the contracts with the entities
4050 providing comprehensive inpatient and outpatient mental health
4051 care services to Medicaid recipients in Hillsborough, Highlands,
4052 Hardee, Manatee, and Polk Counties, to include substance abuse
4053 treatment services.

4054 2. Except as provided in subparagraph 5., the agency and
4055 the Department of Children and Families ~~Family Services~~ shall
4056 contract with managed care entities in each AHCA area except
4057 area 6 or arrange to provide comprehensive inpatient and
4058 outpatient mental health and substance abuse services through
4059 capitated prepaid arrangements to all Medicaid recipients who
4060 are eligible to participate in such plans under federal law and

576-04540-14

20141666c1

4061 regulation. In AHCA areas where eligible individuals number less
4062 than 150,000, the agency shall contract with a single managed
4063 care plan to provide comprehensive behavioral health services to
4064 all recipients who are not enrolled in a Medicaid health
4065 maintenance organization, a provider service network authorized
4066 under paragraph (d), or a Medicaid capitated managed care plan
4067 authorized under s. 409.91211. The agency may contract with more
4068 than one comprehensive behavioral health provider to provide
4069 care to recipients who are not enrolled in a Medicaid capitated
4070 managed care plan authorized under s. 409.91211, a provider
4071 service network authorized under paragraph (d), or a Medicaid
4072 health maintenance organization in AHCA areas where the eligible
4073 population exceeds 150,000. In an AHCA area where the Medicaid
4074 managed care pilot program is authorized pursuant to s.
4075 409.91211 in one or more counties, the agency may procure a
4076 contract with a single entity to serve the remaining counties as
4077 an AHCA area or the remaining counties may be included with an
4078 adjacent AHCA area and shall be subject to this paragraph.
4079 Contracts for comprehensive behavioral health providers awarded
4080 pursuant to this section shall be competitively procured. Both
4081 for-profit and not-for-profit corporations are eligible to
4082 compete. Managed care plans contracting with the agency under
4083 subsection (3) or paragraph (d) shall provide and receive
4084 payment for the same comprehensive behavioral health benefits as
4085 provided in AHCA rules, including handbooks incorporated by
4086 reference. In AHCA area 11, the agency shall contract with at
4087 least two comprehensive behavioral health care providers to
4088 provide behavioral health care to recipients in that area who
4089 are enrolled in, or assigned to, the MediPass program. One of

576-04540-14

20141666c1

4090 the behavioral health care contracts must be with the existing
4091 provider service network pilot project, as described in
4092 paragraph (d), for the purpose of demonstrating the cost-
4093 effectiveness of the provision of quality mental health services
4094 through a public hospital-operated managed care model. Payment
4095 shall be at an agreed-upon capitated rate to ensure cost
4096 savings. Of the recipients in area 11 who are assigned to
4097 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those
4098 MediPass-enrolled recipients shall be assigned to the existing
4099 provider service network in area 11 for their behavioral care.

4100 3. Children residing in a statewide inpatient psychiatric
4101 program, or in a Department of Juvenile Justice or a Department
4102 of Children and Families ~~Family Services~~ residential program
4103 approved as a Medicaid behavioral health overlay services
4104 provider may not be included in a behavioral health care prepaid
4105 health plan or any other Medicaid managed care plan pursuant to
4106 this paragraph.

4107 4. Traditional community mental health providers under
4108 contract with the Department of Children and Families ~~Family~~
4109 ~~Services~~ pursuant to part IV of chapter 394, child welfare
4110 providers under contract with the Department of Children and
4111 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental
4112 health providers licensed pursuant to chapter 395 must be
4113 offered an opportunity to accept or decline a contract to
4114 participate in any provider network for prepaid behavioral
4115 health services.

