

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Altman offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. The Division of Law Revision is directed to add
8 s. 39.101, Florida Statutes, as created by this act, to part II
9 of chapter 39, Florida Statutes.

10 Section 2. Section 39.101, Florida Statutes, is created to
11 read:

12 39.101 Central abuse hotline.—The central abuse hotline is
13 the first step in the safety assessment and investigation
14 process.

15 (1) ESTABLISHMENT AND OPERATION.—

Amendment No. 1

16 (a) The department shall operate and maintain a central
17 abuse hotline capable of receiving all reports of known or
18 suspected child abuse, abandonment, or neglect and reports that
19 a child is in need of supervision and care and has no parent,
20 legal custodian, or responsible adult relative immediately known
21 and available to provide such supervision and care. The hotline
22 must accept reports 24 hours a day, 7 days a week, and such
23 reports must be made in accordance with s. 39.201. The central
24 abuse hotline must be capable of accepting reports made in
25 accordance with s. 39.201 in writing, through a single statewide
26 toll-free telephone number, or through electronic reporting. A
27 person may use any of these methods to make a report to the
28 central abuse hotline.

29 (b) The central abuse hotline must be operated in such a
30 manner as to enable the department to:

31 1. Accept reports for investigation when there is
32 reasonable cause to suspect that a child has been or is being
33 abused or neglected or has been abandoned.

34 2. Determine whether the allegations made by the reporter
35 require an immediate or a 24-hour response in accordance with
36 subsection (2).

37 3. Immediately identify and locate previous reports or
38 cases of child abuse, abandonment, or neglect through the use of
39 the department's automated tracking system.

Amendment No. 1

40 4. Track critical steps in the investigative process to
41 ensure compliance with all requirements for any report or case
42 of abuse, abandonment, or neglect.

43 5. When appropriate, refer reporters who do not allege
44 child abuse, abandonment, or neglect to other organizations that
45 may better resolve the reporter's concerns.

46 6. Serve as a resource for the evaluation, management, and
47 planning of preventive and remedial services for children who
48 have been abused, abandoned, or neglected.

49 7. Initiate and enter into agreements with other states
50 for the purposes of gathering and sharing information contained
51 in reports on child maltreatment to further enhance programs for
52 the protection of children.

53 8. Promote public awareness of the central abuse hotline
54 through community-based partner organizations and public service
55 campaigns.

56 (2) TIMEFRAMES FOR INITIATING INVESTIGATION.—After the
57 central abuse hotline receives a report, the department must
58 determine the timeframe in which to initiate an investigation
59 under chapter 39. Except as provided in s. 39.302 relating to
60 institutional investigations, the department must commence an
61 investigation:

62 (a) Immediately, regardless of the time of day or night,
63 if it appears that:

Amendment No. 1

- 64 1. The immediate safety or well-being of a child is
65 endangered;
- 66 2. The family may flee or the child may be unavailable for
67 purposes of conducting a child protective investigation; or
- 68 3. The facts reported to the central abuse hotline
69 otherwise so warrant.
- 70 (b) Within 24 hours after receipt of a report that does
71 not involve the criteria specified in paragraph (a).
- 72 (3) COLLECTION OF INFORMATION AND DATA.—The department
73 shall:
- 74 (a)1. Voice-record all incoming or outgoing calls that are
75 received or placed by the central abuse hotline which relate to
76 suspected or known child abuse, abandonment, or neglect and
77 maintain an electronic copy of each report made to the central
78 abuse hotline through a call or electronic reporting.
- 79 2. Make the recording or electronic copy of the report
80 made to the central abuse hotline a part of the record of the
81 report. Notwithstanding s. 39.202, the recording or electronic
82 copy may only be released in full to law enforcement agencies
83 and state attorneys for the purposes of investigating and
84 prosecuting criminal charges under s. 39.205, or to employees of
85 the department for the purposes of investigating and seeking
86 administrative fines under s. 39.206.

87

Amendment No. 1

88 This paragraph does not prohibit central abuse hotline
89 counselors from using the recordings or the electronic copy of
90 reports for quality assurance or training purposes.

91 (b)1. Secure and install electronic equipment that
92 automatically provides the central abuse hotline the telephone
93 number from which the call is placed or the Internet protocol
94 address from which the electronic report is received.

95 2. Enter the telephone number or Internet protocol address
96 into the report of child abuse, abandonment, or neglect for it
97 to become a part of the record of the report.

98 3. Maintain the confidentiality of such information in the
99 same manner as given to the identity of the reporter under s.
100 39.202.

101 (c)1. Update the online form used for reporting child
102 abuse, abandonment, or neglect to include qualifying questions
103 in order to obtain necessary information required to assess need
104 and the timeframes necessary for initiating an investigation
105 under subsection (2).

106 2. Make the report available in its entirety to the
107 central abuse hotline counselors as needed to update the Florida
108 Safe Families Network or other similar systems.

109 (d) Monitor and evaluate the effectiveness of the
110 reporting and investigating of suspected child abuse,
111 abandonment, or neglect through the development and analysis of
112 statistical and other information.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

113 (e) Maintain and produce aggregate statistical reports
114 monitoring patterns of child abuse, abandonment, and neglect.

115 (f)1. Collect and analyze child-on-child sexual abuse
116 reports and include such information in the aggregate
117 statistical reports.

118 2. Collect and analyze, in separate statistical reports,
119 those reports of child abuse, sexual abuse, and juvenile sexual
120 abuse which are reported from or which occurred on or at:

121 a. School premises;

122 b. School transportation;

123 c. School-sponsored off-campus events;

124 d. A school readiness program provider determined to be
125 eligible under s. 1002.88;

126 e. A private prekindergarten provider or a public school
127 prekindergarten provider, as those terms are defined in s.
128 1002.51(7) and (8), respectively;

129 f. A public K-12 school as described in s. 1000.04;

130 g. A private school as defined in s. 1002.01;

131 h. A Florida College System institution or a state
132 university, as those terms are defined in s. 1000.21(3) and (6),
133 respectively; or

134 i. A school, as defined in s. 1005.02.

135 (4) USE OF INFORMATION RECEIVED BY THE CENTRAL ABUSE
136 HOTLINE.-

Amendment No. 1

137 (a) Information received by the central abuse hotline may
138 not be used for employment screening, except as provided in s.
139 39.202(2) (a) and (h) or s. 402.302(15).

140 (b) Information in the central abuse hotline and the
141 department's automated abuse information system may be used by
142 the department, its authorized agents or contract providers, the
143 Department of Health, or county agencies as part of the
144 licensure or registration process pursuant to ss. 402.301-
145 402.319 and ss. 409.175-409.176.

146 (c) Information in the central abuse hotline may also be
147 used by the Department of Education for purposes of educator
148 certification discipline and review pursuant to s. 39.202(2)(q).

149 (5) QUALITY ASSURANCE.—On an ongoing basis, the
150 department's quality assurance program shall review screened-out
151 reports involving three or more unaccepted reports on a single
152 child, when jurisdiction applies, in order to detect such things
153 as harassment and situations that warrant an investigation
154 because of the frequency of the reports or the variety of the
155 sources of the reports. A component of the quality assurance
156 program must analyze unaccepted reports to the central abuse
157 hotline by identified relatives as a part of the review of
158 screened-out reports. The Assistant Secretary for Child Welfare
159 may refer a case for investigation when it is determined, as a
160 result of such review, that an investigation may be warranted.

Amendment No. 1

161 Section 3. Section 39.201, Florida Statutes, is amended to
162 read:

163 (Substantial rewording of section. See
164 s. 39.201, F.S., for present text.)

165 39.201 Required reports of child abuse, abandonment, or
166 neglect, sexual abuse of a child, and juvenile sexual abuse;
167 required reports of death; reports involving a child who has
168 exhibited inappropriate sexual behavior.-

169 (1) MANDATORY REPORTING.-

170 (a)1. A person is required to report immediately to the
171 central abuse hotline established in s. 39.101, in writing,
172 through a call to the toll-free telephone number, or through
173 electronic reporting, if he or she knows, or has reasonable
174 cause to suspect, that any of the following has occurred:

175 a. Child abuse, abandonment, or neglect by a parent or
176 caregiver, which includes, but is not limited to, when a child
177 is abused, abandoned, or neglected by a parent, legal custodian,
178 caregiver, or other person responsible for the child's welfare
179 or when a child is in need of supervision and care and has no
180 parent, legal custodian, or responsible adult relative
181 immediately known and available to provide such supervision and
182 care.

183 b. Child abuse by an adult other than a parent, legal
184 custodian, caregiver, or other person responsible for the
185 child's welfare. The central abuse hotline must immediately

Amendment No. 1

186 electronically transfer such reports to the appropriate county
187 sheriff's office.

188 2. Any person who knows, or has reasonable cause to
189 suspect, that a child is the victim of sexual abuse or juvenile
190 sexual abuse shall report such knowledge or suspicion to the
191 central abuse hotline, including if the alleged incident
192 involves a child who is in the custody of or under the
193 protective supervision of the department.

194

195 Such reports may be made in writing, through the statewide toll-
196 free telephone number, or through electronic reporting.

197 (b)1. A person from the general public may make a report
198 to the central abuse hotline anonymously if he or she chooses to
199 do so.

200 2. A person making a report to the central abuse hotline
201 whose occupation is in any of the following categories is
202 required to provide his or her name to the central abuse hotline
203 counselors:

204 a. Physician, osteopathic physician, medical examiner,
205 chiropractic physician, nurse, or hospital personnel engaged in
206 the admission, examination, care, or treatment of persons;

207 b. Health care professional or mental health professional
208 other than a person listed in sub-subparagraph a.;

209 c. Practitioner who relies solely on spiritual means for
210 healing;

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

211 d. School teacher or other school official or personnel;

212 e. Social worker, day care center worker, or other
213 professional child care worker, foster care worker, residential
214 worker, or institutional worker;

215 f. Law enforcement officer;

216 g. Judge; or

217 h. Animal control officer as defined in s. 828.27 or agent
218 appointed under s. 828.03.

219 (c) Central abuse hotline counselors shall advise persons
220 under subparagraph (b)2. who are making a report to the central
221 abuse hotline that, while their names must be entered into the
222 record of the report, the names of reporters are held
223 confidential and exempt as provided in s. 39.202. Such
224 counselors must receive periodic training in encouraging all
225 reporters to provide their names when making a report.

226 (2) EXCEPTIONS TO REPORTING.—

227 (a) An additional report of child abuse, abandonment, or
228 neglect, sexual abuse of a child, or juvenile sexual abuse is
229 not required to be made by:

230 1. A professional who is hired by or who enters into a
231 contract with the department for the purpose of treating or
232 counseling a person as a result of a report of child abuse,
233 abandonment, or neglect, sexual abuse of a child, or juvenile
234 sexual abuse if such person was the subject of the referral for
235 treatment or counseling.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

236 2. An officer or employee of the judicial branch when the
237 child is currently being investigated by the department, when
238 there is an existing dependency case, or when the matter has
239 previously been reported to the department if there is
240 reasonable cause to believe that the information is already
241 known to the department. This subparagraph applies only when the
242 information related to the alleged child abuse, abandonment, or
243 neglect, sexual abuse of a child, or juvenile sexual abuse has
244 been provided to such officer or employee in the course of
245 carrying out his or her official duties.

246 3. An officer or employee of a law enforcement agency when
247 the incident under investigation by the law enforcement agency
248 was reported to law enforcement by the central abuse hotline
249 through the electronic transfer of the report or telephone call.
250 The department's central abuse hotline is not required to
251 electronically transfer calls or reports received under sub-
252 subparagraph (1)(a)1.b. to the county sheriff's office if the
253 matter was initially reported to the department by the county
254 sheriff's office or by another law enforcement agency. This
255 subparagraph applies only when the information related to the
256 alleged child abuse, abandonment, or neglect, sexual abuse of a
257 child, or juvenile sexual abuse has been provided to the officer
258 or employee of a law enforcement agency or central abuse hotline
259 counselor in the course of carrying out his or her official
260 duties.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

261 (b) Nothing in this section or in the contract with
262 community-based care providers for foster care and related
263 services as specified in s. 409.987 may be construed to remove
264 or reduce the duty and responsibility of any person, including
265 any employee of the community-based care provider, to report a
266 known or suspected case of child abuse, abandonment, or neglect,
267 sexual abuse of a child, or juvenile sexual abuse to the
268 department's central abuse hotline.

269 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

270 (a) Abuse occurring out of state.—

271 1. Except as provided in subparagraph 2., the central
272 abuse hotline may not take a report or call of known or
273 suspected child abuse, abandonment, or neglect when the report
274 or call is related to abuse, abandonment, or neglect that
275 occurred out of state and the alleged perpetrator and alleged
276 victim do not live in this state. The central abuse hotline must
277 instead transfer the information in the report or call to the
278 appropriate state or country.

279 2. If the alleged victim is currently being evaluated in a
280 medical facility in this state, the central abuse hotline must
281 accept the report or call for investigation and must transfer
282 the information in the report or call to the appropriate state
283 or country.

Amendment No. 1

284 (b) Reports received from emergency room physicians.—The
285 department must initiate an investigation when it receives a
286 report from an emergency room physician.

287 (c) Abuse involving impregnation of a child.—A report must
288 be immediately electronically transferred to the appropriate
289 county sheriff's office or other appropriate law enforcement
290 agency by the central abuse hotline if the report is of an
291 instance of known or suspected child abuse involving
292 impregnation of a child 15 years of age or younger by a person
293 21 years of age or older under s. 827.04(3). If the report is of
294 known or suspected child abuse under s. 827.04(3), subsection
295 (1) does not apply to health care professionals or other
296 professionals who provide medical or counseling services to
297 pregnant children when such reporting would interfere with the
298 provision of such medical or counseling services.

299 (d) Institutional child abuse or neglect.—Reports
300 involving known or suspected institutional child abuse or
301 neglect must be made and received in the same manner as all
302 other reports made under this section.

303 (e) Surrendered newborn infants.—

304 1. The central abuse hotline must receive reports
305 involving surrendered newborn infants as described in s. 383.50.

306 2.a. A report may not be considered a report of child
307 abuse, abandonment, or neglect solely because the infant has

Amendment No. 1

308 been left at a hospital, emergency medical services station, or
309 fire station under s. 383.50.

310 b. If the report involving a surrendered newborn infant
311 does not include indications of child abuse, abandonment, or
312 neglect other than that necessarily entailed in the infant
313 having been left at a hospital, emergency medical services
314 station, or fire station, the central abuse hotline must provide
315 to the person making the report the name of an eligible licensed
316 child-placing agency that is required to accept physical custody
317 of and to place surrendered newborn infants. The department
318 shall provide names of eligible licensed child-placing agencies
319 on a rotating basis.

