

1                   A bill to be entitled  
2           An act relating to child welfare; providing a  
3           directive to the Division of Law Revision; creating s.  
4           39.101, F.S.; transferring existing provisions  
5           relating to the central abuse hotline of the  
6           Department of Children and Families; providing  
7           additional requirements relating to the central abuse  
8           hotline; revising requirements for certain statistical  
9           reports that the department is required to collect and  
10          analyze; amending s. 39.201, F.S.; revising reporting  
11          requirements for the central abuse hotline; requiring  
12          animal control officers and certain agents to provide  
13          their names to central abuse hotline counselors;  
14          requiring such counselors to advise reporters of  
15          certain information; requiring such counselors to  
16          receive specified periodic training; revising  
17          requirements relating to reports of abuse involving  
18          impregnation of children; providing requirements for  
19          reports of child abuse, abandonment, or neglect by a  
20          parent or legal custodian, child-on-child sexual  
21          abuse, juvenile sexual abuse, and children who exhibit  
22          inappropriate sexual behavior; amending s. 39.2015,  
23          F.S.; specifying serious incidents for which the  
24          department is required to provide an immediate  
25          multiagency investigation; revising membership of

26 | multiagency teams; amending s. 39.202, F.S.; expanding  
27 | the list of entities that have access to child abuse  
28 | or neglect records; requiring access to certain  
29 | confidential and exempt records by legislative  
30 | committees, upon request, within a specified  
31 | timeframe; amending s. 39.205, F.S.; providing  
32 | construction; specifying that certain persons are not  
33 | relieved from the duty to report to the central abuse  
34 | hotline by notifying their supervisors; amending s.  
35 | 39.302, F.S.; conforming a cross-reference;  
36 | authorizing certain persons to be represented by an  
37 | attorney or accompanied by another person under  
38 | certain circumstances during protective investigations  
39 | of institutional child abuse, abandonment, or neglect;  
40 | providing requirements relating to such  
41 | investigations; amending s. 39.3035, F.S.; providing a  
42 | description of child advocacy centers; conforming  
43 | cross-references; amending s. 39.4087, F.S.; requiring  
44 | the department to provide certain information to, and  
45 | training for, caregivers of children in foster care;  
46 | expanding certain information that is required to be  
47 | fully disclosed to a caregiver; requiring a caregiver  
48 | to maintain the confidentiality of certain  
49 | information; making technical changes; creating s.  
50 | 39.4092, F.S.; authorizing offices of criminal

51 conflict and civil regional counsel to establish a  
52 multidisciplinary legal representation model program  
53 to serve families who are in the dependency system;  
54 authorizing the department to collaborate with the  
55 office to implement the model program within available  
56 resources; specifying program requirements; defining  
57 the term "parent-peer specialist"; requiring each  
58 office of criminal conflict and civil regional counsel  
59 that establishes a model program to submit an annual  
60 report by a specified date to the Office of Program  
61 Policy Analysis and Government Accountability;  
62 specifying report requirements; requiring the Office  
63 of Program Policy Analysis and Government  
64 Accountability to compile the results of the reports,  
65 conduct an analysis, and annually submit such analysis  
66 in a report to the Governor and Legislature by a  
67 specified date; amending s. 39.6225, F.S.; deleting  
68 obsolete provisions; amending s. 39.6251, F.S.;  
69 providing that licensed foster homes are the preferred  
70 supervised living arrangements for young adults;  
71 prohibiting supervised living arrangements from  
72 including specified facilities, camps, and schools;  
73 prohibiting young adults from residing in settings in  
74 which they are involuntarily placed unless such  
75 placement is through a court-appointed guardian;

76 | amending s. 394.9082, F.S.; requiring the department  
77 | to collect and publish, and update annually, specified  
78 | information on its website for each managing entity or  
79 | an affiliated entity under contract with the  
80 | department; defining the term "employee"; creating s.  
81 | 394.90825, F.S.; providing definitions; requiring a  
82 | board member or an officer of a managing entity to  
83 | disclose specified activity that may reasonably be  
84 | construed to be a conflict of interest; creating a  
85 | rebuttable presumption of a conflict of interest if  
86 | the activity was acted on by the board without prior  
87 | notice; establishing a process for the managing  
88 | entity's board of directors to address the activity  
89 | within certain timelines; providing for certain  
90 | consequences for failure to obtain a board's approval  
91 | or failure to properly disclose a contract as a  
92 | conflict of interest; amending s. 409.1415, F.S.;  
93 | requiring the department to make available specified  
94 | training for caregivers of children in out-of-home  
95 | care; requiring the department to establish the Foster  
96 | Information Center for specified purposes; requiring  
97 | community-based care lead agencies to provide certain  
98 | resources, supports, and assistance to kinship  
99 | caregivers; requiring community-based care lead  
100 | agencies to provide caregivers with a certain

101 telephone number; repealing s. 409.1453, F.S.,  
102 relating to the design and dissemination of training  
103 for foster care caregivers; amending s. 409.175, F.S.;  
104 requiring the department to conduct certain  
105 assessments and grant a capacity waiver if the total  
106 number of children in a family foster home is eight or  
107 more, including the family's own children, before  
108 another child may be placed in the home; authorizing  
109 the department to adopt rules; repealing s. 409.1753,  
110 F.S.; relating to duties of the department relating to  
111 foster care; amending s. 409.987, F.S.; requiring the  
112 department to develop an alternative plan for  
113 providing community-based child welfare services under  
114 certain circumstances; providing requirements for the  
115 plan; requiring the department to submit the plan and  
116 certain quarterly updates to the Governor and  
117 Legislature; providing definitions; requiring a board  
118 member or an officer of a lead agency to disclose  
119 specified activity that may reasonably be construed to  
120 be a conflict of interest; creating a rebuttable  
121 presumption of a conflict of interest if the activity  
122 was acted on by the board without prior notice;  
123 establishing a process for the lead agency's board of  
124 directors to address the activity within certain  
125 timelines; providing for certain consequences for

126 failure to obtain a board's approval or failure to  
127 properly disclose a contract as a conflict of  
128 interest; amending s. 409.988, F.S.; deleting a  
129 requirement that lead agencies publish their current  
130 budgets on their websites; specifying additional data  
131 lead agencies must publish on their websites;  
132 requiring a lead agency to adhere to specified best  
133 child welfare practices; amending s. 409.990, F.S.;  
134 requiring lead agencies to fund the cost of increased  
135 care under certain circumstances; amending s. 409.996,  
136 F.S.; requiring contracts between the department and  
137 community-based care lead agencies to provide  
138 specified information to the department; requiring the  
139 department to annually conduct a specified review of  
140 community-based care lead agencies; requiring such  
141 agencies to develop and maintain a specified plan;  
142 requiring the department to collect and publish on its  
143 website specified information relating to lead  
144 agencies under contract with the department; amending  
145 s. 1012.795, F.S.; requiring the Education Practices  
146 Commission to suspend the educator certificate of  
147 instructional personnel and school administrators for  
148 failing to report known or suspected child abuse under  
149 certain circumstances; amending ss. 39.301, 119.071,  
150 and 934.03, F.S.; conforming cross-references;

151 providing an effective date.