4116 5. All Medicaid-eligible children, except children in area
4117 1 and children in Highlands County, Hardee County, Polk County,
4118 or Manatee County of area 6, which ~~that~~ are open for child

576-04540-14

20141666c1

4119 welfare services in the statewide automated child welfare
4120 information system, shall receive their behavioral health care
4121 services through a specialty prepaid plan operated by community-
4122 based lead agencies through a single agency or formal agreements
4123 among several agencies. The agency shall work with the specialty
4124 plan to develop clinically effective, evidence-based
4125 alternatives as a downward substitution for the statewide
4126 inpatient psychiatric program and similar residential care and
4127 institutional services. The specialty prepaid plan must result
4128 in savings to the state comparable to savings achieved in other
4129 Medicaid managed care and prepaid programs. Such plan must
4130 provide mechanisms to maximize state and local revenues. The
4131 specialty prepaid plan shall be developed by the agency and the
4132 Department of Children and Families ~~Family Services~~. The agency
4133 may seek federal waivers to implement this initiative. Medicaid-
4134 eligible children whose cases are open for child welfare
4135 services in the statewide automated child welfare information
4136 system and who reside in AHCA area 10 shall be enrolled in a
4137 capitated provider service network or other capitated managed
4138 care plan, which, in coordination with available community-based
4139 care providers specified in s. 409.987 ~~s. 409.1671~~, shall
4140 provide sufficient medical, developmental, and behavioral health
4141 services to meet the needs of these children.

4142
4143 Effective July 1, 2012, in order to ensure continuity of care,
4144 the agency is authorized to extend or modify current contracts
4145 based on current service areas or on a regional basis, as
4146 determined appropriate by the agency, with comprehensive
4147 behavioral health care providers as described in this paragraph

576-04540-14

20141666c1

4148 during the period prior to its expiration. This paragraph
4149 expires October 1, 2014.

4150 Section 58. Paragraph (dd) of subsection (3) of section
4151 409.91211, Florida Statutes, is amended to read:

4152 409.91211 Medicaid managed care pilot program.—

4153 (3) The agency shall have the following powers, duties, and
4154 responsibilities with respect to the pilot program:

4155 (dd) To implement service delivery mechanisms within a
4156 specialty plan in area 10 to provide behavioral health care
4157 services to Medicaid-eligible children whose cases are open for
4158 child welfare services in the HomeSafeNet system. These services
4159 must be coordinated with community-based care providers as
4160 specified in s. 409.986 ~~s. 409.1671~~, where available, and be
4161 sufficient to meet the developmental, behavioral, and emotional
4162 needs of these children. Children in area 10 who have an open
4163 case in the HomeSafeNet system shall be enrolled into the
4164 specialty plan. These service delivery mechanisms must be
4165 implemented no later than July 1, 2011, in AHCA area 10 in order
4166 for the children in AHCA area 10 to remain exempt from the
4167 statewide plan under s. 409.912(4)(b)5. An administrative fee
4168 may be paid to the specialty plan for the coordination of
4169 services based on the receipt of the state share of that fee
4170 being provided through intergovernmental transfers.

4171 Section 59. Paragraph (d) of subsection (1) of section
4172 420.628, Florida Statutes, is amended to read:

4173 420.628 Affordable housing for children and young adults
4174 leaving foster care; legislative findings and intent.—

4175 (1)

4176 (d) The Legislature intends that the Florida Housing

576-04540-14

20141666c1

4177 Finance Corporation, agencies within the State Housing
4178 Initiative Partnership Program, local housing finance agencies,
4179 public housing authorities, and their agents, and other
4180 providers of affordable housing coordinate with the Department
4181 of Children and Families ~~Family Services~~, their agents, and
4182 community-based care providers who provide services under s.
4183 409.986 ~~s. 409.1671~~ to develop and implement strategies and
4184 procedures designed to make affordable housing available
4185 whenever and wherever possible to young adults who leave the
4186 child welfare system.

4187 Section 60. Subsection (5) of section 960.065, Florida
4188 Statutes, is amended to read:

4189 960.065 Eligibility for awards.—

4190 (5) A person is not ineligible for an award pursuant to
4191 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
4192 person is a victim of sexual exploitation of a child as defined
4193 in s. 39.01(68) (g) ~~s. 39.01(67) (g)~~.

4194 Section 61. Except as otherwise expressly provided in this
4195 act, this act shall take effect July 1, 2014.