320 3. If the report includes indications of child abuse,
321 abandonment, or neglect beyond that necessarily entailed in the
322 infant having been left at a hospital, emergency medical
323 services station, or fire station, the report must be considered
324 as a report of child abuse, abandonment, or neglect and,
325 notwithstanding chapter 383, is subject to s. 39.395 and all
326 other relevant provisions of this chapter.

327 (4) REPORTS OF CHILD ABUSE, ABANDONMENT, OR NEGLECT BY A
328 PARENT, LEGAL CUSTODIAN, CAREGIVER, OR OTHER PERSON RESPONSIBLE
329 FOR A CHILD'S WELFARE.—

330 (a)1. Upon receiving a report made to the central abuse
331 hotline, the department shall determine if the received report

Amendment No. 1

332 meets the statutory criteria for child abuse, abandonment, or
333 neglect.

334 2. Any report meeting the statutory criteria for child
335 abuse, abandonment, or neglect must be accepted for a child
336 protective investigation pursuant to part III of this chapter.

337 (b)1. Any call received from a parent or legal custodian
338 seeking assistance for himself or herself which does not meet
339 the criteria for being a report of child abuse, abandonment, or
340 neglect may be accepted by the central abuse hotline for
341 response to ameliorate a potential future risk of harm to a
342 child.

343 2. The department must refer the parent or legal custodian
344 for appropriate voluntary community services if it is determined
345 by the department that a need for community services exists.

346 (5) REPORTS OF SEXUAL ABUSE OF A CHILD OR JUVENILE SEXUAL
347 ABUSE; REPORTS OF A CHILD WHO HAS EXHIBITED INAPPROPRIATE SEXUAL
348 BEHAVIOR.—

349 (a)1. Sexual abuse of a child or juvenile sexual abuse
350 must be reported immediately to the central abuse hotline,
351 including any alleged incident involving a child who is in the
352 custody of or under the protective supervision of the
353 department. Such reports may be made in writing, through the
354 statewide toll-free telephone number, or through electronic
355 reporting.

Amendment No. 1

356 2. Within 48 hours after the central abuse hotline
357 receives a report under subparagraph 1., the department shall
358 conduct an assessment, assist the family in receiving
359 appropriate services under s. 39.307, and send a written report
360 of the allegation to the appropriate county sheriff's office.

361 (b) Reports involving a child who has exhibited
362 inappropriate sexual behavior must be made and received by the
363 central abuse hotline. Within 48 hours after receiving a report
364 under this paragraph, the department shall conduct an
365 assessment, assist the family in receiving appropriate services
366 under s. 39.307, and send a written report of the allegation to
367 the appropriate county sheriff's office.

368 (c) The services identified in the assessment conducted
369 under paragraph (a) or paragraph (b) must be provided in the
370 least restrictive environment possible and must include, but are
371 not limited to, child advocacy center services under s. 39.3035
372 and sexual abuse treatment programs developed and coordinated by
373 the Children's Medical Services Program in the Department of
374 Health under s. 39.303.

375 (d) The department shall ensure that the facts and results
376 of any investigation of sexual abuse of a child or juvenile
377 sexual abuse involving a child in the custody of or under the
378 protective supervision of the department are made known to the
379 court at the next hearing and are included in the next report to
380 the court concerning the child.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

381 (e)1. In addition to conducting an assessment and
382 assisting the family in receiving appropriate services, the
383 department shall conduct a child protective investigation under
384 part III of this chapter if the incident leading to a report
385 occurs on school premises, on school transportation, at a
386 school-sponsored off-campus event, at a public or private school
387 readiness or prekindergarten program, at a public K-12 school,
388 at a private school, at a Florida College System institution, at
389 a state university, or at any other school. The child protective
390 investigation must include an interview with the child's parent
391 or legal custodian.

392 2. The department shall orally notify the Department of
393 Education; the law enforcement agency having jurisdiction over
394 the municipality or county in which the school, program,
395 institution, or university is located; and, as appropriate, the
396 superintendent of the school district in which the school is
397 located, the administrative officer of the private school, or
398 the owner of the private school readiness or prekindergarten
399 program provider.

400 3. The department shall make a full written report to the
401 law enforcement agency having jurisdiction over the municipality
402 or county in which the school, program, institution, or
403 university is located within 3 business days after making the
404 oral report. Whenever possible, any criminal investigation must
405 be coordinated with the department's child protective

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

406 investigation. Any interested person who has information
407 regarding sexual abuse of a child or juvenile sexual abuse may
408 forward a statement to the department.

409 (6) MANDATORY REPORTS OF A CHILD DEATH.—Any person
410 required to report or investigate cases of suspected child
411 abuse, abandonment, or neglect who has reasonable cause to
412 suspect that a child died as a result of child abuse,
413 abandonment, or neglect shall report his or her suspicion to the
414 appropriate medical examiner. The medical examiner shall accept
415 the report for investigation and report his or her findings, in
416 writing, to the local law enforcement agency, the appropriate
417 state attorney, and the department. Autopsy reports maintained
418 by the medical examiner are not subject to the confidentiality
419 requirements under s. 39.202.

420 Section 4. Effective October 1, 2021, subsections (3) and
421 (7) of subsection 39.2015, Florida Statutes, are amended,
422 present subsection (11) is renumbered and amended, and a new
423 subsection (11) is added to that section, to read:

424 39.2015 Critical incident rapid response team; sexual
425 abuse report investigations.—

426 (3) Each investigation shall be conducted by a multiagency
427 team of at least five professionals with expertise in child
428 protection, child welfare, and organizational management. The
429 team may consist of employees of the department, community-based
430 care lead agencies, Children's Medical Services, and community-

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

431 based care provider organizations; faculty from the institute
432 consisting of public and private universities offering degrees
433 in social work established pursuant to s. 1004.615; or any other
434 person with the required expertise. The team shall include, at a
435 minimum, a Child Protection Team medical director, a
436 representative from a child advocacy center under s. 39.3035 who
437 has specialized training in sexual abuse of a child if sexual
438 abuse of the child who is the subject of the report is alleged,
439 or a combination of such specialists if deemed appropriate. The
440 majority of the team must reside in judicial circuits outside
441 the location of the incident. The secretary shall appoint a team
442 leader for each group assigned to an investigation.

443 (7) The secretary shall develop cooperative agreements
444 with other entities and organizations as necessary to facilitate
445 the work ~~of the team~~ under this section.

446 (11) The department shall also conduct investigations of
447 reports of sexual abuse of children in out-of-home care. The
448 purpose of such investigations is to identify root causes and
449 rapidly determine the need to change policies and practices
450 related to preventing and addressing sexual abuse of children
451 while in out-of-home care.

452 (a) At a minimum, the department shall investigate a
453 verified report of sexual abuse of a child in out-of-home care
454 under this subsection if the child was the subject of a verified
455 report of abuse or neglect during the previous 6 months. An

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

456 investigation shall be initiated as soon as possible, but not
457 later than 2 business days after verified findings of sexual
458 abuse, or immediately in the instance of a case open for 45
459 days. One investigation shall be initiated for an allegation of
460 sexual abuse that is based on the same act, criminal episode, or
461 transaction regardless of the number of reports made about the
462 allegations to the central abuse hotline.

463 (b) Each sexual abuse report investigation shall be
464 conducted by, at a minimum, a trained department employee, and
465 one or more professionals who are employees of other
466 organizations and who are involved in conducting critical
467 incident rapid response investigations. The investigation, or
468 any part thereof, may be conducted remotely. The provisions of
469 subsections (5), (6), (8), and (10) shall apply to
470 investigations conducted pursuant to this subsection. The
471 secretary, in consultation with the institute, shall develop any
472 necessary additional guidelines specific to such investigations.

473 (c) A preliminary report on each case shall be provided to
474 the secretary no later than 45 days after the investigation
475 begins.

476 (12) The secretary shall appoint an advisory committee made
477 up of experts in child protection and child welfare, including
478 but not limited to the Statewide Medical Director for Child
479 Protection under the Department of Health, a representative from
480 the institute established pursuant to s. 1004.615, an expert in

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

481 organizational management, and an attorney with experience in
482 child welfare, to conduct an independent review of investigative
483 reports from the critical incident rapid response teams and
484 sexual abuse report investigations and to make recommendations
485 to improve policies and practices related to child protection
486 and child welfare services. The advisory committee shall meet at
487 least once each quarter to review critical incident rapid
488 response review reports and sexual abuse report investigations
489 and shall submit quarterly reports to the secretary which
490 include findings and recommendations. The secretary shall submit
491 each report to the Governor, the President of the Senate, and
492 the Speaker of the House of Representatives.

493 Section 4. Subsections (7) through (9) of section 39.202,
494 Florida Statutes, are renumbered as subsections (8) through
495 (10), respectively, paragraphs (a) and (h) of subsection (2) are
496 amended, and a new subsection (7) is added to that section, to
497 read:

498 39.202 Confidentiality of reports and records in cases of
499 child abuse or neglect; exception.—

500 (2) Except as provided in subsection (4), access to such
501 records, excluding the name of, or other identifying information
502 with respect to, the reporter which shall be released only as
503 provided in subsection (5), shall be granted only to the
504 following persons, officials, and agencies:

Amendment No. 1

505 (a) Employees, authorized agents, or contract providers of
506 the department, the Department of Health, the Agency for Persons
507 with Disabilities, the Agency for Health Care Administration,
508 the office of Early Learning, or county agencies responsible for
509 carrying out:

- 510 1. Child or adult protective investigations;
- 511 2. Ongoing child or adult protective services;
- 512 3. Early intervention and prevention services;
- 513 4. Healthy Start services;
- 514 5. Licensure or approval of adoptive homes, foster homes,
515 child care facilities, facilities licensed under chapters 393
516 and 394 ~~chapter 393~~, family day care homes, providers who
517 receive school readiness funding under part VI of chapter 1002,
518 or other homes used to provide for the care and welfare of
519 children;
- 520 6. Employment screening for caregivers in residential
521 group homes and facilities licensed under chapters 393, 394, and
522 409; or
- 523 7. Services for victims of domestic violence when provided
524 by certified domestic violence centers working at the
525 department's request as case consultants or with shared clients.

526
527 Also, employees or agents of the Department of Juvenile Justice
528 responsible for the provision of services to children, pursuant
529 to chapters 984 and 985.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

530 (h) Any appropriate official of the department, the Agency
531 for Health Care Administration, or the Agency for Persons with
532 Disabilities who is responsible for:

533 1. Administration or supervision of the department's
534 program for the prevention, investigation, or treatment of child
535 abuse, abandonment, or neglect, or abuse, neglect, or
536 exploitation of a vulnerable adult, when carrying out his or her
537 official function;

538 2. Taking appropriate administrative action concerning an
539 employee of the department or the agency who is alleged to have
540 perpetrated child abuse, abandonment, or neglect, or abuse,
541 neglect, or exploitation of a vulnerable adult; or

542 3. Employing and continuing employment of personnel of the
543 department or the agency.

544 (7) Custodians of records made confidential and exempt
545 under this section must grant access to such records within 7
546 business days after such records are requested by a legislative
547 committee under s. 11.143, if requested within that timeframe.

548 Section 5. Subsections (1), (3), and (4) of section
549 39.205, Florida Statutes, are amended, and subsection (11) is
550 added to that section, to read:

551 39.205 Penalties relating to reporting of child abuse,
552 abandonment, or neglect.—

553 (1) A person who ~~is required to report known or suspected~~
554 ~~child abuse, abandonment, or neglect and who knowingly and~~

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

555 willfully fails to report to the central abuse hotline known or
556 suspected child abuse, abandonment, or neglect ~~do so~~, or who
557 knowingly and willfully prevents another person from doing so,
558 commits a felony of the third degree, punishable as provided in
559 s. 775.082, s. 775.083, or s. 775.084. A judge subject to
560 discipline pursuant to s. 12, Art. V of the State Florida
561 Constitution may ~~shall~~ not be subject to criminal prosecution
562 when the information was received in the course of official
563 duties.

564 (3) Any Florida College System institution, state
565 university, or nonpublic college, university, or school, as
566 defined in s. 1000.21 or s. 1005.02, whose administrators
567 ~~knowingly and willfully~~, upon receiving information from
568 faculty, staff, or other institution employees, knowingly and
569 willfully fail to report to the central abuse hotline known or
570 suspected child abuse, abandonment, or neglect committed on the
571 property of the university, college, or school, or during an
572 event or function sponsored by the university, college, or
573 school, or who knowingly and willfully prevent another person
574 from doing so, shall be subject to fines of \$1 million for each
575 such failure.

576 (a) A Florida College System institution subject to a fine
577 shall be assessed by the State Board of Education.

578 (b) A state university subject to a fine shall be assessed
579 by the Board of Governors.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

580 (c) A nonpublic college, university, or school subject to
581 a fine shall be assessed by the Commission for Independent
582 Education.

583 (4) Any Florida College System institution, state
584 university, or nonpublic college, university, or school, as
585 defined in s. 1000.21 or s. 1005.02, whose law enforcement
586 agency fails to report to the central abuse hotline known or
587 suspected child abuse, abandonment, or neglect committed on the
588 property of the university, college, or school, or during an
589 event or function sponsored by the university, college, or
590 school, shall be subject to fines of \$1 million for each such
591 failure, assessed in the same manner as specified in subsection
592 (3).

593 (11) This section may not be construed to remove or reduce
594 the requirement of any person, including, but not limited to,
595 any employee of a school readiness program provider determined
596 to be eligible under s. 1002.88; a private prekindergarten
597 provider or a public school prekindergarten provider, as those
598 terms are defined in s. 1002.51; a public K-12 school as
599 described in s. 1000.04; a private school, as those terms are
600 defined in s. 1002.01; a Florida College System institution or a
601 state university, as those terms are defined in s. 1000.21; a
602 college as defined in s. 1005.02; or a school as defined in s.
603 1005.02, to directly report a known or suspected case of
604 child abuse, abandonment, or neglect or the sexual abuse of a

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

605 child or juvenile sexual abuse to the department's central abuse
606 hotline. A person required to report to the central abuse
607 hotline is not relieved of such obligation by notifying his or
608 her supervisor.

609 Section 6. Subsection (9) of section 39.301, Florida
610 Statutes, is amended to read:

611 39.301 Initiation of protective investigations.—

612 (9) (a) For each report received from the central abuse
613 hotline and accepted for investigation, the department or the
614 sheriff providing child protective investigative services under
615 s. 39.3065, shall perform the following child protective
616 investigation activities to determine child safety:

617 1. Conduct a review of all relevant, available information
618 specific to the child and family and alleged maltreatment;
619 family child welfare history; local, state, and federal criminal
620 records checks; and requests for law enforcement assistance
621 provided by the abuse hotline. Based on a review of available
622 information, including the allegations in the current report, a
623 determination shall be made as to whether immediate consultation
624 should occur with law enforcement, the Child Protection Team, a
625 domestic violence shelter or advocate, or a substance abuse or
626 mental health professional. Such consultations should include
627 discussion as to whether a joint response is necessary and
628 feasible. A determination shall be made as to whether the person

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

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

631 2. Conduct face-to-face interviews with the child; other
632 siblings, if any; and the parents, legal custodians, or
633 caregivers.

