

20157078er

1
2 An act relating to child welfare; amending s. 39.2015,
3 F.S.; authorizing critical incident rapid response
4 teams to review cases of child deaths occurring during
5 an open investigation; requiring the advisory
6 committee to meet quarterly and submit quarterly
7 reports; amending s. 39.3068, F.S.; requiring case
8 staffing when medical neglect is substantiated;
9 amending s. 125.901, F.S.; revising the schedule for a
10 county's governing body to submit a general election
11 ballot question on whether to retain a children's
12 services district with voter-approved taxing
13 authority; amending s. 383.402, F.S.; requiring an
14 epidemiological child abuse death assessment and
15 prevention system; providing intent for the operation
16 of and interaction between the state and local death
17 review committees; limiting members of the state
18 committee to terms of 2 years, not to exceed three
19 consecutive terms; requiring the committee to elect a
20 chairperson and authorizing specified duties of the
21 chairperson; providing for per diem and reimbursement
22 of expenses; specifying duties of the state committee;
23 deleting obsolete provisions; providing for the
24 convening of county or multicounty local review
25 committees and support by the county health department
26 directors; specifying membership and duties of local
27 review committees; requiring the state review
28 committee to submit an annual statistical report to
29 the Governor and the Legislature; identifying the

20157078er

30 required content for the report; specifying that
31 certain responsibilities of the Department of Children
32 and Families are to be administered at the regional
33 level, rather than at the district level; amending s.
34 402.301, F.S.; requiring personnel of specified
35 membership organizations to meet background screening
36 requirements; amending s. 402.302, F.S.; adding
37 personnel of specified membership organizations to the
38 definition of the term child care personnel; amending
39 s. 409.977, F.S.; authorizing Medicaid managed care
40 specialty plans to serve specified children; amending
41 s. 409.986, F.S.; revising legislative intent to
42 require community-based care lead agencies to give
43 priority to the use of evidence-based and trauma-
44 informed services; amending s. 409.988; requiring lead
45 agencies to give priority to the use of evidence-based
46 and trauma-informed services; amending s. 435.02,
47 F.S.; redefining a term; amending s. 1006.061, F.S.;
48 requiring each district school board, charter school,
49 and certain private schools to post in each school a
50 poster with specified information; providing criteria
51 for the poster; requiring the Department of Education
52 to develop and publish a sample notice on its Internet
53 website; providing an effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Subsections (2) and (11) of section 39.2015,
58 Florida Statutes, are amended to read:

20157078er

59 39.2015 Critical incident rapid response team.—

60 (2) An immediate onsite investigation conducted by a
61 critical incident rapid response team is required for all child
62 deaths reported to the department if the child or another child
63 in his or her family was the subject of a verified report of
64 suspected abuse or neglect during the previous 12 months. The
65 secretary may direct an immediate investigation for other cases
66 involving death or serious injury to a child, including, but not
67 limited to, a death or serious injury occurring during an open
68 investigation.

69 (11) The secretary shall appoint an advisory committee made
70 up of experts in child protection and child welfare, including
71 the Statewide Medical Director for Child Protection under the
72 Department of Health, a representative from the institute
73 established pursuant to s. 1004.615, an expert in organizational
74 management, and an attorney with experience in child welfare, to
75 conduct an independent review of investigative reports from the
76 critical incident rapid response teams and to make
77 recommendations to improve policies and practices related to
78 child protection and child welfare services. The advisory
79 committee shall meet at least once each quarter and ~~By October 1~~
80 ~~of each year, the advisory committee shall submit~~ quarterly
81 reports ~~a report~~ to the secretary which include ~~includes~~
82 findings and recommendations. The secretary shall submit each
83 ~~the~~ report to the Governor, the President of the Senate, and the
84 Speaker of the House of Representatives.

85 Section 2. Subsection (3) of section 39.3068, Florida
86 Statutes, is amended to read:

87 39.3068 Reports of medical neglect.—

20157078er

88 (3) The child shall be evaluated by the child protection
89 team as soon as practicable. ~~If After receipt of the report from~~
90 the child protection team reports that medical neglect is
91 substantiated, the department shall convene a case staffing
92 which shall be attended, at a minimum, by the child protective
93 investigator; department legal staff; and representatives from
94 the child protection team that evaluated the child, Children's
95 Medical Services, the Agency for Health Care Administration, the
96 community-based care lead agency, and any providers of services
97 to the child. However, the Agency for Health Care Administration
98 is not required to attend the staffing if the child is not
99 Medicaid eligible. The staffing shall consider, at a minimum,
100 available services, given the family's eligibility for services;
101 services that are effective in addressing conditions leading to
102 medical neglect allegations; and services that would enable the
103 child to safely remain at home. Any services that are available
104 and effective shall be provided.