152  
153 Be It Enacted by the Legislature of the State of Florida:

154  
155 Section 1. The Division of Law Revision is directed to add  
156 s. 39.101, Florida Statutes, as created by this act, to part II  
157 of chapter 39, Florida Statutes.

158 Section 2. Section 39.101, Florida Statutes, is created to  
159 read:

160 39.101 Central abuse hotline.—The central abuse hotline is  
161 the first step in the safety assessment and investigation  
162 process.

163 (1) ESTABLISHMENT AND OPERATION.—

164 (a) The department shall operate and maintain a central  
165 abuse hotline capable of receiving all reports of known or  
166 suspected child abuse, abandonment, or neglect and reports that  
167 a child is in need of supervision and care and has no parent,  
168 legal custodian, or responsible adult relative immediately known  
169 and available to provide such supervision and care. The hotline  
170 must accept reports 24 hours a day, 7 days a week, and such  
171 reports must be made in accordance with s. 39.201. The central  
172 abuse hotline must be capable of accepting reports made in  
173 accordance with s. 39.201 in writing, through a single statewide  
174 toll-free telephone number, or through electronic reporting. A  
175 person may use any of these methods to make a report to the

176 central abuse hotline.

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

179 1. Accept reports for investigation when there is  
180 reasonable cause to suspect that a child has been or is being  
181 abused or neglected or has been abandoned.

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

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

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

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

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

197 7. Initiate and enter into agreements with other states  
198 for the purposes of gathering and sharing information contained  
199 in reports on child maltreatment to further enhance programs for  
200 the protection of children.



201 8. Promote public awareness of the central abuse hotline  
202 through community-based partner organizations and public service  
203 campaigns.

204 (2) TIMEFRAMES FOR INITIATING INVESTIGATION.—After the  
205 central abuse hotline receives a report, the department must  
206 determine the timeframe in which to initiate an investigation  
207 under chapter 39. Except as provided in s. 39.302 relating to  
208 institutional investigations, the department must commence an  
209 investigation:

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

212 1. The immediate safety or well-being of a child is  
213 endangered;

214 2. The family may flee or the child may be unavailable for  
215 purposes of conducting a child protective investigation; or

216 3. The facts reported to the central abuse hotline  
217 otherwise so warrant.

218 (b) Within 24 hours after receipt of a report that does  
219 not involve the criteria specified in paragraph (a).

220 (3) COLLECTION OF INFORMATION AND DATA.—The department  
221 shall:

222 (a)1. Voice-record all incoming or outgoing calls that are  
223 received or placed by the central abuse hotline which relate to  
224 suspected or known child abuse, abandonment, or neglect and  
225 maintain an electronic copy of each report made to the central

226 abuse hotline through a call or electronic reporting.

227 2. Make the recording or electronic copy of the report  
228 made to the central abuse hotline a part of the record of the  
229 report. Notwithstanding s. 39.202, the recording or electronic  
230 copy may only be released in full to law enforcement agencies  
231 and state attorneys for the purposes of investigating and  
232 prosecuting criminal charges under s. 39.205, or to employees of  
233 the department for the purposes of investigating and seeking  
234 administrative fines under s. 39.206.

235  
236 This paragraph does not prohibit central abuse hotline  
237 counselors from using the recordings or the electronic copy of  
238 reports for quality assurance or training purposes.

239 (b)1. Secure and install electronic equipment that  
240 automatically provides the central abuse hotline the telephone  
241 number from which the call is placed or the Internet protocol  
242 address from which the electronic report is received.

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

246 3. Maintain the confidentiality of such information in the  
247 same manner as given to the identity of the reporter under s.  
248 39.202.

249 (c)1. Update the online form used for reporting child  
250 abuse, abandonment, or neglect to include qualifying questions

251 in order to obtain necessary information required to assess need  
252 and the timeframes necessary for initiating an investigation  
253 under subsection (2).

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

257 (d) Monitor and evaluate the effectiveness of the  
258 reporting and investigating of suspected child abuse,  
259 abandonment, or neglect through the development and analysis of  
260 statistical and other information.

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

263 (f)1. Collect and analyze child-on-child sexual abuse  
264 reports and include such information in the aggregate  
265 statistical reports.

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

269 a. School premises;

270 b. School transportation;

271 c. School-sponsored off-campus events;

272 d. A school readiness program provider determined to be  
273 eligible under s. 1002.88;

274 e. A private prekindergarten provider or a public school  
275 prekindergarten provider, as those terms are defined in s.

276 1002.51(7) and (8), respectively;  
277 f. A public K-12 school as described in s. 1000.04;  
278 g. A private school as defined in s. 1002.01;  
279 h. A Florida College System institution or a state  
280 university, as those terms are defined in s. 1000.21(3) and (6),  
281 respectively; or  
282 i. A school, as defined in s. 1005.02.  
283 (4) USE OF INFORMATION RECEIVED BY THE CENTRAL ABUSE  
284 HOTLINE.—  
285 (a) Information received by the central abuse hotline may  
286 not be used for employment screening, except as provided in s.  
287 39.202(2) (a) and (h) or s. 402.302(15).  
288 (b) Information in the central abuse hotline and the  
289 department's automated abuse information system may be used by  
290 the department, its authorized agents or contract providers, the  
291 Department of Health, or county agencies as part of the  
292 licensure or registration process pursuant to ss. 402.301-  
293 402.319 and ss. 409.175-409.176.  
294 (c) Information in the central abuse hotline may also be  
295 used by the Department of Education for purposes of educator  
296 certification discipline and review pursuant to s. 39.202(2) (q).  
297 (5) QUALITY ASSURANCE.—On an ongoing basis, the  
298 department's quality assurance program shall review screened-out  
299 reports involving three or more unaccepted reports on a single  
300 child, when jurisdiction applies, in order to detect such things

301 as harassment and situations that warrant an investigation  
302 because of the frequency of the reports or the variety of the  
303 sources of the reports. A component of the quality assurance  
304 program must analyze unaccepted reports to the central abuse  
305 hotline by identified relatives as a part of the review of  
306 screened-out reports. The Assistant Secretary for Child Welfare  
307 may refer a case for investigation when it is determined, as a  
308 result of such review, that an investigation may be warranted.