634 3. Assess the child's residence, including a determination
635 of the composition of the family and household, including the
636 name, address, date of birth, social security number, sex, and
637 race of each child named in the report; any siblings or other
638 children in the same household or in the care of the same
639 adults; the parents, legal custodians, or caregivers; and any
640 other adults in the same household.

641 4. Determine whether there is any indication that any
642 child in the family or household has been abused, abandoned, or
643 neglected; the nature and extent of present or prior injuries,
644 abuse, or neglect, and any evidence thereof; and a determination
645 as to the person or persons apparently responsible for the
646 abuse, abandonment, or neglect, including the name, address,
647 date of birth, social security number, sex, and race of each
648 such person.

649 5. Complete assessment of immediate child safety for each
650 child based on available records, interviews, and observations
651 with all persons named in subparagraph 2. and appropriate
652 collateral contacts, which may include other professionals, and
653 continually assess child safety throughout the investigation.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

654 The department's child protection investigators are hereby
655 designated a criminal justice agency for the purpose of
656 accessing criminal justice information to be used for enforcing
657 this state's laws concerning the crimes of child abuse,
658 abandonment, and neglect. This information shall be used solely
659 for purposes supporting the detection, apprehension,
660 prosecution, pretrial release, posttrial release, or
661 rehabilitation of criminal offenders or persons accused of the
662 crimes of child abuse, abandonment, or neglect and may not be
663 further disseminated or used for any other purpose.

664 6. Document the present and impending dangers to each
665 child based on the identification of inadequate protective
666 capacity through utilization of a standardized safety assessment
667 instrument. If present or impending danger is identified, the
668 child protective investigator must implement a safety plan or
669 take the child into custody. If present danger is identified and
670 the child is not removed, the child protective investigator
671 shall create and implement a safety plan before leaving the home
672 or the location where there is present danger. If impending
673 danger is identified, the child protective investigator shall
674 create and implement a safety plan as soon as necessary to
675 protect the safety of the child. The child protective
676 investigator may modify the safety plan if he or she identifies
677 additional impending danger.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

678 a. If the child protective investigator implements a
679 safety plan, the plan must be specific, sufficient, feasible,
680 and sustainable in response to the realities of the present or
681 impending danger. A safety plan may be an in-home plan or an
682 out-of-home plan, or a combination of both. A safety plan may
683 include tasks or responsibilities for a parent, caregiver, or
684 legal custodian. However, a safety plan may not rely on
685 promissory commitments by the parent, caregiver, or legal
686 custodian who is currently not able to protect the child or on
687 services that are not available or will not result in the safety
688 of the child. A safety plan may not be implemented if for any
689 reason the parents, guardian, or legal custodian lacks the
690 capacity or ability to comply with the plan. If the department
691 is not able to develop a plan that is specific, sufficient,
692 feasible, and sustainable, the department shall file a shelter
693 petition. A child protective investigator shall implement
694 separate safety plans for the perpetrator of domestic violence,
695 if the investigator, using reasonable efforts, can locate the
696 perpetrator to implement a safety plan, and for the parent who
697 is a victim of domestic violence as defined in s. 741.28.
698 Reasonable efforts to locate a perpetrator include, but are not
699 limited to, a diligent search pursuant to the same requirements
700 as in s. 39.503. If the perpetrator of domestic violence is not
701 the parent, guardian, or legal custodian of any child in the
702 home and if the department does not intend to file a shelter

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

703 petition or dependency petition that will assert allegations
704 against the perpetrator as a parent of a child in the home, the
705 child protective investigator shall seek issuance of an
706 injunction authorized by s. 39.504 to implement a safety plan
707 for the perpetrator and impose any other conditions to protect
708 the child. The safety plan for the parent who is a victim of
709 domestic violence may not be shared with the perpetrator. If any
710 party to a safety plan fails to comply with the safety plan
711 resulting in the child being unsafe, the department shall file a
712 shelter petition.

713 b. The child protective investigator shall collaborate
714 with the community-based care lead agency in the development of
715 the safety plan as necessary to ensure that the safety plan is
716 specific, sufficient, feasible, and sustainable. The child
717 protective investigator shall identify services necessary for
718 the successful implementation of the safety plan. The child
719 protective investigator and the community-based care lead agency
720 shall mobilize service resources to assist all parties in
721 complying with the safety plan. The community-based care lead
722 agency shall prioritize safety plan services to families who
723 have multiple risk factors, including, but not limited to, two
724 or more of the following:

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

Amendment No. 1

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

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

732 (IV) The parent or legal custodian, or an adult currently
733 living in or frequently visiting the home, has been the subject
734 of multiple allegations by reputable reports of abuse or
735 neglect;

736 (V) The child is physically or developmentally disabled;
737 or

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

739 c. The child protective investigator shall monitor the
740 implementation of the plan to ensure the child's safety until
741 the case is transferred to the lead agency at which time the
742 lead agency shall monitor the implementation.

743 d. The department may file a petition for shelter or
744 dependency without a new child protective investigation or the
745 concurrence of the child protective investigator if the child is
746 unsafe but for the use of a safety plan and the parent or
747 caregiver has not sufficiently increased protective capacities
748 within 90 days after the transfer of the safety plan to the lead
749 agency.

Amendment No. 1

750 (b) For each report received from the central abuse
751 hotline, the department or the sheriff providing child
752 protective investigative services under s. 39.3065, shall
753 determine the protective, treatment, and ameliorative services
754 necessary to safeguard and ensure the child's safety and well-
755 being and development, and cause the delivery of those services
756 through the early intervention of the department or its agent.
757 Whenever a delay or disability of the child is suspected, the
758 parent must be referred to a local child developmental screening
759 program, such as the Child Find program of the Florida
760 Diagnostic and Learning Resource System, for screening of the
761 child. As applicable, child protective investigators must inform
762 parents and caregivers how and when to use the injunction
763 process under s. 741.30 to remove a perpetrator of domestic
764 violence from the home as an intervention to protect the child.

765 1. If the department or the sheriff providing child
766 protective investigative services determines that the interests
767 of the child and the public will be best served by providing the
768 child care or other treatment voluntarily accepted by the child
769 and the parents or legal custodians, the parent or legal
770 custodian and child may be referred for such care, case
771 management, or other community resources.

772 2. If the department or the sheriff providing child
773 protective investigative services determines that the child is

Amendment No. 1

774 in need of protection and supervision, the department may file a
775 petition for dependency.

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

779 4. At the close of an investigation, the department or the
780 sheriff providing child protective services shall provide to the
781 person who is alleged to have caused the abuse, neglect, or
782 abandonment and the parent or legal custodian a summary of
783 findings from the investigation and provide information about
784 their right to access confidential reports in accordance with s.
785 39.202.

786 (24) At the beginning of and throughout an investigation of
787 an allegation of sexual abuse in an out-of-home placement, the
788 investigator must assess and take appropriate protective actions
789 to address the safety of any children in the placement, or
790 accessible to the alleged perpetrator, who are not the subject
791 of the allegation.

792 Section 7. Subsections (1) and (2) of section 39.302,
793 Florida Statutes, are amended to read:

794 39.302 Protective investigations of institutional child
795 abuse, abandonment, or neglect.—

796 (1) The department shall conduct a child protective
797 investigation of each report of institutional child abuse,
798 abandonment, or neglect. Upon receipt of a report that alleges

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

799 that an employee or agent of the department, or any other entity
800 or person covered by s. 39.01(37) or (54), acting in an official
801 capacity, has committed an act of child abuse, abandonment, or
802 neglect, the department shall initiate a child protective
803 investigation within the timeframe established under s.
804 39.101(2) ~~s. 39.201(5)~~ and notify the appropriate state
805 attorney, law enforcement agency, and licensing agency, which
806 shall immediately conduct a joint investigation, unless
807 independent investigations are more feasible. When conducting
808 investigations or having face-to-face interviews with the child,
809 investigation visits shall be unannounced unless it is
810 determined by the department or its agent that unannounced
811 visits threaten the safety of the child. If a facility is exempt
812 from licensing, the department shall inform the owner or
813 operator of the facility of the report. Each agency conducting a
814 joint investigation is entitled to full access to the
815 information gathered by the department in the course of the
816 investigation. A protective investigation must include an
817 interview with the child's parent or legal guardian. The
818 department shall make a full written report to the state
819 attorney within 3 business ~~working~~ days after making the oral
820 report. A criminal investigation shall be coordinated, whenever
821 possible, with the child protective investigation of the
822 department. Any interested person who has information regarding
823 the offenses described in this subsection may forward a

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

824 statement to the state attorney as to whether prosecution is
825 warranted and appropriate. Within 15 days after the completion
826 of the investigation, the state attorney shall report the
827 findings to the department and shall include in the report a
828 determination of whether or not prosecution is justified and
829 appropriate in view of the circumstances of the specific case.

830 (2) (a) If in the course of the child protective
831 investigation, the department finds that a subject of a report,
832 by continued contact with children in care, constitutes a
833 threatened harm to the physical health, mental health, or
834 welfare of the children, the department may restrict a subject's
835 access to the children pending the outcome of the investigation.
836 The department or its agent shall employ the least restrictive
837 means necessary to safeguard the physical health, mental health,
838 and welfare of the children in care. This authority shall apply
839 only to child protective investigations in which there is some
840 evidence that child abuse, abandonment, or neglect has occurred.
841 A subject of a report whose access to children in care has been
842 restricted is entitled to petition the circuit court for
843 judicial review. The court shall enter written findings of fact
844 based upon the preponderance of evidence that child abuse,
845 abandonment, or neglect did occur and that the department's
846 restrictive action against a subject of the report was justified
847 in order to safeguard the physical health, mental health, and
848 welfare of the children in care. The restrictive action of the

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

849 department shall be effective for no more than 90 days without a
850 judicial finding supporting the actions of the department.

851 (b) During an investigation, the alleged perpetrator may
852 be represented by an attorney, at his or her own expense, or may
853 be accompanied by another person, if the attorney or the other
854 person executes an affidavit of understanding with the
855 department and agrees to comply with the confidentiality
856 requirements under s. 39.202. The absence of an attorney or
857 accompanying person does not prevent the department from
858 proceeding with other aspects of the investigation, including
859 interviews with other persons. In institutional child abuse,
860 abandonment, or neglect cases when the institution is not
861 operational and the child cannot otherwise be located, the
862 investigation must commence immediately upon the institution
863 resuming operation. If requested by a state attorney or local
864 law enforcement agency, the department shall furnish all
865 investigative reports to such state attorney or agency.

866 (c) ~~(b)~~ Upon completion of the department's child
867 protective investigation, the department may make application to
868 the circuit court for continued restrictive action against any
869 person necessary to safeguard the physical health, mental
870 health, and welfare of the children in care.

871 Section 8. Subsections (1), (2), and (3) of section
872 39.3035, Florida Statutes, are renumbered as subsections (2),

Amendment No. 1

873 (3), and (4), respectively, present subsection (3) is amended,
874 and a new subsection (1) is added to that section, to read:

875 39.3035 Child advocacy centers; standards; state funding.-

876 (1) Child advocacy centers are facilities that offer
877 multidisciplinary services in a community-based, child-focused
878 environment to children who are alleged to be victims of child
879 abuse, abandonment, or neglect. The children served by such
880 centers may have experienced a variety of types of child abuse,
881 abandonment, or neglect, including, but not limited to, sexual
882 abuse or severe physical abuse. The centers bring together,
883 often in one location, child protective investigators, law
884 enforcement officers, prosecutors, health care professionals,
885 and mental health professionals to provide a coordinated,
886 comprehensive response to victims and their caregivers.

887 (4)~~(3)~~ A child advocacy center within this state may not
888 receive the funds generated pursuant to s. 938.10, state or
889 federal funds administered by a state agency, or any other funds
890 appropriated by the Legislature unless all of the standards of
891 subsection (2) ~~(1)~~ are met and the screening requirement of
892 subsection (3) ~~(2)~~ is met. The Florida Network of Children's
893 Advocacy Centers, Inc., shall be responsible for tracking and
894 documenting compliance with subsections (2) and (3) ~~(1)~~ and ~~(2)~~
895 for any of the funds it administers to member child advocacy
896 centers.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

897 (a) Funds for the specific purpose of funding children's
898 advocacy centers shall be appropriated to the Department of
899 Children and Families from funds collected from the additional
900 court cost imposed in cases of certain crimes against minors
901 under s. 938.10. Funds shall be disbursed to the Florida Network
902 of Children's Advocacy Centers, Inc., as established under this
903 section, for the purpose of providing community-based services
904 that augment, but do not duplicate, services provided by state
905 agencies.

906 (b) The board of directors of the Florida Network of
907 Children's Advocacy Centers, Inc., shall retain 10 percent of
908 all revenues collected to be used to match local contributions,
909 at a rate not to exceed an equal match, in communities
910 establishing children's advocacy centers. The board of directors
911 may use up to 5 percent of the remaining funds to support the
912 activities of the network office and must develop funding
913 criteria and an allocation methodology that ensures an equitable
914 distribution of remaining funds among network participants. The
915 criteria and methodologies must take into account factors that
916 include, but need not be limited to, the center's accreditation
917 status with respect to the National Children's Alliance, the
918 number of clients served, and the population of the area being
919 served by the children's advocacy center.

920 (c) At the end of each fiscal year, each children's
921 advocacy center receiving revenue as provided in this section

Amendment No. 1

922 must provide a report to the board of directors of the Florida
923 Network of Children's Advocacy Centers, Inc., which reflects
924 center expenditures, all sources of revenue received, and
925 outputs that have been standardized and agreed upon by network
926 members and the board of directors, such as the number of
927 clients served, client demographic information, and number and
928 types of services provided. The Florida Network of Children's
929 Advocacy Centers, Inc., must compile reports from the centers
930 and provide a report to the President of the Senate and the
931 Speaker of the House of Representatives in August of each year.

932 Section 9. Paragraphs (c), (k), and (l) of subsection (1)
933 of section 39.4087, Florida Statutes, are amended to read:

934 39.4087 Department goals and requirements relating to
935 caregivers; dispute resolution.-

936 (1) To provide the best care to children, the Legislature
937 establishes as goals for the department to treat foster parents,
938 kinship caregivers, and nonrelative caregivers with dignity,
939 respect, and trust while ensuring delivery of child welfare
940 services is focused on the best interest of the child. To that
941 end, regarding foster parents, kinship caregivers, and
942 nonrelative caregivers caring for dependent children in their
943 home, to the extent not otherwise prohibited by state or federal
944 law and to the extent of current resources, the department will
945 strive to:

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

946 (c)1. Fully disclose all relevant information regarding
947 the child and the background of his or her biological family. A
948 ~~caregiver must maintain the confidentiality of any information~~
949 ~~as required by law.~~ Such disclosure includes, but is not limited
950 to:

951 ~~a.1.~~ Any issues relative to the child that may jeopardize
952 the health and safety of the caregiver or other individuals
953 residing in the household or alter the manner in which the
954 caregiver would normally provide care.