105 Section 3. Subsection (4) of section 125.901, Florida
106 Statutes, is amended to read:

107 125.901 Children's services; independent special district;
108 council; powers, duties, and functions; public records
109 exemption.—

110 (4) (a) Any district created pursuant to this section may be
111 dissolved by a special act of the Legislature, or the county
112 governing body may by ordinance dissolve the district subject to
113 the approval of the electorate.

114 (b) 1.a. Notwithstanding paragraph (a), the governing body
115 of the county shall submit the question of retention or
116 dissolution of a district with voter-approved taxing authority

20157078er

117 to the electorate in the general election according to the
118 following schedule:

119 (I) For a district in existence on July 1, 2010, and
120 serving a county with a population of 400,000 or fewer persons
121 as of that date.....2014.

122 ~~(II) For a district in existence on July 1, 2010, and~~
123 ~~serving a county with a population of more than 400,000 but~~
124 ~~fewer than 2 million persons as of~~
125 ~~that date.....2016.~~

126 (II) ~~(III)~~ For a district in existence on July 1, 2010, and
127 serving a county with a population of 2 million or more persons
128 as of that date.....2020.

129 b. A referendum by the electorate on or after July 1, 2010,
130 creating a new district with taxing authority may specify that
131 the district is not subject to reauthorization or may specify
132 the number of years for which the initial authorization shall
133 remain effective. If the referendum does not prescribe terms of
134 reauthorization, the governing body of the county shall submit
135 the question of retention or dissolution of the district to the
136 electorate in the general election 12 years after the initial
137 authorization.

138 2. The governing body of the district may specify, and
139 submit to the governing body of the county no later than 9
140 months before the scheduled election, that the district is not
141 subsequently subject to reauthorization or may specify the
142 number of years for which a reauthorization under this paragraph
143 shall remain effective. If the governing body of the district
144 makes such specification and submission, the governing body of
145 the county shall include that information in the question

20157078er

146 submitted to the electorate. If the governing body of the
147 district does not specify and submit such information, the
148 governing body of the county shall resubmit the question of
149 reauthorization to the electorate every 12 years after the year
150 prescribed in subparagraph 1. The governing body of the district
151 may recommend to the governing body of the county language for
152 the question submitted to the electorate.

153 3. Nothing in this paragraph limits the authority to
154 dissolve a district as provided under paragraph (a).

155 4. Nothing in this paragraph precludes the governing body
156 of a district from requesting that the governing body of the
157 county submit the question of retention or dissolution of a
158 district with voter-approved taxing authority to the electorate
159 at a date earlier than the year prescribed in subparagraph 1. If
160 the governing body of the county accepts the request and submits
161 the question to the electorate, the governing body satisfies the
162 requirement of that subparagraph.

163
164 If any district is dissolved pursuant to this subsection, each
165 county must first obligate itself to assume the debts,
166 liabilities, contracts, and outstanding obligations of the
167 district within the total millage available to the county
168 governing body for all county and municipal purposes as provided
169 for under s. 9, Art. VII of the State Constitution. Any district
170 may also be dissolved pursuant to s. part VII of chapter 189.

171 Section 4. Section 383.402, Florida Statutes, is amended to
172 read:

173 383.402 Child abuse death review; State Child Abuse Death
174 Review Committee; local child abuse death review committees.—

20157078er

175 (1) INTENT.—It is the intent of the Legislature to
176 establish a statewide multidisciplinary, multiagency,
177 epidemiological child abuse death assessment and prevention
178 system that consists of state and local review committees. The
179 ~~state and local review~~ committees shall review the facts and
180 circumstances of all deaths of children from birth to ~~through~~
181 age 18 which occur in this state and are reported to the central
182 abuse hotline of the Department of Children and Families. The
183 state and local review committees shall work cooperatively. The
184 primary function of the state review committee is to provide
185 direction and leadership for the review system and to analyze
186 data and recommendations from local review committees to
187 identify issues and trends and to recommend statewide action.
188 The primary function of the local review committees is to
189 conduct individual case reviews of deaths, generate information,
190 make recommendations, and implement improvements at the local
191 level. The purpose of the state and local review system is ~~shall~~
192 ~~be~~ to:

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

195 (b) Whenever possible, develop a communitywide approach to
196 address such causes ~~eases~~ and contributing factors.