309 Section 3. Section 39.201, Florida Statutes, is amended to  
310 read:

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

313 39.201 Required reports of child abuse, abandonment, or  
314 neglect, sexual abuse of a child, and juvenile sexual abuse;  
315 required reports of death; reports involving a child who has  
316 exhibited inappropriate sexual behavior.—

317 (1) MANDATORY REPORTING.—

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

323 a. Child abuse, abandonment, or neglect by a parent or  
324 caregiver, which includes, but is not limited to, when a child  
325 is abused, abandoned, or neglected by a parent, legal custodian,

326 caregiver, or other person responsible for the child's welfare  
327 or when a child is in need of supervision and care and has no  
328 parent, legal custodian, or responsible adult relative  
329 immediately known and available to provide such supervision and  
330 care.

331 b. Child abuse by an adult other than a parent, legal  
332 custodian, caregiver, or other person responsible for the  
333 child's welfare. The central abuse hotline must immediately  
334 electronically transfer such reports to the appropriate county  
335 sheriff's office.

336 2. Any person who knows, or has reasonable cause to  
337 suspect, that a child is the victim of sexual abuse or juvenile  
338 sexual abuse shall report such knowledge or suspicion to the  
339 central abuse hotline, including if the alleged incident  
340 involves a child who is in the custody of or under the  
341 protective supervision of the department.

342  
343 Such reports may be made in writing, through the statewide toll-  
344 free telephone number, or through electronic reporting.

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

348 2. A person making a report to the central abuse hotline  
349 whose occupation is in any of the following categories is  
350 required to provide his or her name to the central abuse hotline

351 counselors:

352 a. Physician, osteopathic physician, medical examiner,  
353 chiropractic physician, nurse, or hospital personnel engaged in  
354 the admission, examination, care, or treatment of persons;

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

357 c. Practitioner who relies solely on spiritual means for  
358 healing;

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

360 e. Social worker, day care center worker, or other  
361 professional child care worker, foster care worker, residential  
362 worker, or institutional worker;

363 f. Law enforcement officer;

364 g. Judge; or

365 h. Animal control officer as defined in s. 828.27 or agent  
366 appointed under s. 828.03.

367 (c) Central abuse hotline counselors shall advise persons  
368 under subparagraph (b)2. who are making a report to the central  
369 abuse hotline that, while their names must be entered into the  
370 record of the report, the names of reporters are held  
371 confidential and exempt as provided in s. 39.202. Such  
372 counselors must receive periodic training in encouraging all  
373 reporters to provide their names when making a report.

374 (2) EXCEPTIONS TO REPORTING.—

375 (a) An additional report of child abuse, abandonment, or

376 neglect, sexual abuse of a child, or juvenile sexual abuse is  
377 not required to be made by:

378 1. A professional who is hired by or who enters into a  
379 contract with the department for the purpose of treating or  
380 counseling a person as a result of a report of child abuse,  
381 abandonment, or neglect, sexual abuse of a child, or juvenile  
382 sexual abuse if such person was the subject of the referral for  
383 treatment or counseling.

384 2. An officer or employee of the judicial branch when the  
385 child is currently being investigated by the department, when  
386 there is an existing dependency case, or when the matter has  
387 previously been reported to the department if there is  
388 reasonable cause to believe that the information is already  
389 known to the department. This subparagraph applies only when the  
390 information related to the alleged child abuse, abandonment, or  
391 neglect, sexual abuse of a child, or juvenile sexual abuse has  
392 been provided to such officer or employee in the course of  
393 carrying out his or her official duties.

394 3. An officer or employee of a law enforcement agency when  
395 the incident under investigation by the law enforcement agency  
396 was reported to law enforcement by the central abuse hotline  
397 through the electronic transfer of the report or telephone call.  
398 The department's central abuse hotline is not required to  
399 electronically transfer calls or reports received under sub-  
400 subparagraph (1)(a)1.b. to the county sheriff's office if the



401 matter was initially reported to the department by the county  
402 sheriff's office or by another law enforcement agency. This  
403 subparagraph applies only when the information related to the  
404 alleged child abuse, abandonment, or neglect, sexual abuse of a  
405 child, or juvenile sexual abuse has been provided to the officer  
406 or employee of a law enforcement agency or central abuse hotline  
407 counselor in the course of carrying out his or her official  
408 duties.

409 (b) Nothing in this section or in the contract with  
410 community-based care providers for foster care and related  
411 services as specified in s. 409.987 may be construed to remove  
412 or reduce the duty and responsibility of any person, including  
413 any employee of the community-based care provider, to report a  
414 known or suspected case of child abuse, abandonment, or neglect,  
415 sexual abuse of a child, or juvenile sexual abuse to the  
416 department's central abuse hotline.

417 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

418 (a) Abuse occurring out of state.—

419 1. Except as provided in subparagraph 2., the central  
420 abuse hotline may not take a report or call of known or  
421 suspected child abuse, abandonment, or neglect when the report  
422 or call is related to abuse, abandonment, or neglect that  
423 occurred out of state and the alleged perpetrator and alleged  
424 victim do not live in this state. The central abuse hotline must  
425 instead transfer the information in the report or call to the

426 appropriate state or country.

427 2. If the alleged victim is currently being evaluated in a  
428 medical facility in this state, the central abuse hotline must  
429 accept the report or call for investigation and must transfer  
430 the information in the report or call to the appropriate state  
431 or country.

432 (b) Reports received from emergency room physicians.—The  
433 department must initiate an investigation when it receives a  
434 report from an emergency room physician.

435 (c) Abuse involving impregnation of a child.—A report must  
436 be immediately electronically transferred to the appropriate  
437 county sheriff's office or other appropriate law enforcement  
438 agency by the central abuse hotline if the report is of an  
439 instance of known or suspected child abuse involving  
440 impregnation of a child 15 years of age or younger by a person  
441 21 years of age or older under s. 827.04(3). If the report is of  
442 known or suspected child abuse under s. 827.04(3), subsection  
443 (1) does not apply to health care professionals or other  
444 professionals who provide medical or counseling services to  
445 pregnant children when such reporting would interfere with the  
446 provision of such medical or counseling services.

447 (d) Institutional child abuse or neglect.—Reports  
448 involving known or suspected institutional child abuse or  
449 neglect must be made and received in the same manner as all  
450 other reports made under this section.

451 (e) Surrendered newborn infants.—

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

454 2.a. A report may not be considered a report of child  
455 abuse, abandonment, or neglect solely because the infant has  
456 been left at a hospital, emergency medical services station, or  
457 fire station under s. 383.50.

458 b. If the report involving a surrendered newborn infant  
459 does not include indications of child abuse, abandonment, or  
460 neglect other than that necessarily entailed in the infant  
461 having been left at a hospital, emergency medical services  
462 station, or fire station, the central abuse hotline must provide  
463 to the person making the report the name of an eligible licensed  
464 child-placing agency that is required to accept physical custody  
465 of and to place surrendered newborn infants. The department  
466 shall provide names of eligible licensed child-placing agencies  
467 on a rotating basis.