955 ~~b.2.~~ Any delinquency or criminal record of the child,
956 including, but not limited to, any pending petitions or
957 adjudications of delinquency when the conduct constituting the
958 delinquent act, if committed by an adult, would constitute
959 murder in the first degree, murder in the second degree, rape,
960 robbery, or kidnapping.

961 ~~c.3.~~ Information about any physical or sexual abuse the
962 child has experienced.

963 ~~d.4.~~ Any behavioral issues that may affect the care and
964 supervision of the child.

965 ~~e.5.~~ With parental consent to the extent required by law,
966 any known health history and medical, psychological, or
967 behavioral ~~mental~~ health issues or needs of the child,
968 including, but not limited to, current infectious diseases the
969 child has or any episodes of hospitalization due to mental or
970 physical illness.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

971 2. A caregiver must maintain the confidentiality of any
972 information provided under this paragraph as required by law.

973 (k) Give at least 7 days' notice to a caregiver, to the
974 extent possible, of any meeting or court hearing related to a
975 child in his or her care. The notice must ~~shall~~ include, at
976 minimum, but is not limited to, the name of the judge or hearing
977 officer, the docket number, and the purpose and location of the
978 hearing or meeting. If the department is providing such
979 information to a child's biological parent, the department shall
980 provide notice to the caregiver at the same time as the
981 biological parent.

982 (l) ~~If the caregiver agrees,~~ Consider the caregiver as a
983 placement option for a child if such child, who was formerly
984 placed with the caregiver, reenters out-of-home care and the
985 caregiver agrees to the child being placed with the caregiver
986 upon reentry and reenters out-of-home care.

987 Section 10. Section 39.4092, Florida Statutes, is created
988 to read:

989 39.4092 Multidisciplinary legal representation model
990 program for parents of children in the dependency system.-

991 (1) LEGISLATIVE FINDINGS.-

992 (a) The Legislature finds that the use of a specialized
993 team that includes a lawyer, a social worker, and a parent-peer
994 specialist, also known as a multidisciplinary legal
995 representation model, in dependency judicial matters is

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

996 effective in reducing safety risks to children and providing
997 families with better outcomes, such as significantly reducing
998 the time such children spend in out-of-home care and achieving
999 permanency more quickly.

1000 (b) The Legislature finds that parents in dependency court
1001 often suffer from multiple challenges, such as mental illness,
1002 substance use disorder, domestic violence and other trauma,
1003 unstable housing, and unemployment. Such issues are often a
1004 contributing factor to children experiencing instability or
1005 safety risks. While these issues may result in legal involvement
1006 or require legal representation, addressing such underlying
1007 challenges in a manner that achieves stability often falls
1008 within the core functions of the practice of social work.

1009 (c) The Legislature also finds that social work
1010 professionals have a unique skill set, including client
1011 assessment and clinical knowledge of family dynamics. This
1012 unique skill set allows these professionals to interact and
1013 engage with clients in meaningful and unique ways that are
1014 distinct from the ways in which the clients interact with
1015 attorneys or other professional staff involved with dependency
1016 matters. Additionally, social work professionals are skilled at
1017 quickly connecting families facing such crises to resources that
1018 can address the specific underlying challenges.

1019 (d) The Legislature finds that there is a great benefit to
1020 using parent-peer specialists in the dependency system, which

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1021 allows parents who have successfully navigated the dependency
1022 system and have been successfully reunified with their children
1023 to be paired with parents whose children are currently involved
1024 in the dependency system. By working with someone who has
1025 personally lived the experience of overcoming great personal
1026 crisis, parents currently involved in the dependency system have
1027 a greater ability to address the underlying challenges that
1028 resulted in the instability and safety risk to the children,
1029 provide a safe and stable home environment, and be successfully
1030 reunified.

1031 (e) The Legislature further finds that current federal
1032 provisions authorize the reimbursement of a portion of the cost
1033 of attorneys for parents and children in eligible cases, whereas
1034 such funds were formerly restricted to foster care
1035 administrative costs.

1036 (f) The Legislature finds it is necessary to encourage and
1037 facilitate the use of a multidisciplinary legal representation
1038 model for parents and their children in order to improve
1039 outcomes for those families involved in the dependency system
1040 and provide the families who find themselves in a crisis the
1041 best opportunity to be successful in creating safe and stable
1042 homes for their children.

1043 (2) ESTABLISHMENT.—Each office of criminal conflict and
1044 civil regional counsel established under s. 27.511 may establish

Amendment No. 1

1045 a multidisciplinary legal representation model program to serve
1046 families who are in the dependency system.

1047 (3) DUTIES.—

1048 (a) The department shall collaborate with the office of
1049 criminal conflict and civil regional counsel to determine and
1050 execute any necessary documentation for approval of federal
1051 Title IV-E matching funding. The department shall submit such
1052 documentation as promptly as possible upon establishment of the
1053 program and execution of necessary agreements to ensure the
1054 program accesses available federal matching resources for the
1055 multidisciplinary legal representation model programs for
1056 eligible families involved in the dependency system.

1057 (b) A regional counsel that establishes a
1058 multidisciplinary legal representation model program must, at a
1059 minimum:

1060 1. Use a team that consists of a lawyer, a forensic social
1061 worker, and a parent-peer specialist. For purposes of this
1062 section, a "parent-peer specialist" means a person who has:

1063 a. Previously had his or her child involved in the
1064 dependency system and removed from his or her care to be placed
1065 in out-of-home care;

1066 b. Been successfully reunified with the child for more
1067 than 2 years; and

1068 c. Received specialized training to become a parent-peer
1069 specialist.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1070 2. Comply with any necessary cost-sharing or other
1071 agreements to maximize financial resources and enable access to
1072 available federal Title IV-E matching funding.

1073 3. Provide specialized training and support for attorneys,
1074 social workers, and parent-peer specialists involved in the
1075 model program.

1076 4. Collect uniform data on each child whose parent is
1077 served by the program and ensure that reporting of data is
1078 conducted through the child's unique identification number in
1079 the Florida Safe Families Network or any successor system, if
1080 applicable.

1081 5. Develop consistent operational program policies and
1082 procedures throughout each region that establishes the model
1083 program.

1084 6. Obtain agreements with universities relating to
1085 approved placements for social work students to ensure the
1086 placement of social workers in the program.

1087 7. Execute conflict of interest agreements with each team
1088 member.

1089 (4) REPORTING.—

1090 (a) Beginning October 1, 2022, and annually thereafter
1091 through October 1, 2025, each office of criminal conflict and
1092 civil regional counsel that establishes a multidisciplinary
1093 legal representation model program must submit an annual report
1094 to the Office of Program Policy Analysis and Government

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1095 Accountability. The annual report must use the uniform data
1096 collected on each unique child whose parents are served by the
1097 program and must detail, at a minimum, all of the following:

1098 1. Reasons the family was originally involved in the
1099 dependency system.

1100 2. Length of time it takes to achieve a permanency goal
1101 for children whose parents are served by the program.

1102 3. Frequency of each type of permanency goal achieved by
1103 children whose parents are served by the program.

1104 4. Rate of subsequent abuse or removal of children whose
1105 parents are served by the program.

1106 5. Any other relevant factors that tend to show the impact
1107 of the use of such multidisciplinary legal representation model
1108 programs on the outcomes for children in the dependency system.
1109 Each region that has established a model program must agree on
1110 the additional factors and how to collect data on such
1111 additional factors for the annual report.

1112 (b) The Office of Program Policy Analysis and Government
1113 Accountability shall compile the results of the reports required
1114 under paragraph (a) and conduct an analysis comparing the
1115 reported outcomes from the multidisciplinary legal
1116 representation model program to known outcomes of children in
1117 the dependency system whose parents are not served by a
1118 multidisciplinary legal representation model program. Each
1119 office of criminal conflict and civil regional counsel shall

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1120 provide any additional information or data requested by the
1121 Office of Program Policy Analysis and Government Accountability
1122 for its analysis. By December 1, 2022, and annually thereafter
1123 through December 1, 2025, the Office of Program Policy Analysis
1124 and Government Accountability must submit its analysis in a
1125 report to the Governor, the President of the Senate, and the
1126 Speaker of the House of Representatives.

1127 Section 11. Subsection (15) of section 39.6225, Florida
1128 Statutes, is renumbered as subsection (13), and present
1129 subsections (13) and (14) are amended to read:

1130 39.6225 Guardianship Assistance Program.—

1131 ~~(13) The Florida Institute for Child Welfare shall~~
1132 ~~evaluate the implementation of the Guardianship Assistance~~
1133 ~~Program. This evaluation shall be designed to determine the~~
1134 ~~impact of implementation of the Guardianship Assistance Program,~~
1135 ~~identify any barriers that may prevent eligible caregivers from~~
1136 ~~participating in the program, and identify recommendations~~
1137 ~~regarding enhancements to the state's system of supporting~~
1138 ~~kinship caregivers. The institute shall submit the report to the~~
1139 ~~Governor, the President of the Senate, and the Speaker of the~~
1140 ~~House of Representatives no later than January 1, 2021. At a~~
1141 ~~minimum, the evaluation shall include:~~

1142 ~~(a) Information about the perspectives and experiences of~~
1143 ~~program participants, individuals who applied for licensure as~~
1144 ~~child-specific foster homes or program participation but were~~

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1145 ~~determined to be ineligible, and individuals who were likely~~
1146 ~~eligible for licensure as a child-specific foster home or for~~
1147 ~~the program but declined to apply. The institute shall collect~~
1148 ~~this information through methodologies including, but not~~
1149 ~~limited to, surveys and focus groups.~~

1150 ~~(b) An assessment of any communications procedures and~~
1151 ~~print and electronic materials developed to publicize the~~
1152 ~~program and recommendations for improving these materials. If~~
1153 ~~possible, individuals with expertise in marketing and~~
1154 ~~communications shall contribute to this assessment.~~

1155 ~~(c) An analysis of the program's impact on caregivers and~~
1156 ~~children, including any differences in impact on children placed~~
1157 ~~with caregivers who were licensed and those who were not.~~

1158 ~~(d) Recommendations for maximizing participation by~~
1159 ~~eligible caregivers and improving the support available to~~
1160 ~~kinship caregivers.~~

1161 ~~(14) The program shall take effect July 1, 2019.~~

1162 Section 12. Subsection (4) of section 39.6251, Florida
1163 Statutes, is amended to read:

1164 39.6251 Continuing care for young adults.—

1165 (4) (a) The young adult must reside in a supervised living
1166 environment that is approved by the department or a community-
1167 based care lead agency. The young adult shall live
1168 independently, but in an environment in which he or she is
1169 provided supervision, case management, and supportive services

Amendment No. 1

1170 by the department or lead agency. Such an environment must offer
1171 developmentally appropriate freedom and responsibility to
1172 prepare the young adult for adulthood.

1173 1. For the purposes of this subsection:

1174 a. A supervised living arrangement may include a licensed
1175 foster home, licensed group home, college dormitory, shared
1176 housing, apartment, or another housing arrangement if the
1177 arrangement is approved by the community-based care lead agency
1178 and is acceptable to the young adult.

1179 b. A supervised living arrangement may not include a
1180 detention facility, a forestry camp, a training school, or any
1181 other facility operated primarily for the detention of children
1182 who are determined to be delinquent.

1183 2. A young adult may continue to reside with the same
1184 licensed foster family or group care provider with whom he or
1185 she was residing at the time he or she reached the age of 18
1186 years. A young adult may not reside in any setting in which the
1187 young adult is involuntarily placed, unless the placement is
1188 through a court-appointed guardian.

1189 (b) Before approving the residential setting in which the
1190 young adult will voluntarily live, the department or community-
1191 based care lead agency must ensure that:

1192 1. The young adult will be provided with a level of
1193 supervision consistent with his or her individual education,
1194 health care needs, permanency plan, and independent living goals

Amendment No. 1

1195 as assessed by the department or lead agency with input from the
1196 young adult. Twenty-four hour onsite supervision is not
1197 required; however, 24-hour crisis intervention and support must
1198 be available.

1199 2. The young adult will live in an independent living
1200 environment that offers, at a minimum, life skills instruction,
1201 counseling, educational support, employment preparation and
1202 placement, and development of support networks. The
1203 determination of the type and duration of services shall be
1204 based on the young adult's assessed needs, interests, and input
1205 and must be consistent with the goals set in the young adult's
1206 case plan.

1207 Section 13. Paragraph (m) is added to subsection (3) of
1208 section 394.9082, Florida Statutes, to read:

1209 394.9082 Behavioral health managing entities.—

1210 (3) DEPARTMENT DUTIES.—The department shall:

1211 (m) Collect and publish, and update annually, all of the
1212 following information on its website for each managing entity:

1213 1. All compensation earned or awarded, whether paid or
1214 accrued, regardless of contingency, by position, for any
1215 employee, and any non-employee compensated through a contract
1216 for services whose services include those commonly associated
1217 with a chief executive, chief administrator or other chief
1218 officer of a business or corporation, who receives compensation
1219 from state appropriated funds in excess of 150 percent of the

Amendment No. 1

1220 annual salary paid to the secretary of the department. For
1221 purposes of this paragraph, the term "employee" has the same
1222 meaning as in s. 448.095(1).

1223 2. The most recent 3 years of the Return of Organization
1224 Exempt from Income Tax, Internal Revenue Service Form 990 and
1225 related documents filed with the Internal Revenue Service,
1226 auditor reports, and annual reports for each managing entity or
1227 affiliated entity.

1228 (5) MANAGING ENTITY DUTIES.—A managing entity shall:

1229 (u) Include, at a minimum, on its websites, promotional
1230 literature, agency-created documents and forms provided to
1231 families served by the lead agency, business cards, and
1232 stationery letterhead the statement "[managing entity name] is a
1233 managing entity contracted with the Department of Children and
1234 Families."

1235 Section 14. Section 394.90825, Florida Statutes, is
1236 created to read:

1237 394.90825 Boards of behavioral health managing entities;
1238 conflicts of interest.—

1239 (1) As used in this section, the term:

1240 (a) "Activity" includes, but is not limited to, a contract
1241 for goods and services, a contract for the purchase of any real
1242 or tangible property, or an agreement to engage with the
1243 managing entity for the benefit of a third party in exchange for

Amendment No. 1

1244 an interest in real or tangible property, a monetary benefit, or
1245 an in-kind contribution.

1246 (b) "Conflict of interest" means when a board member or an
1247 officer, or a relative of a board member or an officer, of the
1248 managing entity does any of the following:

1249 1. Enters into a contract or other transaction for goods
1250 or services with the managing entity.