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

201 (d) Recommend ~~Make and implement recommendations for~~
202 ~~changes in law, rules, and policies~~ at the state and local
203 levels, as well as develop practice standards that support the

20157078er

204 safe and healthy development of children and reduce preventable
205 child abuse deaths.

206 (e) Implement such recommendations, to the extent possible.

207 (2) STATE CHILD ABUSE DEATH REVIEW COMMITTEE.—

208 (a) Membership.—

209 1. The State Child Abuse Death Review Committee is
210 established within the Department of Health and shall consist of
211 a representative of the Department of Health, appointed by the
212 State Surgeon General, who shall serve as the state committee
213 coordinator. The head of each of the following agencies or
214 organizations shall also appoint a representative to the state
215 committee:

216 a.1. The Department of Legal Affairs.

217 b.2. The Department of Children and Families.

218 c.3. The Department of Law Enforcement.

219 d.4. The Department of Education.

220 e.5. The Florida Prosecuting Attorneys Association, Inc.

221 f.6. The Florida Medical Examiners Commission, whose
222 representative must be a forensic pathologist.

223 2. ~~(b)~~ In addition, the State Surgeon General shall appoint
224 the following members to the state committee, based on
225 recommendations from the Department of Health and the agencies
226 listed in subparagraph 1. ~~paragraph (a)~~, and ensuring that the
227 committee represents the regional, gender, and ethnic diversity
228 of the state to the greatest extent possible:

229 a.1. The Department of Health Statewide Child Protection
230 Team Medical Director ~~for Child Protection~~.

231 b.2. A public health nurse.

232 c.3. A mental health professional who treats children or

20157078er

233 adolescents.

234 ~~d.4.~~ An employee of the Department of Children and Families
235 who supervises family services counselors and who has at least 5
236 years of experience in child protective investigations.

237 ~~e.5.~~ The medical director of a child protection team.

238 ~~f.6.~~ A member of a child advocacy organization.

239 ~~g.7.~~ A social worker who has experience in working with
240 victims and perpetrators of child abuse.

241 ~~h.8.~~ A person trained as a paraprofessional in patient
242 resources who is employed in a child abuse prevention program.

243 ~~i.9.~~ A law enforcement officer who has at least 5 years of
244 experience in children's issues.

245 ~~j.10.~~ A representative of the Florida Coalition Against
246 Domestic Violence.

247 ~~k.11.~~ A representative from a private provider of programs
248 on preventing child abuse and neglect.

249 1. A substance abuse treatment professional.

250 3. The members of the state committee shall be appointed to
251 staggered terms not to exceed 2 years each, as determined by the
252 State Surgeon General. Members may be appointed to no more than
253 three consecutive terms. The state committee shall elect a
254 chairperson from among its members to serve for a 2-year term,
255 and the chairperson may appoint ad hoc committees as necessary
256 to carry out the duties of the committee.

257 4. Members of the state committee shall serve without
258 compensation but may receive reimbursement for per diem and
259 travel expenses incurred in the performance of their duties as
260 provided in s. 112.061 and to the extent that funds are
261 available.

20157078er

262 ~~(b)(3)~~ Duties.—The State Child Abuse Death Review Committee
263 shall:

264 1.(a) Develop a system for collecting data from local
265 committees on deaths that are reported to the central abuse
266 hotline ~~the result of child abuse~~. The system must include a
267 protocol for the uniform collection of data statewide, which
268 must, at a minimum, use the National Child Death Review Case
269 Reporting System administered by the National Center for the
270 Review and Prevention of Child Deaths ~~uses existing data-~~
271 ~~collection systems to the greatest extent possible.~~

272 2.(b) Provide training to cooperating agencies,
273 individuals, and local child abuse death review committees on
274 the use of the child abuse death data system.