468 3. If the report includes indications of child abuse,  
469 abandonment, or neglect beyond that necessarily entailed in the  
470 infant having been left at a hospital, emergency medical  
471 services station, or fire station, the report must be considered  
472 as a report of child abuse, abandonment, or neglect and,  
473 notwithstanding chapter 383, is subject to s. 39.395 and all  
474 other relevant provisions of this chapter.

475 (4) REPORTS OF CHILD ABUSE, ABANDONMENT, OR NEGLECT BY A

476 PARENT, LEGAL CUSTODIAN, CAREGIVER, OR OTHER PERSON RESPONSIBLE  
477 FOR A CHILD'S WELFARE.—

478 (a)1. Upon receiving a report made to the central abuse  
479 hotline, the department shall determine if the received report  
480 meets the statutory criteria for child abuse, abandonment, or  
481 neglect.

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

485 (b)1. Any call received from a parent or legal custodian  
486 seeking assistance for himself or herself which does not meet  
487 the criteria for being a report of child abuse, abandonment, or  
488 neglect may be accepted by the central abuse hotline for  
489 response to ameliorate a potential future risk of harm to a  
490 child.

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

494 (5) REPORTS OF SEXUAL ABUSE OF A CHILD OR JUVENILE SEXUAL  
495 ABUSE; REPORTS OF A CHILD WHO HAS EXHIBITED INAPPROPRIATE SEXUAL  
496 BEHAVIOR.—

497 (a)1. Sexual abuse of a child or juvenile sexual abuse  
498 must be reported immediately to the central abuse hotline,  
499 including any alleged incident involving a child who is in the  
500 custody of or under the protective supervision of the

501 department. Such reports may be made in writing, through the  
502 statewide toll-free telephone number, or through electronic  
503 reporting.

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

509 (b) Reports involving a child who has exhibited  
510 inappropriate sexual behavior must be made and received by the  
511 central abuse hotline. Within 48 hours after receiving a report  
512 under this paragraph, the department shall conduct an  
513 assessment, assist the family in receiving appropriate services  
514 under s. 39.307, and send a written report of the allegation to  
515 the appropriate county sheriff's office.

516 (c) The services identified in the assessment conducted  
517 under paragraph (a) or paragraph (b) must be provided in the  
518 least restrictive environment possible and must include, but are  
519 not limited to, child advocacy center services under s. 39.3035  
520 and sexual abuse treatment programs developed and coordinated by  
521 the Children's Medical Services Program in the Department of  
522 Health under s. 39.303.

523 (d) The department shall ensure that the facts and results  
524 of any investigation of sexual abuse of a child or juvenile  
525 sexual abuse involving a child in the custody of or under the

526 protective supervision of the department are made known to the  
527 court at the next hearing and are included in the next report to  
528 the court concerning the child.

529 (e)1. In addition to conducting an assessment and  
530 assisting the family in receiving appropriate services, the  
531 department shall conduct a child protective investigation under  
532 part III of this chapter if the incident leading to a report  
533 occurs on school premises, on school transportation, at a  
534 school-sponsored off-campus event, at a public or private school  
535 readiness or prekindergarten program, at a public K-12 school,  
536 at a private school, at a Florida College System institution, at  
537 a state university, or at any other school. The child protective  
538 investigation must include an interview with the child's parent  
539 or legal custodian.

540 2. The department shall orally notify the Department of  
541 Education; the law enforcement agency having jurisdiction over  
542 the municipality or county in which the school, program,  
543 institution, or university is located; and, as appropriate, the  
544 superintendent of the school district in which the school is  
545 located, the administrative officer of the private school, or  
546 the owner of the private school readiness or prekindergarten  
547 program provider.

548 3. The department shall make a full written report to the  
549 law enforcement agency having jurisdiction over the municipality  
550 or county in which the school, program, institution, or

551 university is located within 3 business days after making the  
552 oral report. Whenever possible, any criminal investigation must  
553 be coordinated with the department's child protective  
554 investigation. Any interested person who has information  
555 regarding sexual abuse of a child or juvenile sexual abuse may  
556 forward a statement to the department.

557 (6) MANDATORY REPORTS OF A CHILD DEATH.—Any person  
558 required to report or investigate cases of suspected child  
559 abuse, abandonment, or neglect who has reasonable cause to  
560 suspect that a child died as a result of child abuse,  
561 abandonment, or neglect shall report his or her suspicion to the  
562 appropriate medical examiner. The medical examiner shall accept  
563 the report for investigation and report his or her findings, in  
564 writing, to the local law enforcement agency, the appropriate  
565 state attorney, and the department. Autopsy reports maintained  
566 by the medical examiner are not subject to the confidentiality  
567 requirements under s. 39.202.

568 Section 4. Subsections (1) and (3) of section 39.2015,  
569 Florida Statutes, are amended to read:

570 39.2015 Critical incident rapid response team.—

571 (1) As part of the department's quality assurance program,  
572 the department shall provide an immediate multiagency  
573 investigation of certain child deaths or other serious  
574 incidents, including, but not limited to, allegations of sexual  
575 abuse of a child or juvenile sexual abuse as described in this

576 chapter. The purpose of such investigation is to identify root  
577 causes and rapidly determine the need to change policies and  
578 practices related to child protection and child welfare.

579 (3) Each investigation shall be conducted by a multiagency  
580 team of at least five professionals with expertise in child  
581 protection, child welfare, and organizational management. The  
582 team may consist of employees of the department, community-based  
583 care lead agencies, Children's Medical Services, and community-  
584 based care provider organizations; faculty from the institute  
585 consisting of public and private universities offering degrees  
586 in social work established pursuant to s. 1004.615; or any other  
587 person with the required expertise. The team shall include, at a  
588 minimum, a Child Protection Team medical director, a  
589 representative from a child advocacy center under s. 39.3035 who  
590 has specialized training in sexual abuse of a child if sexual  
591 abuse of a child is alleged, or a combination of such  
592 specialists if deemed appropriate. The majority of the team must  
593 reside in judicial circuits outside the location of the  
594 incident. The secretary shall appoint a team leader for each  
595 group assigned to an investigation.