1251 2. Holds a direct or indirect interest in a corporation,
1252 limited liability corporation, partnership, limited liability
1253 partnership, or other business entity that conducts business
1254 with the managing entity or proposes to enter into a contract or
1255 other transaction with the managing entity. For purposes of this
1256 paragraph, the term "indirect interest" has the same meaning as
1257 in s. 112.312.

1258 3. Knowingly obtains a direct or indirect personal,
1259 financial, professional, or other benefit as a result of the
1260 relationship of such board member or officer, or relative of the
1261 board member or officer, with the managing entity. For purposes
1262 of this paragraph, the term "benefit" does not include per diem
1263 and travel expenses paid or reimbursed to board members or
1264 officers of the managing entity in connection with their service
1265 on the board.

1266 (c) "Managing entity" has the same meaning as in s.
1267 394.9082.

Amendment No. 1

1268 (d) "Relative" means a relative within the third degree of
1269 consanguinity by blood or marriage.

1270 (2) (a) For any activity that is presented to the board of
1271 a managing entity for its initial consideration and approval
1272 after July 1, 2021, or any activity that involves a contract
1273 that is being considered for renewal on or after July 1, 2021,
1274 but before January 1, 2022, a board member or an officer of a
1275 managing entity shall disclose to the board any activity that
1276 may reasonably be construed to be a conflict of interest before
1277 such activity is initially considered and approved or a contract
1278 is renewed by the board. A rebuttable presumption of a conflict
1279 of interest exists if the activity was acted on by the board
1280 without prior notice as required under subsection (3).

1281 (b) For contracts with a managing entity which are in
1282 existence on July 1, 2021, and are not subject to renewal before
1283 January 1, 2022, a board member or an officer of the managing
1284 entity shall disclose to the board any activity that may
1285 reasonably be construed to be a conflict of interest under this
1286 section by December 31, 2021.

1287 (3) (a) If a board member or an officer of the managing
1288 entity, or a relative of a board member or an officer, proposes
1289 to engage in an activity as described in paragraph (2) (a), the
1290 proposed activity must be listed on the meeting agenda for the
1291 next general or special meeting of the board members, and copies
1292 of all contracts and transactional documents related to the

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1293 proposed activity must be included in the agenda. The meeting
1294 agenda must clearly identify the existence of a potential
1295 conflict of interest for the proposed activity. Before a board
1296 member or an officer of the managing entity, or a relative of a
1297 board member or an officer, engages in the proposed activity,
1298 the activity and contract or other transactional documents must
1299 be approved by an affirmative vote of two-thirds of all other
1300 board members present.

1301 (b) If a board member or an officer of the managing entity
1302 notifies the board of a potential conflict of interest with the
1303 board member or officer, or a relative of the board member or
1304 officer, under an existing contract as described in paragraph
1305 (2) (b), the board must notice the activity on a meeting agenda
1306 for the next general or special meeting of the board members,
1307 and copies of all contracts and transactional documents related
1308 to the activity must be attached. The meeting agenda must
1309 clearly identify the existence of a potential conflict of
1310 interest. The board must be given the opportunity to approve or
1311 disapprove the conflict of interest by a vote of two-thirds of
1312 all other board members present.

1313 (4) (a) If the board votes against the proposed activity
1314 under paragraph (3) (a), the board member or officer of the
1315 managing entity, or the relative of the board member or officer,
1316 must notify the board in writing of his or her intention, or his
1317 or her relative's intention, not to pursue the proposed

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1318 activity, or the board member or officer shall withdraw from
1319 office before the next scheduled board meeting. If the board
1320 finds that a board member or officer has violated this
1321 paragraph, the board member or officer shall be removed from
1322 office before the next scheduled board meeting.

1323 (b) In the event that the board does not approve a
1324 conflict of interest as required under paragraph (3) (b), the
1325 parties to the activity may opt to cancel the activity or, in
1326 the alternative, the board member or officer of the managing
1327 entity must resign from the board before the next scheduled
1328 board meeting. If the activity canceled is a contract, the
1329 managing entity is only liable for the reasonable value of the
1330 goods and services provided up to the time of cancellation and
1331 is not liable for any termination fee, liquidated damages, or
1332 other form of penalty for such cancellation.

1333 (5) A board member or an officer of the managing entity,
1334 or a relative of a board member or an officer, who is a party
1335 to, or has an interest in, an activity that is a possible
1336 conflict of interest may attend the meeting at which the
1337 activity is considered by the board and may make a presentation
1338 to the board regarding the activity. After the presentation, the
1339 board member or officer, or the relative of the board member or
1340 officer, must leave the meeting during the discussion of, and
1341 the vote on, the activity. A board member or an officer who is a

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1342 party to, or has an interest in, the activity shall recuse
1343 himself or herself from the vote.

1344 (6) A contract entered into between a board member or an
1345 officer of the managing entity, or a relative of a board member
1346 or an officer, and the managing entity which has not been
1347 properly disclosed as a conflict of interest or potential
1348 conflict of interest under this section is voidable and
1349 terminates upon the filing of a written notice terminating the
1350 contract with the board of directors which contains the consent
1351 of at least 20 percent of the voting interests of the managing
1352 entity.

1353 Section 15. Subsection (3) of section 409.1415, Florida
1354 Statutes, is renumbered as subsection (4), paragraphs (b) and
1355 (c) of subsection (2) are amended, and a new subsection (3) is
1356 added to that section, to read:

1357 409.1415 Parenting partnerships for children in out-of-
1358 home care; resources.-

1359 (2) PARENTING PARTNERSHIPS.-

1360 (b) To ensure that a child in out-of-home care receives
1361 support for healthy development which gives the child the best
1362 possible opportunity for success, caregivers, birth or legal
1363 parents, the department, and the community-based care lead
1364 agency shall work cooperatively in a respectful partnership by
1365 adhering to the following requirements:

Amendment No. 1

1366 1. All members of the partnership must interact and
1367 communicate professionally with one another, must share all
1368 relevant information promptly, and must respect the
1369 confidentiality of all information related to the child and his
1370 or her family.

1371 2. The caregiver; the birth or legal parent; the child, if
1372 appropriate; the department; and the community-based care lead
1373 agency must participate in developing a case plan for the child
1374 and the birth or legal parent. All members of the team must work
1375 together to implement the case plan. The caregiver must have the
1376 opportunity to participate in all team meetings or court
1377 hearings related to the child's care and future plans. The
1378 department and community-based care lead agency must support and
1379 facilitate caregiver participation through timely notification
1380 of such meetings and hearings and provide alternative methods
1381 for participation for a caregiver who cannot be physically
1382 present at a meeting or hearing.

1383 3. A caregiver must strive to provide, and the department
1384 and community-based care lead agency must support, excellent
1385 parenting, which includes:

1386 a. A loving commitment to the child and the child's safety
1387 and well-being.

1388 b. Appropriate supervision and positive methods of
1389 discipline.

1390 c. Encouragement of the child's strengths.

Amendment No. 1

- 1391 d. Respect for the child's individuality and likes and
1392 dislikes.
- 1393 e. Providing opportunities to develop the child's
1394 interests and skills.
- 1395 f. Being aware of the impact of trauma on behavior.
- 1396 g. Facilitating equal participation of the child in family
1397 life.
- 1398 h. Involving the child within his or her community.
- 1399 i. A commitment to enable the child to lead a normal life.
- 1400 4. A child in out-of-home care must be placed with a
1401 caregiver who has the ability to care for the child, is willing
1402 to accept responsibility for providing care, and is willing and
1403 able to learn about and be respectful of the child's culture,
1404 religion, and ethnicity; special physical or psychological
1405 needs; circumstances unique to the child; and family
1406 relationships. The department, the community-based care lead
1407 agency, and other agencies must provide a caregiver with all
1408 available information necessary to assist the caregiver in
1409 determining whether he or she is able to appropriately care for
1410 a particular child.
- 1411 5. A caregiver must have access to and take advantage of
1412 all training that he or she needs to improve his or her skills
1413 in parenting a child who has experienced trauma due to neglect,
1414 abuse, or separation from home; to meet the child's special
1415 needs; and to work effectively with child welfare agencies, the

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1416 courts, the schools, and other community and governmental
1417 agencies.

1418 6. The department and community-based care lead agency
1419 must provide a caregiver with the services and support they need
1420 to enable them to provide quality care for the child pursuant to
1421 subsection (3).

1422 7. Once a caregiver accepts the responsibility of caring
1423 for a child, the child may be removed from the home of the
1424 caregiver only if:

1425 a. The caregiver is clearly unable to safely or legally
1426 care for the child;

1427 b. The child and the birth or legal parent are reunified;

1428 c. The child is being placed in a legally permanent home
1429 in accordance with a case plan or court order; or

1430 d. The removal is demonstrably in the best interests of
1431 the child.

1432 8. If a child must leave the caregiver's home for one of
1433 the reasons stated in subparagraph 7., and in the absence of an
1434 unforeseeable emergency, the transition must be accomplished
1435 according to a plan that involves cooperation and sharing of
1436 information among all persons involved, respects the child's
1437 developmental stage and psychological needs, ensures the child
1438 has all of his or her belongings, allows for a gradual
1439 transition from the caregiver's home, and, if possible, allows
1440 for continued contact with the caregiver after the child leaves.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1441 9. When the case plan for a child includes reunification,
1442 the caregiver, the department, and the community-based care lead
1443 agency must work together to assist the birth or legal parent in
1444 improving his or her ability to care for and protect the child
1445 and to provide continuity for the child.

1446 10. A caregiver must respect and support the child's ties
1447 to his or her birth or legal family, including parents,
1448 siblings, and extended family members, and must assist the child
1449 in maintaining allowable visitation and other forms of
1450 communication. The department and community-based care lead
1451 agency must provide a caregiver with the information, guidance,
1452 training, and support necessary for fulfilling this
1453 responsibility.

1454 11. A caregiver must work in partnership with the
1455 department and community-based care lead agency to obtain and
1456 maintain records that are important to the child's well-being,
1457 including, but not limited to, child resource records, medical
1458 records, school records, photographs, and records of special
1459 events and achievements.

1460 12. A caregiver must advocate for a child in his or her
1461 care with the child welfare system, the court, and community
1462 agencies, including schools, child care providers, health and
1463 mental health providers, and employers. The department and
1464 community-based care lead agency must support a caregiver in

Amendment No. 1

1465 | advocating for a child and may not retaliate against the
1466 | caregiver as a result of this advocacy.

1467 | 13. A caregiver must be as fully involved in the child's
1468 | medical, psychological, and dental care as he or she would be
1469 | for his or her biological child. The department and community-
1470 | based care lead agency must support and facilitate such
1471 | participation. The caregiver, the department, and the community-
1472 | based care lead agency must share information with each other
1473 | about the child's health and well-being.

1474 | 14. A caregiver must support a child's school success,
1475 | including, when possible, maintaining school stability by
1476 | participating in school activities and meetings. The department
1477 | and community-based care lead agency must facilitate this
1478 | participation and be informed of the child's progress and needs.

1479 | 15. A caregiver must ensure that a child in his or her
1480 | care who is between 13 and 17 years of age learns and masters
1481 | independent living skills. The department shall make available
1482 | training for caregivers developed in collaboration with the
1483 | Florida Foster and Adoptive Parent Association and the Quality
1484 | Parenting Initiative on the life skills necessary for children
1485 | in out-of-home care.

1486 | 16. The case manager and case manager supervisor must
1487 | mediate disagreements that occur between a caregiver and the
1488 | birth or legal parent.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1489 (c) An employee of a residential group home must meet the
1490 background screening requirements under s. 39.0138 and the level
1491 2 screening standards for screening under chapter 435. An
1492 employee of a residential group home who works directly with a
1493 child as a caregiver must meet, at a minimum, the same education
1494 ~~and, training, background, and other screening~~ requirements as
1495 caregivers in family foster homes licensed as level II under s.
1496 409.175(5).

1497 (3) RESOURCES AND SUPPORT FOR CAREGIVERS.-

1498 (a) Foster parents.-The department shall establish the
1499 Foster Information Center to connect current and former foster
1500 parents, known as foster parent advocates, to prospective and
1501 current foster parents in order to provide information and
1502 services, including, but not limited to:

1503 1. Navigating the application and approval process,
1504 including timelines for each; preparing for transitioning from
1505 approval for placement to accepting a child into the home; and
1506 learning about and connecting with any available resources in
1507 the prospective foster parent's community.

1508 2. Accessing available resources and services, including,
1509 but not limited to, those from the Florida Foster and Adoptive
1510 Parent Association, for any current foster parents who need
1511 additional assistance.

1512 3. Providing information specific to a foster parent's
1513 individual needs.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1514 4. Providing immediate assistance when needed.

1515 (b) Kinship caregivers.—

1516 1. A community-based care lead agency shall provide a
1517 caregiver with resources and supports that are available and
1518 discuss whether the caregiver meets any eligibility criteria for
1519 such resources and supports. If the caregiver is unable to
1520 access resources and supports beneficial to the well-being of
1521 the child, the community-based care lead agency or case
1522 management agency must assist the caregiver in initiating access
1523 to resources by:

1524 a. Providing referrals to kinship navigation services, if
1525 available.

1526 b. Assisting with linkages to community resources and
1527 completion of program applications.

1528 c. Scheduling appointments.

1529 d. Initiating contact with community service providers.

1530 2. The community-based care lead agency shall provide each
1531 caregiver with a telephone number to call during normal business
1532 hours whenever immediate assistance is needed and the child's
1533 caseworker is unavailable. The telephone number must be staffed
1534 and answered by individuals possessing the knowledge and
1535 authority necessary to assist caregivers.

1536 Section 16. Section 409.1453, Florida Statutes, is
1537 repealed.

Amendment No. 1

1538 Section 17. Subsection (3) of section 409.175, Florida
1539 Statutes, is amended to read:

1540 409.175 Licensure of family foster homes, residential
1541 child-caring agencies, and child-placing agencies; public
1542 records exemption.—

1543 (3) (a) The total number of children placed in a each
1544 family foster home shall be based on ~~the recommendation of the~~
1545 ~~department, or the community based care lead agency where one is~~
1546 ~~providing foster care and related services, based on~~ the needs
1547 of each child in care, the ability of the foster family to meet
1548 the individual needs of each child, including any adoptive or
1549 biological children or young adults remaining in foster care
1550 living in the home, the amount of safe physical plant space, the
1551 ratio of active and appropriate adult supervision, and the
1552 background, experience, and skill of the family foster parents.

1553 (b) The department must grant a capacity waiver before
1554 another child may be placed in the home if: ~~if~~

1555 1. The total number of dependent children in a family
1556 foster home is six or more ~~will exceed five, including the~~
1557 family's own children, or

1558 2. The total number of children, including both dependent
1559 children and the family's own children, is eight or more.