275 ~~(c)~~ ~~Prepare an annual statistical report on the incidence~~
276 ~~and causes of death resulting from reported child abuse in the~~
277 ~~state during the prior calendar year. The state committee shall~~
278 ~~submit a copy of the report by October 1 of each year to the~~
279 ~~Governor, the President of the Senate, and the Speaker of the~~
280 ~~House of Representatives. The report must include~~
281 ~~recommendations for state and local action, including specific~~
282 ~~policy, procedural, regulatory, or statutory changes, and any~~
283 ~~other recommended preventive action.~~

284 3.(d) Provide training to local child abuse death review
285 committee members on the dynamics and impact of domestic
286 violence, substance abuse, or mental health disorders when there
287 is a co-occurrence of child abuse. Training must ~~shall~~ be
288 provided by the Florida Coalition Against Domestic Violence, the
289 Florida Alcohol and Drug Abuse Association, and the Florida
290 Council for Community Mental Health in each entity's respective

20157078er

291 area of expertise.

292 4.(e) Develop statewide uniform guidelines, standards, and
293 protocols, including a protocol for standardized data
294 collection, and reporting, for local child abuse death review
295 committees, and provide training and technical assistance to
296 local committees.

297 5.(f) Develop statewide uniform guidelines for reviewing
298 deaths that are the result of child abuse, including guidelines
299 to be used by law enforcement agencies, prosecutors, medical
300 examiners, health care practitioners, health care facilities,
301 and social service agencies.

302 6.(g) Study the adequacy of laws, rules, training, and
303 services to determine what changes are needed to decrease the
304 incidence of child abuse deaths and develop strategies and
305 recruit partners to implement these changes.

306 7.(h) Provide consultation on individual cases to local
307 committees upon request.

308 8.(i) Educate the public regarding the provisions of
309 chapter 99-168, Laws of Florida, the incidence and causes of
310 child abuse death, and ways by which such deaths may be
311 prevented.

312 9.(j) Promote continuing education for professionals who
313 investigate, treat, and prevent child abuse or neglect.

314 10.(k) Recommend, when appropriate, the review of the death
315 certificate of a child who died as a result of abuse or neglect.

316 ~~(4) The members of the state committee shall be appointed~~
317 ~~to staggered terms of office which may not exceed 2 years, as~~
318 ~~determined by the State Surgeon General. Members are eligible~~
319 ~~for reappointment. The state committee shall elect a chairperson~~

20157078er

320 ~~from among its members to serve for a 2-year term, and the~~
321 ~~chairperson may appoint ad hoc committees as necessary to carry~~
322 ~~out the duties of the committee.~~

323 ~~(5) Members of the state committee shall serve without~~
324 ~~compensation but are entitled to reimbursement for per diem and~~
325 ~~travel expenses incurred in the performance of their duties as~~
326 ~~provided in s. 112.061 and to the extent that funds are~~
327 ~~available.~~

328 (3)(6) LOCAL CHILD ABUSE DEATH REVIEW COMMITTEES.—At the
329 direction of the State Surgeon General, a county or multicounty
330 child abuse death review committee shall be convened and
331 supported by the county health department directors ~~the director~~
332 ~~of each county health department, or the directors of two or~~
333 ~~more county health departments by agreement, may convene and~~
334 ~~support a county or multicounty child abuse death review~~
335 ~~committee in accordance with the protocols established by the~~
336 State Child Abuse Death Review Committee.

337 (a) Membership.—The local death review committees shall
338 include, at a minimum, the following organizations'
339 representatives, appointed by the county health department
340 directors in consultation with those organizations:

341 1. The state attorney's office. ~~Each local committee must~~
342 ~~include a local state attorney, or his or her designee, and~~

343 2. The medical examiner's office.

344 3. The local Department of Children and Families child
345 protective investigations unit.

346 4. The Department of Health child protection team.

347 5. The community-based care lead agency.

348 6. State, county, or local law enforcement agencies.

20157078er

349 7. The school district.

350 8. A mental health treatment provider.

351 9. A certified domestic violence center.

352 10. A substance abuse treatment provider.

353 11. Any other members that are determined by guidelines
354 developed by the State Child Abuse Death Review Committee.