596 Section 5. Subsections (7) through (9) of section 39.202,  
597 Florida Statutes, are renumbered as subsections (8) through  
598 (10), respectively, paragraphs (a) and (h) of subsection (2) are  
599 amended, and a new subsection (7) is added to that section, to  
600 read:



601 39.202 Confidentiality of reports and records in cases of  
 602 child abuse or neglect; exception.—

603 (2) Except as provided in subsection (4), access to such  
 604 records, excluding the name of, or other identifying information  
 605 with respect to, the reporter which shall be released only as  
 606 provided in subsection (5), shall be granted only to the  
 607 following persons, officials, and agencies:

608 (a) Employees, authorized agents, or contract providers of  
 609 the department, the Department of Health, the Agency for Persons  
 610 with Disabilities, the Agency for Health Care Administration,  
 611 the office of Early Learning, or county agencies responsible for  
 612 carrying out:

- 613 1. Child or adult protective investigations;
- 614 2. Ongoing child or adult protective services;
- 615 3. Early intervention and prevention services;
- 616 4. Healthy Start services;
- 617 5. Licensure or approval of adoptive homes, foster homes,  
 618 child care facilities, facilities licensed under chapters 393  
 619 and 394 ~~chapter 393~~, family day care homes, providers who  
 620 receive school readiness funding under part VI of chapter 1002,  
 621 or other homes used to provide for the care and welfare of  
 622 children;
- 623 6. Employment screening for caregivers in residential  
 624 group homes and facilities licensed under chapters 393, 394, and  
 625 409; or

626           7. Services for victims of domestic violence when provided  
627 by certified domestic violence centers working at the  
628 department's request as case consultants or with shared clients.  
629

630 Also, employees or agents of the Department of Juvenile Justice  
631 responsible for the provision of services to children, pursuant  
632 to chapters 984 and 985.

633           (h) Any appropriate official of the department, the Agency  
634 for Health Care Administration, or the Agency for Persons with  
635 Disabilities who is responsible for:

636           1. Administration or supervision of the department's  
637 program for the prevention, investigation, or treatment of child  
638 abuse, abandonment, or neglect, or abuse, neglect, or  
639 exploitation of a vulnerable adult, when carrying out his or her  
640 official function;

641           2. Taking appropriate administrative action concerning an  
642 employee of the department or the agency who is alleged to have  
643 perpetrated child abuse, abandonment, or neglect, or abuse,  
644 neglect, or exploitation of a vulnerable adult; or

645           3. Employing and continuing employment of personnel of the  
646 department or the agency.

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

651 Section 6. Subsections (1), (3), and (4) of section  
652 39.205, Florida Statutes, are amended, and subsection (11) is  
653 added to that section, to read:

654 39.205 Penalties relating to reporting of child abuse,  
655 abandonment, or neglect.—

656 (1) A person who ~~is required to report known or suspected~~  
657 ~~child abuse, abandonment, or neglect and who~~ knowingly and  
658 willfully fails to report to the central abuse hotline known or  
659 suspected child abuse, abandonment, or neglect ~~do so~~, or who  
660 knowingly and willfully prevents another person from doing so,  
661 commits a felony of the third degree, punishable as provided in  
662 s. 775.082, s. 775.083, or s. 775.084. A judge subject to  
663 discipline pursuant to s. 12, Art. V of the State Florida  
664 Constitution may ~~shall~~ not be subject to criminal prosecution  
665 when the information was received in the course of official  
666 duties.

667 (3) Any Florida College System institution, state  
668 university, or nonpublic college, university, or school, as  
669 defined in s. 1000.21 or s. 1005.02, whose administrators  
670 ~~knowingly and willfully~~, upon receiving information from  
671 faculty, staff, or other institution employees, knowingly and  
672 willfully fail to report to the central abuse hotline known or  
673 suspected child abuse, abandonment, or neglect committed on the  
674 property of the university, college, or school, or during an  
675 event or function sponsored by the university, college, or

676 school, or who knowingly and willfully prevent another person  
 677 from doing so, shall be subject to fines of \$1 million for each  
 678 such failure.

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

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

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

686 (4) Any Florida College System institution, state  
 687 university, or nonpublic college, university, or school, as  
 688 defined in s. 1000.21 or s. 1005.02, whose law enforcement  
 689 agency fails to report to the central abuse hotline known or  
 690 suspected child abuse, abandonment, or neglect committed on the  
 691 property of the university, college, or school, or during an  
 692 event or function sponsored by the university, college, or  
 693 school, shall be subject to fines of \$1 million for each such  
 694 failure, assessed in the same manner as specified in subsection  
 695 (3).

696 (11) This section may not be construed to remove or reduce  
 697 the requirement of any person, including, but not limited to,  
 698 any employee of a school readiness program provider determined  
 699 to be eligible under s. 1002.88; a private prekindergarten  
 700 provider or a public school prekindergarten provider, as those

701 terms are defined in s. 1002.51; a public K-12 school as  
702 described in s. 1000.04; a home education program or a private  
703 school, as those terms are defined in s. 1002.01; a Florida  
704 College System institution or a state university, as those terms  
705 are defined in s. 1000.21; a college as defined in s. 1005.02;  
706 or a school as defined in s. 1005.02, to directly report a known  
707 or suspected case of child abuse, abandonment, or neglect or the  
708 sexual abuse of a child or juvenile sexual abuse to the  
709 department's central abuse hotline. A person required to report  
710 to the central abuse hotline is not relieved of such obligation  
711 by notifying his or her supervisor.

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

714 39.302 Protective investigations of institutional child  
715 abuse, abandonment, or neglect.—

716 (1) The department shall conduct a child protective  
717 investigation of each report of institutional child abuse,  
718 abandonment, or neglect. Upon receipt of a report that alleges  
719 that an employee or agent of the department, or any other entity  
720 or person covered by s. 39.01(37) or (54), acting in an official  
721 capacity, has committed an act of child abuse, abandonment, or  
722 neglect, the department shall initiate a child protective  
723 investigation within the timeframe established under s.  
724 39.101(2) ~~s. 39.201(5)~~ and notify the appropriate state  
725 attorney, law enforcement agency, and licensing agency, which

726 shall immediately conduct a joint investigation, unless  
727 independent investigations are more feasible. When conducting  
728 investigations or having face-to-face interviews with the child,  
729 investigation visits shall be unannounced unless it is  
730 determined by the department or its agent that unannounced  
731 visits threaten the safety of the child. If a facility is exempt  
732 from licensing, the department shall inform the owner or  
733 operator of the facility of the report. Each agency conducting a  
734 joint investigation is entitled to full access to the  
735 information gathered by the department in the course of the  
736 investigation. A protective investigation must include an  
737 interview with the child's parent or legal guardian. The  
738 department shall make a full written report to the state  
739 attorney within 3 business ~~working~~ days after making the oral  
740 report. A criminal investigation shall be coordinated, whenever  
741 possible, with the child protective investigation of the  
742 department. Any interested person who has information regarding  
743 the offenses described in this subsection may forward a  
744 statement to the state attorney as to whether prosecution is  
745 warranted and appropriate. Within 15 days after the completion  
746 of the investigation, the state attorney shall report the  
747 findings to the department and shall include in the report a  
748 determination of whether or not prosecution is justified and  
749 appropriate in view of the circumstances of the specific case.