1560 (c) Before granting a capacity waiver, the department must
1561 conduct an assessment of each child to be placed in the home.
1562 ~~must be completed by a family services counselor and approved in~~

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1563 ~~writing by the counselor's supervisor prior to placement of any~~
1564 ~~additional children in the home, except that,~~ If the placement
1565 involves a child whose sibling is already in the home or a child
1566 who has been in placement in the home previously, the assessment
1567 must be completed within 72 hours after placement. The
1568 assessment must assess and document the mental, physical, and
1569 psychosocial needs of the child and whether those needs will be
1570 met by placement in the home and recommend the maximum number of
1571 ~~children in a family foster home that will allow the child's~~
1572 ~~needs to be met.~~

1573 (d)(e) For any licensed family foster home, the
1574 appropriateness of the number of children in the home must be
1575 reassessed annually as part of the relicensure process. For a
1576 home with more than eight ~~five~~ children, including the family's
1577 own children, if it is determined by the licensure study at the
1578 time of relicensure that the total number of children in the
1579 home is appropriate and that there have been no substantive
1580 licensure violations and no indications of child maltreatment or
1581 child-on-child sexual abuse within the past 12 months, the
1582 relicensure of the home may ~~shall~~ not be denied based on the
1583 total number of children in the home.

1584 (e) The department may adopt rules to implement this
1585 subsection.

1586 Section 18. Section 409.1753, Florida Statutes, is
1587 repealed.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1588 Section 19. Subsections (6) and (7) are added to section
1589 409.987, Florida Statutes, to read:

1590 409.987 Lead agency procurement; boards; conflicts of
1591 interest.—

1592 (6) In communities in which conditions make it not
1593 feasible to competitively contract with a lead agency, the
1594 department may collaborate with the local community alliance to
1595 establish an alternative approach to providing community-based
1596 child welfare services in the service area that would otherwise
1597 be served by a lead agency.

1598 (a) The department and local community alliance shall
1599 develop a plan that must detail how the community will continue
1600 to implement community-based care through competitively
1601 procuring either the specific components of foster care and
1602 related services or comprehensive services for defined eligible
1603 populations of children and families from qualified entities as
1604 part of the community's efforts to develop the local capacity
1605 for a community-based system of coordinated care. The plan must
1606 ensure local control over the management and administration of
1607 service provision. At a minimum, the plan must describe the
1608 reasons for the department's inability to competitively contract
1609 for lead agency services, the proposed alternative approach to
1610 providing lead agency services, the entities that will be
1611 involved in service provision, how local control will be
1612 maintained, how services will be managed to ensure that federal

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1613 and state requirements are met and outcome goals under s.
1614 409.986 are achieved, and recommendations for increasing the
1615 ability of the department to contract with a lead agency in that
1616 area.

1617 (b) The department shall submit the plan to the Governor,
1618 the President of the Senate, and the Speaker of the House of
1619 Representatives before implementation. The department shall
1620 submit quarterly updates about the plan's implementation to the
1621 Governor, the President of the Senate, and the Speaker of the
1622 House of Representatives until 2 years after full implementation
1623 of the plan.

1624 (7) (a) As used in this subsection, the term:

1625 1. "Activity" includes, but is not limited to, a contract
1626 for goods and services, a contract for the purchase of any real
1627 or tangible property, or an agreement to engage with a lead
1628 agency for the benefit of a third party in exchange for an
1629 interest in real or tangible property, a monetary benefit, or an
1630 in-kind contribution.

1631 2. "Conflict of interest" means when a board member or an
1632 officer, or a relative of a board member or an officer, of a
1633 lead agency does any of the following:

1634 a. Enters into a contract or other transaction for goods
1635 or services with the lead agency.

1636 b. Holds a direct or indirect interest in a corporation,
1637 limited liability corporation, partnership, limited liability

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1638 partnership, or other business entity that conducts business
1639 with the lead agency or proposes to enter into a contract or
1640 other transaction with the lead agency. For purposes of this
1641 paragraph, the term "indirect interest" has the same meaning as
1642 in s. 112.312.

1643 c. Knowingly obtains a direct or indirect personal,
1644 financial, professional, or other benefit as a result of the
1645 relationship of such board member or officer, or relative of the
1646 board member or officer, with the lead agency. For purposes of
1647 this paragraph, the term "benefit" does not include per diem and
1648 travel expenses paid or reimbursed to board members or officers
1649 of the lead agency in connection with their service on the
1650 board.

1651 3. "Relative" means a relative within the third degree of
1652 consanguinity by blood or marriage.

1653 (b)1. For any activity that is presented to the board of a
1654 lead agency for its initial consideration and approval after
1655 July 1, 2021, or any activity that involves a contract that is
1656 being considered for renewal on or after July 1, 2021, but
1657 before January 1, 2022, a board member or an officer of a lead
1658 agency shall disclose to the board any activity that may
1659 reasonably be construed to be a conflict of interest before such
1660 activity is initially considered and approved or a contract is
1661 renewed by the board. A rebuttable presumption of a conflict of

Amendment No. 1

1662 interest exists if the activity was acted on by the board
1663 without prior notice as required under paragraph (c).

1664 2. For contracts with a lead agency which are in existence
1665 on July 1, 2021, and are not subject to renewal before January
1666 1, 2022, a board member or an officer of the lead agency shall
1667 disclose to the board any activity that may reasonably be
1668 construed to be a conflict of interest under this section by
1669 December 31, 2021.

1670 (c)1. If a board member or an officer of a lead agency, or
1671 a relative of a board member or an officer, proposes to engage
1672 in an activity as described in subparagraph (b)1., the proposed
1673 activity must be listed on the meeting agenda for the next
1674 general or special meeting of the board members, and copies of
1675 all contracts and transactional documents related to the
1676 proposed activity must be included in the agenda. The meeting
1677 agenda must clearly identify the existence of a potential
1678 conflict of interest for the proposed activity. Before a board
1679 member or an officer of the lead agency, or a relative of a
1680 board member or an officer, engages in the proposed activity,
1681 the activity and contract or other transactional documents must
1682 be approved by an affirmative vote of two-thirds of all other
1683 board members present.

1684 2. If a board member or an officer of the lead agency
1685 notifies the board of a potential conflict of interest with the
1686 board member or officer, or a relative of the board member or

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1687 officer, under an existing contract as described in subparagraph
1688 (b)2., the board must notice the activity on a meeting agenda
1689 for the next general or special meeting of the board members,
1690 and copies of all contracts and transactional documents related
1691 to the activity must be attached. The meeting agenda must
1692 clearly identify the existence of a potential conflict of
1693 interest. The board must be given the opportunity to approve or
1694 disapprove the conflict of interest by a vote of two-thirds of
1695 all other board members present.

1696 (d)1. If the board votes against the proposed activity
1697 under subparagraph (c)1., the board member or officer of the
1698 lead agency, or the relative of the board member or officer,
1699 must notify the board in writing of his or her intention, or his
1700 or her relative's intention, not to pursue the proposed
1701 activity, or the board member or officer shall withdraw from
1702 office before the next scheduled board meeting. If the board
1703 finds that a board member or officer has violated this
1704 paragraph, the board member or officer shall be removed from
1705 office before the next scheduled board meeting.

1706 2. In the event that the board does not approve a conflict
1707 of interest as required under subparagraph (c)2., the parties to
1708 the activity may opt to cancel the activity or, in the
1709 alternative, the board member or officer of the lead agency must
1710 resign from the board before the next scheduled board meeting.
1711 If the activity canceled is a contract, the lead agency is only

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1712 liable for the reasonable value of the goods and services
1713 provided up to the time of cancellation and is not liable for
1714 any termination fee, liquidated damages, or other form of
1715 penalty for such cancellation.

1716 (e) A board member or an officer of a lead agency, or a
1717 relative of a board member or an officer, who is a party to, or
1718 has an interest in, an activity that is a possible conflict of
1719 interest may attend the meeting at which the activity is
1720 considered by the board and may make a presentation to the board
1721 regarding the activity. After the presentation, the board member
1722 or officer, or the relative of the board member or officer, must
1723 leave the meeting during the discussion of, and the vote on, the
1724 activity. A board member or an officer who is a party to, or has
1725 an interest in, the activity shall recuse himself or herself
1726 from the vote.

1727 (f) A contract entered into between a board member or an
1728 officer of a lead agency, or a relative of a board member or an
1729 officer, and the lead agency which has not been properly
1730 disclosed as a conflict of interest or potential conflict of
1731 interest under this section is voidable and terminates upon the
1732 filing of a written notice terminating the contract with the
1733 board of directors which contains the consent of at least 20
1734 percent of the voting interests of the lead agency.

1735 Section 20. Subsection (1) of section 409.988, Florida
1736 Statutes, is amended to read:

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1737 409.988 Lead agency duties; general provisions.—
1738 (1) DUTIES.—A lead agency:
1739 (a) Shall serve all children referred as a result of a
1740 report of abuse, neglect, or abandonment to the department's
1741 central abuse hotline, including, but not limited to, children
1742 who are the subject of verified reports and children who are not
1743 the subject of verified reports but who are at moderate to
1744 extremely high risk of abuse, neglect, or abandonment, as
1745 determined using the department's risk assessment instrument,
1746 regardless of the level of funding allocated to the lead agency
1747 by the state if all related funding is transferred. The lead
1748 agency may also serve children who have not been the subject of
1749 reports of abuse, neglect, or abandonment, but who are at risk
1750 of abuse, neglect, or abandonment, to prevent their entry into
1751 the child protection and child welfare system.
1752 (b) Shall provide accurate and timely information
1753 necessary for oversight by the department pursuant to the child
1754 welfare results-oriented accountability system required by s.
1755 409.997.
1756 (c) Shall follow the financial guidelines developed by the
1757 department and provide for a regular independent auditing of its
1758 financial activities. Such financial information shall be
1759 provided to the community alliance established under s.
1760 20.19(5).

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1761 ~~(d) Shall post on its website the current budget for the~~
1762 ~~lead agency, including the salaries, bonuses, and other~~
1763 ~~compensation paid, by position, for the agency's chief executive~~
1764 ~~officer, chief financial officer, and chief operating officer,~~
1765 ~~or their equivalents.~~

1766 (d) ~~(e)~~ Shall prepare all judicial reviews, case plans, and
1767 other reports necessary for court hearings for dependent
1768 children, except those related to the investigation of a
1769 referral from the department's child abuse hotline, and shall
1770 submit these documents timely to the department's attorneys for
1771 review, any necessary revision, and filing with the court. The
1772 lead agency shall make the necessary staff available to
1773 department attorneys for preparation for dependency proceedings,
1774 and shall provide testimony and other evidence required for
1775 dependency court proceedings in coordination with the
1776 department's attorneys. This duty does not include the
1777 preparation of legal pleadings or other legal documents, which
1778 remain the responsibility of the department.

1779 (e) ~~(f)~~ Shall ensure that all individuals providing care
1780 for dependent children receive:

1781 1. Appropriate training and meet the minimum employment
1782 standards established by the department. Appropriate training
1783 shall include, but is not limited to, training on the
1784 recognition of and responses to head trauma and brain injury in

Amendment No. 1

1785 a child under 6 years of age developed by the Child Protection
1786 Team Program within the Department of Health.

1787 2. Contact information for the local mobile response team
1788 established under s. 394.495.

1789 ~~(f)(g)~~ Shall maintain eligibility to receive all available
1790 federal child welfare funds.

1791 (g) Shall adhere to all best child welfare practices under
1792 ss. 39.4087, 39.523, 409.1415, and 409.145.

1793 (h) Shall maintain written agreements with Healthy
1794 Families Florida lead entities in its service area pursuant to
1795 s. 409.153 to promote cooperative planning for the provision of
1796 prevention and intervention services.

1797 (i) Shall comply with federal and state statutory
1798 requirements and agency rules in the provision of contractual
1799 services.

1800 (j) May subcontract for the provision of services required
1801 by the contract with the lead agency and the department;
1802 however, the subcontracts must specify how the provider will
1803 contribute to the lead agency meeting the performance standards
1804 established pursuant to the child welfare results-oriented
1805 accountability system required by s. 409.997. The lead agency
1806 shall directly provide no more than 35 percent of all child
1807 welfare services provided unless it can demonstrate a need,
1808 within the lead agency's geographic service area, to exceed this
1809 threshold. The local community alliance in the geographic

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1810 service area in which the lead agency is seeking to exceed the
1811 threshold shall review the lead agency's justification for need
1812 and recommend to the department whether the department should
1813 approve or deny the lead agency's request for an exemption from
1814 the services threshold. If there is not a community alliance
1815 operating in the geographic service area in which the lead
1816 agency is seeking to exceed the threshold, such review and
1817 recommendation shall be made by representatives of local
1818 stakeholders, including at least one representative from each of
1819 the following:

- 1820 1. The department.
- 1821 2. The county government.
- 1822 3. The school district.
- 1823 4. The county United Way.
- 1824 5. The county sheriff's office.
- 1825 6. The circuit court corresponding to the county.
- 1826 7. The county children's board, if one exists.

1827 (k) Shall publish ~~post~~ on its website by the 15th day of
1828 each month at a minimum the data specified ~~information contained~~
1829 in subparagraphs 1.-5, calculated using the standard methodology
1830 determined by the department, subparagraphs 1.-4. for the
1831 preceding calendar month regarding its case management services.
1832 The following information shall be reported by each individual
1833 subcontracted case management provider, by the lead agency, if
1834 the lead agency provides case management services, and in total

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1835 for all case management services subcontracted or directly
1836 provided by the lead agency:

1837 1. The average caseload of case managers, including only
1838 filled positions;

1839 2. The total number and percentage of case managers who
1840 have 25 or more cases on their caseloads;

1841 ~~3.2.~~ The turnover rate for case managers and case
1842 management supervisors for the previous 12 months;

1843 ~~4.3.~~ The percentage of required home visits completed; and

1844 ~~5.4.~~ Performance on outcome measures required pursuant to
1845 s. 409.997 for the previous 12 months.

1846 (1) Shall identify an employee to serve as a liaison with
1847 the community alliance and community-based and faith-based
1848 organizations interested in collaborating with the lead agency
1849 or offering services or other assistance on a volunteer basis to
1850 the children and families served by the lead agency. The lead
1851 agency shall ensure that appropriate lead agency staff and
1852 subcontractors, including, but not limited to, case managers,
1853 are informed of the specific services or assistance available
1854 from community-based and faith-based organizations.

1855 (m) Shall include, at a minimum, on its websites,
1856 promotional literature, agency-created documents and forms
1857 provided to families served by the lead agency, business cards,
1858 and stationery letterhead the statement "[CBC name] is a
1859 Community-based Care Lead Agency contracted with the Department

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1860 of Children and Families to care for children in the child
1861 welfare system."

1862 Section 21. Subsection (7) of section 409.990, Florida
1863 Statutes, is renumbered as subsection (8), and a new subsection
1864 (7) is added to that section to read:

1865 409.990 Funding for lead agencies.—A contract established
1866 between the department and a lead agency must be funded by a
1867 grant of general revenue, other applicable state funds, or
1868 applicable federal funding sources.