355
356 To the extent possible, individuals from these organizations or
357 entities who, in a professional capacity, dealt with a child
358 whose death is verified as caused by abuse or neglect, or with
359 the family of the child, shall attend any meetings where the
360 child's case is reviewed. The members of a local committee shall
361 be appointed to 2-year terms and may be reappointed. ~~The local~~
362 ~~committee shall elect a chairperson from among its members.~~
363 Members shall serve without compensation but may receive ~~are~~
364 ~~entitled to~~ reimbursement for per diem and travel expenses
365 incurred in the performance of their duties as provided in s.
366 112.061 and to the extent that funds are available.

367 (b)(7) Duties.—Each local child abuse death review
368 committee shall:

369 1.(a) Assist the state committee in collecting data on
370 deaths that are the result of child abuse, in accordance with
371 the protocol established by the state committee. The local
372 committee shall complete, to the fullest extent possible, the
373 individual case report in the National Child Death Review Case
374 Reporting System.

375 2.(b) Submit written reports as required by ~~at the~~
376 ~~direction of~~ the state committee. The reports must include:

377 a. Nonidentifying information from ~~an~~ individual cases.

20157078er

378 b. Identification of any problems with the data system
379 uncovered through the review process and the committee's
380 recommendations for system improvements and needed resources,
381 training, and information dissemination, where gaps or
382 deficiencies may exist. ~~and~~

383 c. All ~~the~~ steps taken by the local committee and private
384 and public agencies to implement necessary changes and improve
385 the coordination of services and reviews.

386 3. ~~(e)~~ Submit all records requested by the state committee
387 at the conclusion of its review of a death resulting from child
388 abuse.

389 4. ~~(d)~~ Abide by the standards and protocols developed by the
390 state committee.

391 5. ~~(e)~~ On a case-by-case basis, request that the state
392 committee review the data of a particular case.

393 (4) ANNUAL STATISTICAL REPORT.—The state committee shall
394 prepare and submit a comprehensive statistical report by
395 December 1 of each year to the Governor, the President of the
396 Senate, and the Speaker of the House of Representatives which
397 includes data, trends, analysis, findings, and recommendations
398 for state and local action regarding deaths from child abuse.
399 Data must be presented on an individual calendar year basis and
400 in the context of a multiyear trend. At a minimum, the report
401 must include:

402 (a) Descriptive statistics, including demographic
403 information regarding victims and caregivers, and the causes and
404 nature of deaths.

405 (b) A detailed statistical analysis of the incidence and
406 causes of deaths.

20157078er

407 (c) Specific issues identified within current policy,
408 procedure, rule, or statute and recommendations to address those
409 issues from both the state and local committees.

410 (d) Other recommendations to prevent deaths from child
411 abuse based on an analysis of the data presented in the report.

412 (5) ~~(8)~~ ACCESS TO AND USE OF RECORDS.-

413 (a) Notwithstanding any other law, the chairperson of the
414 State Child Abuse Death Review Committee, or the chairperson of
415 a local committee, shall be provided with access to any
416 information or records that pertain to a child whose death is
417 being reviewed by the committee and that are necessary for the
418 committee to carry out its duties, including information or
419 records that pertain to the child's family, as follows:

420 1. ~~(a)~~ Patient records in the possession of a public or
421 private provider of medical, dental, or mental health care,
422 including, but not limited to, a facility licensed under chapter
423 393, chapter 394, or chapter 395, or a health care practitioner
424 as defined in s. 456.001. Providers may charge a fee for copies
425 not to exceed 50 cents per page for paper records and \$1 per
426 fiche for microfiche records.

427 2. ~~(b)~~ Information or records of any state agency or
428 political subdivision which might assist a committee in
429 reviewing a child's death, including, but not limited to,
430 information or records of the Department of Children and
431 Families, the Department of Health, the Department of Education,
432 or the Department of Juvenile Justice.

433 (b) ~~(9)~~ The State Child Abuse Death Review Committee or a
434 local committee shall have access to all information of a law
435 enforcement agency which is not the subject of an active

20157078er

436 investigation and which pertains to the review of the death of a
437 child. A committee may not disclose any information that is not
438 subject to public disclosure by the law enforcement agency, and
439 active criminal intelligence information or criminal
440 investigative information, as defined in s. 119.011(3), may not
441 be made available for review or access under this section.

442 (c)~~(10)~~ The state committee and any local committee may
443 share with each other any relevant information that pertains to
444 the review of the death of a child.