750 (2) (a) If in the course of the child protective

751 investigation, the department finds that a subject of a report,  
752 by continued contact with children in care, constitutes a  
753 threatened harm to the physical health, mental health, or  
754 welfare of the children, the department may restrict a subject's  
755 access to the children pending the outcome of the investigation.  
756 The department or its agent shall employ the least restrictive  
757 means necessary to safeguard the physical health, mental health,  
758 and welfare of the children in care. This authority shall apply  
759 only to child protective investigations in which there is some  
760 evidence that child abuse, abandonment, or neglect has occurred.  
761 A subject of a report whose access to children in care has been  
762 restricted is entitled to petition the circuit court for  
763 judicial review. The court shall enter written findings of fact  
764 based upon the preponderance of evidence that child abuse,  
765 abandonment, or neglect did occur and that the department's  
766 restrictive action against a subject of the report was justified  
767 in order to safeguard the physical health, mental health, and  
768 welfare of the children in care. The restrictive action of the  
769 department shall be effective for no more than 90 days without a  
770 judicial finding supporting the actions of the department.

771 (b) During an investigation, the alleged perpetrator may  
772 be represented by an attorney, at his or her own expense, or may  
773 be accompanied by another person, if the attorney or the other  
774 person executes an affidavit of understanding with the  
775 department and agrees to comply with the confidentiality

776 requirements under s. 39.202. The absence of an attorney or  
777 accompanying person does not prevent the department from  
778 proceeding with other aspects of the investigation, including  
779 interviews with other persons. In institutional child abuse,  
780 abandonment, or neglect cases when the institution is not  
781 operational and the child cannot otherwise be located, the  
782 investigation must commence immediately upon the institution  
783 resuming operation. If requested by a state attorney or local  
784 law enforcement agency, the department shall furnish all  
785 investigative reports to such state attorney or agency.

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

791 Section 8. Subsections (1), (2), and (3) of section  
792 39.3035, Florida Statutes, are renumbered as subsections (2),  
793 (3), and (4), respectively, present subsection (3) is amended,  
794 and a new subsection (1) is added to that section, to read:

795 39.3035 Child advocacy centers; standards; state funding.—

796 (1) Child advocacy centers are facilities that offer  
797 multidisciplinary services in a community-based, child-focused  
798 environment to children who are alleged to be victims of child  
799 abuse, abandonment, or neglect. The children served by such  
800 centers may have experienced a variety of types of child abuse,



801 abandonment, or neglect, including, but not limited to, sexual  
802 abuse or severe physical abuse. The centers bring together,  
803 often in one location, child protective investigators, law  
804 enforcement officers, prosecutors, health care professionals,  
805 and mental health professionals to provide a coordinated,  
806 comprehensive response to victims and their caregivers.

807 (4)~~(3)~~ A child advocacy center within this state may not  
808 receive the funds generated pursuant to s. 938.10, state or  
809 federal funds administered by a state agency, or any other funds  
810 appropriated by the Legislature unless all of the standards of  
811 subsection (2) ~~(1)~~ are met and the screening requirement of  
812 subsection (3) ~~(2)~~ is met. The Florida Network of Children's  
813 Advocacy Centers, Inc., shall be responsible for tracking and  
814 documenting compliance with subsections (2) and (3) ~~(1)~~ and ~~(2)~~  
815 for any of the funds it administers to member child advocacy  
816 centers.

817 (a) Funds for the specific purpose of funding children's  
818 advocacy centers shall be appropriated to the Department of  
819 Children and Families from funds collected from the additional  
820 court cost imposed in cases of certain crimes against minors  
821 under s. 938.10. Funds shall be disbursed to the Florida Network  
822 of Children's Advocacy Centers, Inc., as established under this  
823 section, for the purpose of providing community-based services  
824 that augment, but do not duplicate, services provided by state  
825 agencies.

826 (b) The board of directors of the Florida Network of  
827 Children's Advocacy Centers, Inc., shall retain 10 percent of  
828 all revenues collected to be used to match local contributions,  
829 at a rate not to exceed an equal match, in communities  
830 establishing children's advocacy centers. The board of directors  
831 may use up to 5 percent of the remaining funds to support the  
832 activities of the network office and must develop funding  
833 criteria and an allocation methodology that ensures an equitable  
834 distribution of remaining funds among network participants. The  
835 criteria and methodologies must take into account factors that  
836 include, but need not be limited to, the center's accreditation  
837 status with respect to the National Children's Alliance, the  
838 number of clients served, and the population of the area being  
839 served by the children's advocacy center.

840 (c) At the end of each fiscal year, each children's  
841 advocacy center receiving revenue as provided in this section  
842 must provide a report to the board of directors of the Florida  
843 Network of Children's Advocacy Centers, Inc., which reflects  
844 center expenditures, all sources of revenue received, and  
845 outputs that have been standardized and agreed upon by network  
846 members and the board of directors, such as the number of  
847 clients served, client demographic information, and number and  
848 types of services provided. The Florida Network of Children's  
849 Advocacy Centers, Inc., must compile reports from the centers  
850 and provide a report to the President of the Senate and the

851 Speaker of the House of Representatives in August of each year.

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

854 39.4087 Department goals and requirements relating to  
855 caregivers; dispute resolution.—

856 (1) To provide the best care to children, the Legislature  
857 establishes as goals for the department to treat foster parents,  
858 kinship caregivers, and nonrelative caregivers with dignity,  
859 respect, and trust while ensuring delivery of child welfare  
860 services is focused on the best interest of the child. To that  
861 end, regarding foster parents, kinship caregivers, and  
862 nonrelative caregivers caring for dependent children in their  
863 home, to the extent not otherwise prohibited by state or federal  
864 law and to the extent of current resources, the department will  
865 strive to:

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

871 ~~a.1.~~ Any issues relative to the child that may jeopardize  
872 the health and safety of the caregiver or other individuals  
873 residing in the household or alter the manner in which the  
874 caregiver would normally provide care.

875 ~~b.2.~~ Any delinquency or criminal record of the child,

876 including, but not limited to, any pending petitions or  
877 adjudications of delinquency when the conduct constituting the  
878 delinquent act, if committed by an adult, would constitute  
879 murder in the first degree, murder in the second degree, rape,  
880 robbery, or kidnapping.

881 ~~c.3.~~ Information about any physical or sexual abuse the  
882 child has experienced.

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

885 ~~e.5.~~ With parental consent to the extent required by law,  
886 any known health history and medical, psychological, or  
887 behavioral ~~mental~~ health issues or needs of the child,  
888 including, but not limited to, current infectious diseases the  
889 child has or any episodes of hospitalization due to mental or  
890 physical illness.