1869 (7) If subcontracted service providers must provide
1870 services that are beyond the contract limits due to increased
1871 client need or caseload, the lead agencies shall fund the cost
1872 of increased care.

1873 Section 22. Subsections (3) through (25) of section
1874 409.996, Florida Statutes, are renumbered as subsections (5)
1875 through (27), respectively, subsections (1) and (2) and
1876 paragraph (d) of present subsection (25) are amended, and new
1877 subsections (3) and (4) are added to that section, to read:

1878 409.996 Duties of the Department of Children and
1879 Families.—The department shall contract for the delivery,
1880 administration, or management of care for children in the child
1881 protection and child welfare system. In doing so, the department
1882 retains responsibility for the quality of contracted services
1883 and programs and shall ensure that, at a minimum, services are
1884 delivered in accordance with applicable federal and state

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1885 statutes and regulations and the performance standards and
1886 metrics specified in the strategic plan created under s.
1887 20.19(1).

1888 (1) The department shall enter into contracts with lead
1889 agencies for the performance of the duties by the lead agencies
1890 established in s. 409.988. At a minimum, the contracts must do
1891 all of the following:

1892 (a) Provide for the services needed to accomplish the
1893 duties established in s. 409.988. and

1894 (b) Require the lead agency to provide information to the
1895 department which specifies how the lead agency will adhere to
1896 all best child welfare practices under ss. 39.4087, 39.523,
1897 409.1415, and 409.145.

1898 (c) Provide information to the department which is
1899 necessary to meet the requirements for a quality assurance
1900 program under subsection (21) ~~(19)~~ and the child welfare
1901 results-oriented accountability system under s. 409.997.

1902 ~~(d)~~ (b) Provide for tiered interventions and graduated
1903 penalties for failure to comply with contract terms or in the
1904 event of performance deficiencies. Such interventions and
1905 penalties shall include, but are not limited to:

1906 1. Enhanced monitoring and reporting.

1907 2. Corrective action plans.

1908 3. Requirements to accept technical assistance and

1909 consultation from the department under subsection (6) ~~(4)~~.

Amendment No. 1

1910 4. Financial penalties, which shall require a lead agency
1911 to reallocate funds from administrative costs to direct care for
1912 children.

1913 5. Early termination of contracts, as provided in s.
1914 402.1705(3)(f).

1915 (e)~~(e)~~ Ensure that the lead agency shall furnish current
1916 and accurate information on its activities in all cases in
1917 client case records in the state's statewide automated child
1918 welfare information system.

1919 (f)~~(d)~~ Specify the procedures to be used by the parties to
1920 resolve differences in interpreting the contract or to resolve
1921 disputes as to the adequacy of the parties' compliance with
1922 their respective obligations under the contract.

1923 (2) The department must adopt written policies and
1924 procedures for monitoring the contract for delivery of services
1925 by lead agencies which must be published ~~posted~~ on the
1926 department's website. These policies and procedures must, at a
1927 minimum, address the evaluation of fiscal accountability and
1928 program operations, including provider achievement of
1929 performance standards, provider monitoring of subcontractors,
1930 and timely followup of corrective actions for significant
1931 monitoring findings related to providers and subcontractors.
1932 These policies and procedures must also include provisions for
1933 reducing the duplication of the department's program monitoring
1934 activities both internally and with other agencies, to the

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1935 extent possible. The department's written procedures must ensure
1936 that the written findings, conclusions, and recommendations from
1937 monitoring the contract for services of lead agencies are
1938 communicated to the director of the provider agency and the
1939 community alliance as expeditiously as possible.

1940 (3) The department shall annually conduct a comprehensive,
1941 multiyear review of the revenues, expenditures, and financial
1942 position of all community-based care lead agencies which must
1943 cover the most recent 2 consecutive fiscal years. The review
1944 must include a comprehensive system-of-care analysis. All
1945 community-based care lead agencies must develop and maintain a
1946 plan to achieve financial viability. The department's review and
1947 the agency's plan shall be submitted to the Governor, the
1948 President of the Senate, and the Speaker of the House of
1949 Representatives by November 1 of each year.

1950 (4) (a) The department shall collect and publish on its
1951 website, and annually update, all of the following information
1952 for each lead agency under contract with the department:

1953 1. All compensation earned or awarded, whether paid or
1954 accrued, regardless of contingency, by position, for any
1955 employee, and any non-employee compensated through a contract
1956 for services whose services include those commonly associated
1957 with a chief executive, chief administrator or other chief
1958 officer of a business or corporation, who receives compensation
1959 from state appropriated funds in excess of 150 percent of the

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1960 annual salary paid to the secretary of the department. For
1961 purposes of this paragraph, the term "employee" has the same
1962 meaning as in s. 448.095.

1963 2. All findings of the review under subsection (3).

1964 (b) The department shall collect and publish on its
1965 website, and update monthly, the information required under s.
1966 409.988(1)(k).

1967 (27)-(25) Subject to an appropriation, for the 2020-2021
1968 and 2021-2022 fiscal years, the department shall implement a
1969 pilot project in the Sixth and Thirteenth Judicial Circuits,
1970 respectively, aimed at improving child welfare outcomes.

1971 (d) The department shall include the results of the pilot
1972 projects in the report required in subsection (26) ~~(24)~~ of this
1973 section. The report must include the department's findings and
1974 recommendations relating to the pilot projects.

1975 Section 23. Paragraph (c) is added to subsection (6) of s.
1976 1012.795, Florida Statutes, to read:

1977 1012.795 Education Practices Commission; authority to
1978 discipline.-

1979 (6)

1980 (c) If the Department of Education determines that any
1981 instructional personnel or school administrator, as defined in
1982 s. 1012.01(2) or (3), respectively, has knowingly failed to
1983 report known or suspected child abuse as required under s.
1984 39.201, and the Education Practices Commission has issued a

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

1985 final order for a previous instance of failure to report by the
1986 individual, the Education Practices Commission shall, at a
1987 minimum, suspend the educator certificate of the instructional
1988 personnel or school administrator for a period of at least 1
1989 year.

1990 Section 24. Subsection (6) of section 39.301, Florida
1991 Statutes, is amended to read:

1992 39.301 Initiation of protective investigations.—

1993 (6) Upon commencing an investigation under this part, if a
1994 report was received from a reporter under s. 39.201(1)(a)2. ~~s.~~
1995 ~~39.201(1)(b)~~, the protective investigator must provide his or
1996 her contact information to the reporter within 24 hours after
1997 being assigned to the investigation. The investigator must also
1998 advise the reporter that he or she may provide a written summary
1999 of the report made to the central abuse hotline to the
2000 investigator which shall become a part of the electronic child
2001 welfare case file.

2002 Section 25. Paragraph (d) of subsection (4) of section
2003 119.071, Florida Statutes, is amended to read:

2004 119.071 General exemptions from inspection or copying of
2005 public records.—

2006 (4) AGENCY PERSONNEL INFORMATION.—

2007 (d)1. For purposes of this paragraph, the term:

2008 a. "Home addresses" means the dwelling location at which
2009 an individual resides and includes the physical address, mailing

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2010 address, street address, parcel identification number, plot
2011 identification number, legal property description, neighborhood
2012 name and lot number, GPS coordinates, and any other descriptive
2013 property information that may reveal the home address.

2014 b. "Telephone numbers" includes home telephone numbers,
2015 personal cellular telephone numbers, personal pager telephone
2016 numbers, and telephone numbers associated with personal
2017 communications devices.

2018 2.a. The home addresses, telephone numbers, dates of
2019 birth, and photographs of active or former sworn law enforcement
2020 personnel or of active or former civilian personnel employed by
2021 a law enforcement agency, including correctional and
2022 correctional probation officers, personnel of the Department of
2023 Children and Families whose duties include the investigation of
2024 abuse, neglect, exploitation, fraud, theft, or other criminal
2025 activities, personnel of the Department of Health whose duties
2026 are to support the investigation of child abuse or neglect, and
2027 personnel of the Department of Revenue or local governments
2028 whose responsibilities include revenue collection and
2029 enforcement or child support enforcement; the names, home
2030 addresses, telephone numbers, photographs, dates of birth, and
2031 places of employment of the spouses and children of such
2032 personnel; and the names and locations of schools and day care
2033 facilities attended by the children of such personnel are exempt

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2034 from s. 119.07(1) and s. 24(a), Art. I of the State
2035 Constitution.

2036 b. The home addresses, telephone numbers, dates of birth,
2037 and photographs of current or former nonsworn investigative
2038 personnel of the Department of Financial Services whose duties
2039 include the investigation of fraud, theft, workers' compensation
2040 coverage requirements and compliance, other related criminal
2041 activities, or state regulatory requirement violations; the
2042 names, home addresses, telephone numbers, dates of birth, and
2043 places of employment of the spouses and children of such
2044 personnel; and the names and locations of schools and day care
2045 facilities attended by the children of such personnel are exempt
2046 from s. 119.07(1) and s. 24(a), Art. I of the State
2047 Constitution.

2048 c. The home addresses, telephone numbers, dates of birth,
2049 and photographs of current or former nonsworn investigative
2050 personnel of the Office of Financial Regulation's Bureau of
2051 Financial Investigations whose duties include the investigation
2052 of fraud, theft, other related criminal activities, or state
2053 regulatory requirement violations; the names, home addresses,
2054 telephone numbers, dates of birth, and places of employment of
2055 the spouses and children of such personnel; and the names and
2056 locations of schools and day care facilities attended by the
2057 children of such personnel are exempt from s. 119.07(1) and s.
2058 24(a), Art. I of the State Constitution.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2059 d. The home addresses, telephone numbers, dates of birth,
2060 and photographs of current or former firefighters certified in
2061 compliance with s. 633.408; the names, home addresses, telephone
2062 numbers, photographs, dates of birth, and places of employment
2063 of the spouses and children of such firefighters; and the names
2064 and locations of schools and day care facilities attended by the
2065 children of such firefighters are exempt from s. 119.07(1) and
2066 s. 24(a), Art. I of the State Constitution.

2067 e. The home addresses, dates of birth, and telephone
2068 numbers of current or former justices of the Supreme Court,
2069 district court of appeal judges, circuit court judges, and
2070 county court judges; the names, home addresses, telephone
2071 numbers, dates of birth, and places of employment of the spouses
2072 and children of current or former justices and judges; and the
2073 names and locations of schools and day care facilities attended
2074 by the children of current or former justices and judges are
2075 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2076 Constitution.

2077 f. The home addresses, telephone numbers, dates of birth,
2078 and photographs of current or former state attorneys, assistant
2079 state attorneys, statewide prosecutors, or assistant statewide
2080 prosecutors; the names, home addresses, telephone numbers,
2081 photographs, dates of birth, and places of employment of the
2082 spouses and children of current or former state attorneys,
2083 assistant state attorneys, statewide prosecutors, or assistant

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2084 statewide prosecutors; and the names and locations of schools
2085 and day care facilities attended by the children of current or
2086 former state attorneys, assistant state attorneys, statewide
2087 prosecutors, or assistant statewide prosecutors are exempt from
2088 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2089 g. The home addresses, dates of birth, and telephone
2090 numbers of general magistrates, special magistrates, judges of
2091 compensation claims, administrative law judges of the Division
2092 of Administrative Hearings, and child support enforcement
2093 hearing officers; the names, home addresses, telephone numbers,
2094 dates of birth, and places of employment of the spouses and
2095 children of general magistrates, special magistrates, judges of
2096 compensation claims, administrative law judges of the Division
2097 of Administrative Hearings, and child support enforcement
2098 hearing officers; and the names and locations of schools and day
2099 care facilities attended by the children of general magistrates,
2100 special magistrates, judges of compensation claims,
2101 administrative law judges of the Division of Administrative
2102 Hearings, and child support enforcement hearing officers are
2103 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2104 Constitution.

2105 h. The home addresses, telephone numbers, dates of birth,
2106 and photographs of current or former human resource, labor
2107 relations, or employee relations directors, assistant directors,
2108 managers, or assistant managers of any local government agency

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2109 or water management district whose duties include hiring and
2110 firing employees, labor contract negotiation, administration, or
2111 other personnel-related duties; the names, home addresses,
2112 telephone numbers, dates of birth, and places of employment of
2113 the spouses and children of such personnel; and the names and
2114 locations of schools and day care facilities attended by the
2115 children of such personnel are exempt from s. 119.07(1) and s.
2116 24(a), Art. I of the State Constitution.

2117 i. The home addresses, telephone numbers, dates of birth,
2118 and photographs of current or former code enforcement officers;
2119 the names, home addresses, telephone numbers, dates of birth,
2120 and places of employment of the spouses and children of such
2121 personnel; and the names and locations of schools and day care
2122 facilities attended by the children of such personnel are exempt
2123 from s. 119.07(1) and s. 24(a), Art. I of the State
2124 Constitution.

2125 j. The home addresses, telephone numbers, places of
2126 employment, dates of birth, and photographs of current or former
2127 guardians ad litem, as defined in s. 39.820; the names, home
2128 addresses, telephone numbers, dates of birth, and places of
2129 employment of the spouses and children of such persons; and the
2130 names and locations of schools and day care facilities attended
2131 by the children of such persons are exempt from s. 119.07(1) and
2132 s. 24(a), Art. I of the State Constitution.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2133 k. The home addresses, telephone numbers, dates of birth,
2134 and photographs of current or former juvenile probation
2135 officers, juvenile probation supervisors, detention
2136 superintendents, assistant detention superintendents, juvenile
2137 justice detention officers I and II, juvenile justice detention
2138 officer supervisors, juvenile justice residential officers,
2139 juvenile justice residential officer supervisors I and II,
2140 juvenile justice counselors, juvenile justice counselor
2141 supervisors, human services counselor administrators, senior
2142 human services counselor administrators, rehabilitation
2143 therapists, and social services counselors of the Department of
2144 Juvenile Justice; the names, home addresses, telephone numbers,
2145 dates of birth, and places of employment of spouses and children
2146 of such personnel; and the names and locations of schools and
2147 day care facilities attended by the children of such personnel
2148 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2149 Constitution.

2150 l. The home addresses, telephone numbers, dates of birth,
2151 and photographs of current or former public defenders, assistant
2152 public defenders, criminal conflict and civil regional counsel,
2153 and assistant criminal conflict and civil regional counsel; the
2154 names, home addresses, telephone numbers, dates of birth, and
2155 places of employment of the spouses and children of current or
2156 former public defenders, assistant public defenders, criminal
2157 conflict and civil regional counsel, and assistant criminal

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2158 conflict and civil regional counsel; and the names and locations
2159 of schools and day care facilities attended by the children of
2160 current or former public defenders, assistant public defenders,
2161 criminal conflict and civil regional counsel, and assistant
2162 criminal conflict and civil regional counsel are exempt from s.
2163 119.07(1) and s. 24(a), Art. I of the State Constitution.