445 (d)~~(11)~~ A member of the state committee or a local
446 committee may not contact, interview, or obtain information by
447 request or subpoena directly from a member of a deceased child's
448 family as part of a committee's review of a child abuse death,
449 except that if a committee member is also a public officer or
450 state employee, that member may contact, interview, or obtain
451 information from a member of the deceased child's family, if
452 necessary, as part of the committee's review. A member of the
453 deceased child's family may voluntarily provide records or
454 information to the state committee or a local committee.

455 (e)~~(12)~~ The chairperson of the State Child Abuse Death
456 Review Committee may require the production of records by
457 requesting a subpoena, through the Department of Legal Affairs,
458 in any county of the state. Such subpoena is effective
459 throughout the state and may be served by any sheriff. Failure
460 to obey the subpoena is punishable as provided by law.

461 (f)~~(13)~~ This section does not authorize the members of the
462 state committee or any local committee to have access to any
463 grand jury proceedings.

464 (g)~~(14)~~ A person who has attended a meeting of the state

20157078er

465 committee or a local committee or who has otherwise participated
466 in activities authorized by this section may not be permitted or
467 required to testify in any civil, criminal, or administrative
468 proceeding as to any records or information produced or
469 presented to a committee during meetings or other activities
470 authorized by this section. However, this subsection does not
471 prevent any person who testifies before the committee or who is
472 a member of the committee from testifying as to matters
473 otherwise within his or her knowledge. An organization,
474 institution, committee member, or other person who furnishes
475 information, data, reports, or records to the state committee or
476 a local committee is not liable for damages to any person and is
477 not subject to any other civil, criminal, or administrative
478 recourse. This subsection does not apply to any person who
479 admits to committing a crime.

480 (6) (15) DEPARTMENT OF HEALTH RESPONSIBILITIES.-

481 (a) The Department of Health shall administer the funds
482 appropriated to operate the review committees and may apply for
483 grants and accept donations.

484 (b) (16) To the extent that funds are available, the
485 Department of Health may hire staff or consultants to assist a
486 review committee in performing its duties. Funds may also be
487 used to reimburse reasonable expenses of the staff and
488 consultants for the state committee and the local committees.

489 (c) (17) For the purpose of carrying out the
490 responsibilities assigned to the State Child Abuse Death Review
491 Committee and the local review committees, the State Surgeon
492 General may substitute an existing entity whose function and
493 organization includes ~~include~~ the function and organization of

20157078er

494 the committees established by this section.

495 (7) ~~(18)~~ DEPARTMENT OF CHILDREN AND FAMILIES

496 RESPONSIBILITIES.—Each regional managing director ~~district~~
497 ~~administrator~~ of the Department of Children and Families must
498 appoint a child abuse death review coordinator for the region
499 ~~district~~. The coordinator must have knowledge and expertise in
500 the area of child abuse and neglect. The coordinator's general
501 responsibilities include:

502 (a) Coordinating with the local child abuse death review
503 committee.

504 (b) Ensuring the appropriate implementation of the child
505 abuse death review process and all regional ~~district~~ activities
506 related to the review of child abuse deaths.

507 (c) Working with the committee to ensure that the reviews
508 are thorough and that all issues are appropriately addressed.

509 (d) Maintaining a system of logging child abuse deaths
510 covered by this procedure and tracking cases during the child
511 abuse death review process.

512 (e) Conducting or arranging for a Florida Safe Families
513 Network Abuse Hotline Information System (FAHIS) record check on
514 all child abuse deaths covered by this procedure to determine
515 whether there were any prior reports concerning the child or
516 concerning any siblings, other children, or adults in the home.

517 (f) Coordinating child abuse death review activities, as
518 needed, with individuals in the community and the Department of
519 Health.

520 (g) Notifying the regional managing director ~~district~~
521 ~~administrator~~, the Secretary of Children and Families, the
522 Department of Health Deputy Secretary for Health and Deputy

20157078er

523 State Health Officer for Children's Medical Services, and the
524 Department of Health Child Abuse Death Review Coordinator of all
525 ~~child abuse~~ deaths meeting criteria for review as specified in
526 this section within 1 working day after case closure ~~verifying~~
527 ~~the child's death was due to abuse, neglect, or abandonment.~~

528 (h) Ensuring that all critical issues identified by the
529 local child abuse death review committee are brought to the
530 attention of the regional managing director ~~district~~
531 ~~administrator~~ and the Secretary of Children and Families.