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

893 (k) Give at least 7 days' notice to a caregiver, to the  
894 extent possible, of any meeting or court hearing related to a  
895 child in his or her care. The notice must ~~shall~~ include, at  
896 minimum, ~~but is not limited to,~~ the name of the judge or hearing  
897 officer, the docket number, and the purpose and location of the  
898 hearing or meeting. If the department is providing such  
899 information to a child's biological parent, the department shall  
900 provide notice to the caregiver at the same time as the

901 biological parent.

902 (1) ~~If the caregiver agrees,~~ Consider the caregiver as a  
903 placement option for a child if such child, who was formerly  
904 placed with the caregiver, reenters out-of-home care and the  
905 caregiver agrees to the child being placed with the caregiver  
906 upon reentry and reenters out-of-home care.

907 Section 10. Section 39.4092, Florida Statutes, is created  
908 to read:

909 39.4092 Multidisciplinary legal representation model  
910 program for parents of children in the dependency system.-

911 (1) ESTABLISHMENT.-Each office of criminal conflict and  
912 civil regional counsel created under s. 27.511 may establish a  
913 multidisciplinary legal representation model program to serve  
914 families who are in the dependency system. The department may  
915 collaborate with the office of criminal conflict and civil  
916 regional counsel to implement a program for eligible families  
917 who are in the dependency system, within available resources.

918 (2) PROGRAM REQUIREMENTS.-A multidisciplinary legal  
919 representation model program must, at a minimum:

920 (a) Use a team that consists of an attorney, a forensic  
921 social worker, and a parent-peer specialist. For purposes of  
922 this section, the term "parent-peer specialist" means a person  
923 who has:

924 1. Previously had his or her child involved in the  
925 dependency system and removed from his or her care to be placed

926 in out-of-home care.

927 2. Been successfully reunified with the child for more  
928 than 2 years.

929 3. Received specialized training to become a parent-peer  
930 specialist.

931 (b) Provide any necessary agreements to maximize financial  
932 resources and enable access to available federal Title IV-E  
933 matching funds.

934 (c) Provide specialized training and support for  
935 attorneys, forensic social workers, and parent-peer specialists  
936 involved in the model program.

937 (d) Collect sufficient, uniform data for purposes of  
938 quality improvement and program evaluation.

939 (e) Develop consistent operational program policies and  
940 procedures throughout each region that establishes the model  
941 program.

942 (f) Obtain agreements with universities relating to  
943 approved placements for social work students to ensure that  
944 social workers participate in the program.

945 (g) Execute conflict of interest agreements with each team  
946 member.

947 (3) REPORTING.—

948 (a) Beginning October 1, 2022, and annually thereafter  
949 through October 1, 2025, each office of criminal conflict and  
950 civil regional counsel that establishes a multidisciplinary

951 legal representation model program must submit an annual report  
952 to the Office of Program Policy Analysis and Government  
953 Accountability. The annual report must use the uniform data  
954 collected on each unique child whose parents are served by the  
955 program and must detail, at a minimum, all of the following:

956 1. Reasons the family was originally involved in the  
957 dependency system.

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

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

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

964 5. Any other relevant factors that tend to show the impact  
965 of the use of such multidisciplinary legal representation model  
966 programs on the outcomes for children in the dependency system.

967 Each region that has established a model program must agree on  
968 the additional factors and how to collect data on such  
969 additional factors in the annual report.

970 (b) The Office of Program Policy Analysis and Government  
971 Accountability shall compile the results of the reports required  
972 under paragraph (a) and conduct an analysis comparing the  
973 reported outcomes from the multidisciplinary legal  
974 representation model program to known outcomes of children in  
975 the dependency system whose parents are not served by a

976 multidisciplinary legal representation model program. Each  
977 office of criminal conflict and civil regional counsel shall  
978 provide any additional information or data requested by the  
979 Office of Program Policy Analysis and Government Accountability  
980 for its analysis. By December 1, 2022, and annually thereafter  
981 through December 1, 2025, the Office of Program Policy Analysis  
982 and Government Accountability must submit its analysis in a  
983 report to the Governor, the President of the Senate, and the  
984 Speaker of the House of Representatives.

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

988 39.6225 Guardianship Assistance Program.—

989 ~~(13) The Florida Institute for Child Welfare shall~~  
990 ~~evaluate the implementation of the Guardianship Assistance~~  
991 ~~Program. This evaluation shall be designed to determine the~~  
992 ~~impact of implementation of the Guardianship Assistance Program,~~  
993 ~~identify any barriers that may prevent eligible caregivers from~~  
994 ~~participating in the program, and identify recommendations~~  
995 ~~regarding enhancements to the state's system of supporting~~  
996 ~~kinship caregivers. The institute shall submit the report to the~~  
997 ~~Governor, the President of the Senate, and the Speaker of the~~  
998 ~~House of Representatives no later than January 1, 2021. At a~~  
999 ~~minimum, the evaluation shall include:~~

1000 ~~(a) Information about the perspectives and experiences of~~



1001 ~~program participants, individuals who applied for licensure as~~  
1002 ~~child-specific foster homes or program participation but were~~  
1003 ~~determined to be ineligible, and individuals who were likely~~  
1004 ~~eligible for licensure as a child-specific foster home or for~~  
1005 ~~the program but declined to apply. The institute shall collect~~  
1006 ~~this information through methodologies including, but not~~  
1007 ~~limited to, surveys and focus groups.~~

1008 ~~(b) An assessment of any communications procedures and~~  
1009 ~~print and electronic materials developed to publicize the~~  
1010 ~~program and recommendations for improving these materials. If~~  
1011 ~~possible, individuals with expertise in marketing and~~  
1012 ~~communications shall contribute to this assessment.~~

1013 ~~(c) An analysis of the program's impact on caregivers and~~  
1014 ~~children, including any differences in impact on children placed~~  
1015 ~~with caregivers who were licensed and those who were not.~~

1016 ~~(d) Recommendations for maximizing participation by~~  
1017 ~~eligible caregivers and improving the support available to~~  
1018 ~~kinship caregivers.~~

1019 ~~(14) The program shall take effect July 1, 2019.~~

1020 Section 12. Subsection (4) of section 39.6251, Florida  
1021 Statutes, is amended to read:

1022 39.6251 Continuing care for young adults.—

1023 (4) (a) The young adult must reside in a supervised living  
1024 environment that is approved by the department or a community-  
1025 based care lead agency. The young adult shall live

1026 independently, but in an environment in which he or she is  
1027 provided supervision, case management, and supportive services  
1028 by the department or lead agency. Such an environment must offer  
1029 developmentally appropriate freedom and responsibility to  
1030 prepare the young adult for adulthood.