2164 m. The home addresses, telephone numbers, dates of birth,
2165 and photographs of current or former investigators or inspectors
2166 of the Department of Business and Professional Regulation; the
2167 names, home addresses, telephone numbers, dates of birth, and
2168 places of employment of the spouses and children of such current
2169 or former investigators and inspectors; and the names and
2170 locations of schools and day care facilities attended by the
2171 children of such current or former investigators and inspectors
2172 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2173 Constitution.

2174 n. The home addresses, telephone numbers, and dates of
2175 birth of county tax collectors; the names, home addresses,
2176 telephone numbers, dates of birth, and places of employment of
2177 the spouses and children of such tax collectors; and the names
2178 and locations of schools and day care facilities attended by the
2179 children of such tax collectors are exempt from s. 119.07(1) and
2180 s. 24(a), Art. I of the State Constitution.

2181 o. The home addresses, telephone numbers, dates of birth,
2182 and photographs of current or former personnel of the Department

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2183 of Health whose duties include, or result in, the determination
2184 or adjudication of eligibility for social security disability
2185 benefits, the investigation or prosecution of complaints filed
2186 against health care practitioners, or the inspection of health
2187 care practitioners or health care facilities licensed by the
2188 Department of Health; the names, home addresses, telephone
2189 numbers, dates of birth, and places of employment of the spouses
2190 and children of such personnel; and the names and locations of
2191 schools and day care facilities attended by the children of such
2192 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
2193 the State Constitution.

2194 p. The home addresses, telephone numbers, dates of birth,
2195 and photographs of current or former impaired practitioner
2196 consultants who are retained by an agency or current or former
2197 employees of an impaired practitioner consultant whose duties
2198 result in a determination of a person's skill and safety to
2199 practice a licensed profession; the names, home addresses,
2200 telephone numbers, dates of birth, and places of employment of
2201 the spouses and children of such consultants or their employees;
2202 and the names and locations of schools and day care facilities
2203 attended by the children of such consultants or employees are
2204 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2205 Constitution.

2206 q. The home addresses, telephone numbers, dates of birth,
2207 and photographs of current or former emergency medical

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2208 technicians or paramedics certified under chapter 401; the
2209 names, home addresses, telephone numbers, dates of birth, and
2210 places of employment of the spouses and children of such
2211 emergency medical technicians or paramedics; and the names and
2212 locations of schools and day care facilities attended by the
2213 children of such emergency medical technicians or paramedics are
2214 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2215 Constitution.

2216 r. The home addresses, telephone numbers, dates of birth,
2217 and photographs of current or former personnel employed in an
2218 agency's office of inspector general or internal audit
2219 department whose duties include auditing or investigating waste,
2220 fraud, abuse, theft, exploitation, or other activities that
2221 could lead to criminal prosecution or administrative discipline;
2222 the names, home addresses, telephone numbers, dates of birth,
2223 and places of employment of spouses and children of such
2224 personnel; and the names and locations of schools and day care
2225 facilities attended by the children of such personnel are exempt
2226 from s. 119.07(1) and s. 24(a), Art. I of the State
2227 Constitution.

2228 s. The home addresses, telephone numbers, dates of birth,
2229 and photographs of current or former directors, managers,
2230 supervisors, nurses, and clinical employees of an addiction
2231 treatment facility; the home addresses, telephone numbers,
2232 photographs, dates of birth, and places of employment of the

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2233 spouses and children of such personnel; and the names and
2234 locations of schools and day care facilities attended by the
2235 children of such personnel are exempt from s. 119.07(1) and s.
2236 24(a), Art. I of the State Constitution. For purposes of this
2237 sub-subparagraph, the term "addiction treatment facility" means
2238 a county government, or agency thereof, that is licensed
2239 pursuant to s. 397.401 and provides substance abuse prevention,
2240 intervention, or clinical treatment, including any licensed
2241 service component described in s. 397.311(26).

2242 t. The home addresses, telephone numbers, dates of birth,
2243 and photographs of current or former directors, managers,
2244 supervisors, and clinical employees of a child advocacy center
2245 that meets the standards of s. 39.3035(2) ~~s. 39.3035(1)~~ and
2246 fulfills the screening requirement of s. 39.3035(3) ~~s.~~
2247 ~~39.3035(2)~~, and the members of a Child Protection Team as
2248 described in s. 39.303 whose duties include supporting the
2249 investigation of child abuse or sexual abuse, child abandonment,
2250 child neglect, and child exploitation or to provide services as
2251 part of a multidisciplinary case review team; the names, home
2252 addresses, telephone numbers, photographs, dates of birth, and
2253 places of employment of the spouses and children of such
2254 personnel and members; and the names and locations of schools
2255 and day care facilities attended by the children of such
2256 personnel and members are exempt from s. 119.07(1) and s. 24(a),
2257 Art. I of the State Constitution.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2258 3. An agency that is the custodian of the information
2259 specified in subparagraph 2. and that is not the employer of the
2260 officer, employee, justice, judge, or other person specified in
2261 subparagraph 2. shall maintain the exempt status of that
2262 information only if the officer, employee, justice, judge, other
2263 person, or employing agency of the designated employee submits a
2264 written request for maintenance of the exemption to the
2265 custodial agency.

2266 4. An officer, an employee, a justice, a judge, or other
2267 person specified in subparagraph 2. may submit a written request
2268 for the release of his or her exempt information to the
2269 custodial agency. The written request must be notarized and must
2270 specify the information to be released and the party that is
2271 authorized to receive the information. Upon receipt of the
2272 written request, the custodial agency shall release the
2273 specified information to the party authorized to receive such
2274 information.

2275 5. The exemptions in this paragraph apply to information
2276 held by an agency before, on, or after the effective date of the
2277 exemption.

2278 6. This paragraph is subject to the Open Government Sunset
2279 Review Act in accordance with s. 119.15 and shall stand repealed
2280 on October 2, 2024, unless reviewed and saved from repeal
2281 through reenactment by the Legislature.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2282 Section 26. Paragraph (g) of subsection (2) of section
2283 934.03, Florida Statutes, is amended to read:

2284 934.03 Interception and disclosure of wire, oral, or
2285 electronic communications prohibited.—

2286 (2)

2287 (g) It is lawful under this section and ss. 934.04-934.09
2288 for an employee of:

2289 1. An ambulance service licensed pursuant to s. 401.25, a
2290 fire station employing firefighters as defined by s. 633.102, a
2291 public utility, a law enforcement agency as defined by s.
2292 934.02(10), or any other entity with published emergency
2293 telephone numbers;

2294 2. An agency operating an emergency telephone number "911"
2295 system established pursuant to s. 365.171; or

2296 3. The central abuse hotline operated under s. 39.101
2297 ~~pursuant to s. 39.201~~

2298

2299 to intercept and record incoming wire communications; however,
2300 such employee may intercept and record incoming wire
2301 communications on designated "911" telephone numbers and
2302 published nonemergency telephone numbers staffed by trained
2303 dispatchers at public safety answering points only. It is also
2304 lawful for such employee to intercept and record outgoing wire
2305 communications to the numbers from which such incoming wire
2306 communications were placed when necessary to obtain information

Amendment No. 1

2307 required to provide the emergency services being requested. For
2308 the purpose of this paragraph, the term "public utility" has the
2309 same meaning as provided in s. 366.02 and includes a person,
2310 partnership, association, or corporation now or hereafter owning
2311 or operating equipment or facilities in the state for conveying
2312 or transmitting messages or communications by telephone or
2313 telegraph to the public for compensation.

2314 Section 27. Except as otherwise expressly provided in this
2315 act, this act shall take effect July 1, 2021.

2316

2317

2318

2319

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

2320

Remove everything before the enacting clause and

2321

insert:

2322

An act relating to child welfare; providing a directive to

2323

the Division of Law Revision; creating s. 39.101, F.S.;

2324

transferring existing provisions relating to the central abuse

2325

hotline of the Department of Children and Families; providing

2326

additional requirements relating to the central abuse hotline;

2327

revising requirements for certain statistical reports that the

2328

department is required to collect and analyze; amending s.

2329

39.201, F.S.; revising reporting requirements for the central

2330

abuse hotline; requiring animal control officers and certain

2331

agents to provide their names to central abuse hotline

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2332 counselors; requiring such counselors to advise reporters of
2333 certain information; requiring such counselors to receive
2334 specified periodic training; revising requirements relating to
2335 reports of abuse involving impregnation of children; providing
2336 requirements for reports of child abuse, abandonment, or neglect
2337 by a parent or legal custodian, child-on-child sexual abuse,
2338 juvenile sexual abuse, and children who exhibit inappropriate
2339 sexual behavior; amending s. 39.2015, F.S.; revising membership
2340 of multiagency teams; requiring investigations of reports of
2341 sexual abuse by a Department of Children and Families staff
2342 member and one or more other professionals under certain
2343 conditions; specifying requirements for conducting investigation
2344 and submitting reports; requiring the secretary to create
2345 guidelines for such investigations under certain conditions;
2346 requiring the advisory committee to review reports; amending s.
2347 39.202, F.S.; expanding the list of entities that have access to
2348 child abuse or neglect records; requiring access to certain
2349 confidential and exempt records by legislative committees, upon
2350 request, within a specified timeframe; amending s. 39.205, F.S.;
2351 providing construction; specifying that certain persons are not
2352 relieved from the duty to report to the central abuse hotline by
2353 notifying their supervisors; amending s. 39.301, F.S.; requiring
2354 the department to assess child safety throughout an
2355 investigation; requiring the department to implement specialized
2356 procedures in certain investigations involving sexual abuse;

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2357 amending s. 39.302, F.S.; conforming a cross-reference;
2358 authorizing certain persons to be represented by an attorney or
2359 accompanied by another person under certain circumstances during
2360 protective investigations of institutional child abuse,
2361 abandonment, or neglect; providing requirements relating to such
2362 investigations; amending s. 39.3035, F.S.; providing a
2363 description of child advocacy centers; conforming cross-
2364 references; amending s. 39.4087, F.S.; requiring the department
2365 to provide certain information to, and training for, caregivers
2366 of children in foster care; expanding certain information that
2367 is required to be fully disclosed to a caregiver; requiring a
2368 caregiver to maintain the confidentiality of certain
2369 information; making technical changes; creating s. 39.4092,
2370 F.S.; providing legislative findings; authorizing offices of
2371 criminal conflict and civil regional counsel to establish a
2372 multidisciplinary legal representation model program to serve
2373 parents of children in the dependency system; requiring the
2374 department to collaborate with the office regarding
2375 documentation; requiring the department to submit documentation;
2376 specifying program requirements; defining the term "parent-peer
2377 specialist"; requiring each region that establishes a
2378 multidisciplinary legal representation model program to submit
2379 an annual report by a certain date to the Office of Program
2380 Policy Analysis and Government Accountability; requiring the
2381 office to compile the reports and include such information in a

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2382 specified report sent to the Governor and the Legislature by a
2383 specified date; requiring offices to submit any additional
2384 information or data requested; amending s. 39.6225, F.S.;
2385 deleting obsolete provisions; amending s. 39.6251, F.S.;
2386 prohibiting supervised living arrangements from including
2387 specified facilities, camps, and schools; prohibiting young
2388 adults from residing in settings in which they are involuntarily
2389 placed unless such placement is through a court-appointed
2390 guardian; amending s. 394.9082, F.S.; requiring the department
2391 to collect and publish, and update annually, specified
2392 information on its website for each managing entity under
2393 contract with the department; defining the term "employee";
2394 requiring managing entities to include a statement on specified
2395 documents and materials; creating s. 394.90825, F.S.; providing
2396 definitions; requiring a board member or an officer of a
2397 managing entity to disclose specified activity that may
2398 reasonably be construed to be a conflict of interest; creating a
2399 rebuttable presumption of a conflict of interest if the activity
2400 was acted on by the board without prior notice; establishing a
2401 process for the managing entity's board of directors to address
2402 the activity within certain timelines; providing for certain
2403 consequences for failure to obtain a board's approval or failure
2404 to properly disclose a contract as a conflict of interest;
2405 amending s. 409.1415, F.S.; requiring the department to make
2406 available specified training for caregivers of children in out-

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2407 of-home care; requiring the department to establish the Foster
2408 Information Center for specified purposes; requiring community-
2409 based care lead agencies to provide certain resources, supports,
2410 and assistance to kinship caregivers; requiring community-based
2411 care lead agencies to provide caregivers with a certain
2412 telephone number; repealing s. 409.1453, F.S., relating to the
2413 design and dissemination of training for foster care caregivers;
2414 amending s. 409.175, F.S.; requiring the department to conduct
2415 certain assessments and grant a capacity waiver under certain
2416 conditions; authorizing the department to adopt rules; repealing
2417 s. 409.1753, F.S.; relating to duties of the department relating
2418 to foster care; amending s. 409.987, F.S.; requiring the
2419 department to develop an alternative plan for providing
2420 community-based child welfare services under certain
2421 circumstances; providing requirements for the plan; requiring
2422 the department to submit the plan and certain quarterly updates
2423 to the Governor and Legislature; providing definitions;
2424 requiring a board member or an officer of a lead agency to
2425 disclose specified activity that may reasonably be construed to
2426 be a conflict of interest; creating a rebuttable presumption of
2427 a conflict of interest if the activity was acted on by the board
2428 without prior notice; establishing a process for the lead
2429 agency's board of directors to address the activity within
2430 certain timelines; providing for certain consequences for
2431 failure to obtain a board's approval or failure to properly

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM

Amendment No. 1

2432 disclose a contract as a conflict of interest; amending s.
2433 409.988, F.S.; deleting a requirement that lead agencies publish
2434 their current budgets on their websites; specifying additional
2435 data lead agencies must publish on their websites; requiring the
2436 department to determine a standard methodology for use in
2437 calculating information; requiring a lead agency to adhere to
2438 specified best child welfare practices; requiring lead agencies
2439 to include a statement on specified documents and materials;
2440 amending s. 409.990, F.S.; requiring lead agencies to fund the
2441 cost of increased care under certain circumstances; amending s.
2442 409.996, F.S.; requiring contracts between the department and
2443 community-based care lead agencies to provide specified
2444 information to the department; requiring the department to
2445 annually conduct a specified review of community-based care lead
2446 agencies; requiring such agencies to develop and maintain a
2447 specified plan; requiring the department to collect and publish
2448 on its website specified information relating to lead agencies
2449 under contract with the department; amending s. 1012.795, F.S.;
2450 requiring the Education Practices Commission to suspend the
2451 educator certificate of instructional personnel and school
2452 administrators for failing to report known or suspected child
2453 abuse under certain circumstances; amending ss. 39.301, 119.071,
2454 and 934.03, F.S.; conforming cross-references; providing an
2455 effective date.

919347 - H7039 strike.docx

Published On: 4/18/2021 7:51:03 PM