532 (i) Providing technical assistance to the local child abuse
533 death review committee during the review of any child abuse
534 death.

535 Section 5. Subsection (6) of section 402.301, Florida
536 Statutes, is amended to read:

537 402.301 Child care facilities; legislative intent and
538 declaration of purpose and policy.—It is the legislative intent
539 to protect the health, safety, and well-being of the children of
540 the state and to promote their emotional and intellectual
541 development and care. Toward that end:

542 (6) It is further the intent that membership organizations
543 affiliated with national organizations which do not provide
544 child care, whose primary purpose is providing activities that
545 contribute to the development of good character or good
546 sportsmanship or to the education or cultural development of
547 minors in this state, which charge only a nominal annual
548 membership fee, which are not for profit, and which are
549 certified by their national associations as being in compliance
550 with the association's minimum standards and procedures shall
551 not be considered child care facilities ~~and therefore, their~~

20157078er

552 ~~personnel shall not be required to be screened. However, all~~
553 personnel as defined in s. 402.302 of such membership
554 organizations shall meet background screening requirements
555 through the department pursuant to ss. 402.305 and 402.3055.

556 Section 6. Subsection (3) of section 402.302, Florida
557 Statutes, is amended to read:

558 402.302 Definitions.—As used in this chapter, the term:

559 (3) "Child care personnel" means all owners, operators,
560 employees, and volunteers working in a child care facility. The
561 term does not include persons who work in a child care facility
562 after hours when children are not present or parents of children
563 in a child care facility. For purposes of screening, the term
564 includes any member, over the age of 12 years, of a child care
565 facility operator's family, or person, over the age of 12 years,
566 residing with a child care facility operator if the child care
567 facility is located in or adjacent to the home of the operator
568 or if the family member of, or person residing with, the child
569 care facility operator has any direct contact with the children
570 in the facility during its hours of operation. Members of the
571 operator's family or persons residing with the operator who are
572 between the ages of 12 years and 18 years are not required to be
573 fingerprinted but must be screened for delinquency records. For
574 purposes of screening, the term also includes persons who work
575 in child care programs that provide care for children 15 hours
576 or more each week in public or nonpublic schools, family day
577 care homes, membership organizations under s. 402.301, or
578 programs otherwise exempted under s. 402.316. The term does not
579 include public or nonpublic school personnel who are providing
580 care during regular school hours, or after hours for activities

20157078er

581 related to a school's program for grades kindergarten through
582 12. A volunteer who assists on an intermittent basis for less
583 than 10 hours per month is not included in the term "personnel"
584 for the purposes of screening and training if a person who meets
585 the screening requirement of s. 402.305(2) is always present and
586 has the volunteer in his or her line of sight. Students who
587 observe and participate in a child care facility as a part of
588 their required coursework are not considered child care
589 personnel, provided such observation and participation are on an
590 intermittent basis and a person who meets the screening
591 requirement of s. 402.305(2) is always present and has the
592 student in his or her line of sight.

593 Section 7. Subsection (5) is added to section 409.977,
594 Florida Statutes, to read:

595 409.977 Enrollment.—

596 (5) Specialty plans serving children in the care and
597 custody of the department may serve such children as long as
598 they remain in care, including those remaining in extended
599 foster care pursuant to s. 39.6251, or are in subsidized
600 adoption and continue to be eligible for Medicaid pursuant to s.
601 409.903.

602 Section 8. Paragraph (a) of subsection (1) of section
603 409.986, Florida Statutes, is amended to read:

604 409.986 Legislative findings and intent; child protection
605 and child welfare outcomes; definitions.—

606 (1) LEGISLATIVE FINDINGS AND INTENT.—

607 (a) It is the intent of the Legislature that the Department
608 of Children and Families provide child protection and child
609 welfare services to children through contracting with community-

20157078er

610 based care lead agencies. The community-based lead agencies
611 shall give priority to the use of services that are evidence-
612 based and trauma-informed. Counties that provide children and
613 family services with at least 40 licensed residential group care
614 beds by July 1, 2003, and that provide at least \$2 million
615 annually in county general revenue funds to supplement foster
616 and family care services shall continue to contract directly
617 with the state. It is the further intent of the Legislature that
618 communities have responsibility for and participate in ensuring
619 safety, permanence, and well-being for all children in the
620 state.

621 Section 9. Subsection (3) of section 409.988, Florida
622 Statutes, is amended to read:

623 409.988 Lead agency duties; general provisions.—

624 (3) SERVICES.—A lead agency must provide ~~serve~~ dependent
625 children with ~~through~~ services that are supported by research or
626 that are recognized as best practices in the best child welfare
627 field practices. The agency shall give priority to the use of
628 services that are evidence-based and trauma-informed and may
629 also provide other innovative services, including, but not
630 limited to, family-centered and, ~~cognitive-behavioral, trauma-~~
631 ~~informed~~ interventions designed to mitigate out-of-home
632 placements.

633 Section 10. Subsection (5) of section 435.02, Florida
634 Statutes, is amended to read:

635 435.02 Definitions.—For the purposes of this chapter, the
636 term:

637 (5) "Specified agency" means the Department of Health, the
638 Department of Children and Families, the Division of Vocational

20157078er

639 Rehabilitation within the Department of Education, the Agency
640 for Health Care Administration, the Department of Elderly
641 Affairs, the Department of Juvenile Justice, ~~and~~ the Agency for
642 Persons with Disabilities, and local licensing agencies approved
643 pursuant to s. 402.307, when these agencies are conducting state
644 and national criminal history background screening on persons
645 who work with children or persons who are elderly or disabled.

646 Section 11. Section 1006.061, Florida Statutes, is amended
647 to read:

648 1006.061 Child abuse, abandonment, and neglect policy.—Each
649 district school board, charter school, and private school that
650 accepts scholarship students under s. 1002.39 or s. 1002.395
651 shall:

652 (1) Post in a prominent place in each school a notice that,
653 pursuant to chapter 39, all employees and agents of the district
654 school board, charter school, or private school have an
655 affirmative duty to report all actual or suspected cases of
656 child abuse, abandonment, or neglect; have immunity from
657 liability if they report such cases in good faith; and have a
658 duty to comply with child protective investigations and all
659 other provisions of law relating to child abuse, abandonment,
660 and neglect. The notice shall also include the statewide toll-
661 free telephone number of the central abuse hotline.

662 (2) Post in a prominent place at each school site and on
663 each school's Internet website, if available, the policies and
664 procedures for reporting alleged misconduct by instructional
665 personnel or school administrators which affects the health,
666 safety, or welfare of a student; the contact person to whom the
667 report is made; and the penalties imposed on instructional

20157078er

668 personnel or school administrators who fail to report suspected
669 or actual child abuse or alleged misconduct by other
670 instructional personnel or school administrators.

671 (3) Require the principal of the charter school or private
672 school, or the district school superintendent, or the
673 superintendent's designee, at the request of the Department of
674 Children and Families, to act as a liaison to the Department of
675 Children and Families and the child protection team, as defined
676 in s. 39.01, when in a case of suspected child abuse,
677 abandonment, or neglect or an unlawful sexual offense involving
678 a child the case is referred to such a team; except that this
679 does not relieve or restrict the Department of Children and
680 Families from discharging its duty and responsibility under the
681 law to investigate and report every suspected or actual case of
682 child abuse, abandonment, or neglect or unlawful sexual offense
683 involving a child.

684 (4) (a) Post in a prominent place in a clearly visible
685 location and public area of the school which is readily
686 accessible to and widely used by students a sign in English and
687 Spanish that contains:

688 1. The statewide toll-free telephone number of the central
689 abuse hotline as provided in chapter 39;

690 2. Instructions to call 911 for emergencies; and

691 3. Directions for accessing the Department of Children and
692 Families Internet website for more information on reporting
693 abuse, neglect, and exploitation.

694 (b) The information in paragraph (a) must be put on at
695 least one poster in each school, on a sheet that measures at
696 least 11 inches by 17 inches, produced in large print, and

20157078er

697 placed at student eye level for easy viewing.

698

699 The Department of Education shall develop, and publish on the
700 department's Internet website, sample notices suitable for
701 posting in accordance with subsections (1), ~~and~~ (2), and (4).

702 Section 12. This act shall take effect July 1, 2015.