1031 1. For the purposes of this subsection:r

1032 a. A supervised living arrangement may include a licensed  
1033 foster home, licensed group home, college dormitory, shared  
1034 housing, apartment, or another housing arrangement if the  
1035 arrangement is approved by the community-based care lead agency  
1036 and is acceptable to the young adult; however, a licensed foster  
1037 home is the preferred supervised living arrangement.

1038 b. A supervised living arrangement may not include a  
1039 detention facility, a forestry camp, a training school, or any  
1040 other facility operated primarily for the detention of children  
1041 who are determined to be delinquent.

1042 2. A young adult may continue to reside with the same  
1043 licensed foster family or group care provider with whom he or  
1044 she was residing at the time he or she reached the age of 18  
1045 years. A young adult may not reside in any setting in which the  
1046 young adult is involuntarily placed, unless the placement is  
1047 through a court-appointed guardian.

1048 (b) Before approving the residential setting in which the  
1049 young adult will voluntarily live, the department or community-  
1050 based care lead agency must ensure that:

1051 1. The young adult will be provided with a level of  
 1052 supervision consistent with his or her individual education,  
 1053 health care needs, permanency plan, and independent living goals  
 1054 as assessed by the department or lead agency with input from the  
 1055 young adult. Twenty-four hour onsite supervision is not  
 1056 required; however, 24-hour crisis intervention and support must  
 1057 be available.

1058 2. The young adult will live in an independent living  
 1059 environment that offers, at a minimum, life skills instruction,  
 1060 counseling, educational support, employment preparation and  
 1061 placement, and development of support networks. The  
 1062 determination of the type and duration of services shall be  
 1063 based on the young adult's assessed needs, interests, and input  
 1064 and must be consistent with the goals set in the young adult's  
 1065 case plan.

1066 Section 13. Paragraph (m) is added to subsection (3) of  
 1067 section 394.9082, Florida Statutes, to read:

1068 394.9082 Behavioral health managing entities.—

1069 (3) DEPARTMENT DUTIES.—The department shall:

1070 (m) Collect and publish, and update annually, all of the  
 1071 following information on its website for each managing entity or  
 1072 an affiliated entity under contract with the department:

1073 1. Current annual salaries, bonuses, and other  
 1074 compensation paid, by position, for any employee of the managing  
 1075 entity or an affiliated entity who receives a salary from state-

1076 appropriated funds, including state-appropriated federal funds,  
1077 whether base pay or base pay combined with any bonus or  
1078 incentive payments, in excess of 150 percent of the annual  
1079 salary paid to the secretary of the department. For purposes of  
1080 this paragraph, the term "employee" has the same meaning as in  
1081 s. 448.095(1).

1082 2. The most recent 3 years of the Return of Organization  
1083 Exempt from Income Tax, Internal Revenue Service Form 990 and  
1084 related documents filed with the Internal Revenue Service,  
1085 auditor reports, and annual reports for each managing entity or  
1086 affiliated entity.

1087 Section 14. Section 394.90825, Florida Statutes, is  
1088 created to read:

1089 394.90825 Boards of behavioral health managing entities;  
1090 conflicts of interest.-

1091 (1) As used in this section, the term:

1092 (a) "Activity" includes, but is not limited to, a contract  
1093 for goods and services, a contract for the purchase of any real  
1094 or tangible property, or an agreement to engage with the  
1095 managing entity for the benefit of a third party in exchange for  
1096 an interest in real or tangible property, a monetary benefit, or  
1097 an in-kind contribution.

1098 (b) "Conflict of interest" means when a board member or an  
1099 officer, or a relative of a board member or an officer, of the  
1100 managing entity does any of the following:

1101 1. Enters into a contract or other transaction for goods  
1102 or services with the managing entity.

1103 2. Holds a direct or indirect interest in a corporation,  
1104 limited liability corporation, partnership, limited liability  
1105 partnership, or other business entity that conducts business  
1106 with the managing entity or proposes to enter into a contract or  
1107 other transaction with the managing entity. For purposes of this  
1108 paragraph, the term "indirect interest" has the same meaning as  
1109 in s. 112.312.

1110 3. Knowingly obtains a direct or indirect personal,  
1111 financial, professional, or other benefit as a result of the  
1112 relationship of such board member or officer, or relative of the  
1113 board member or officer, with the managing entity. For purposes  
1114 of this paragraph, the term "benefit" does not include per diem  
1115 and travel expenses paid or reimbursed to board members or  
1116 officers of the managing entity in connection with their service  
1117 on the board.

1118 (c) "Managing entity" has the same meaning as in s.  
1119 394.9082.

1120 (d) "Relative" means a relative within the third degree of  
1121 consanguinity by blood or marriage.

1122 (2) (a) For any activity that is presented to the board of  
1123 a managing entity for its initial consideration and approval  
1124 after July 1, 2021, or any activity that involves a contract  
1125 that is being considered for renewal on or after July 1, 2021,

1126 but before January 1, 2022, a board member or an officer of a  
1127 managing entity shall disclose to the board any activity that  
1128 may reasonably be construed to be a conflict of interest before  
1129 such activity is initially considered and approved or a contract  
1130 is renewed by the board. A rebuttable presumption of a conflict  
1131 of interest exists if the activity was acted on by the board  
1132 without prior notice as required under subsection (3).

1133 (b) For contracts with a managing entity which are in  
1134 existence on July 1, 2021, and are not subject to renewal before  
1135 January 1, 2022, a board member or an officer of the managing  
1136 entity shall disclose to the board any activity that may  
1137 reasonably be construed to be a conflict of interest under this  
1138 section by December 31, 2021.

1139 (3) (a) If a board member or an officer of the managing  
1140 entity, or a relative of a board member or an officer, proposes  
1141 to engage in an activity as described in paragraph (2) (a), the  
1142 proposed activity must be listed on the meeting agenda for the  
1143 next general or special meeting of the board members, and copies  
1144 of all contracts and transactional documents related to the  
1145 proposed activity must be included in the agenda. The meeting  
1146 agenda must clearly identify the existence of a potential  
1147 conflict of interest for the proposed activity. Before a board  
1148 member or an officer of the managing entity, or a relative of a  
1149 board member or an officer, engages in the proposed activity,  
1150 the activity and contract or other transactional documents must

1151 be approved by an affirmative vote of two-thirds of all other  
1152 board members present.

1153 (b) If a board member or an officer of the managing entity  
1154 notifies the board of a potential conflict of interest with the  
1155 board member or officer, or a relative of the board member or  
1156 officer, under an existing contract as described in paragraph  
1157 (2) (b), the board must notice the activity on a meeting agenda  
1158 for the next general or special meeting of the board members,  
1159 and copies of all contracts and transactional documents related  
1160 to the activity must be attached. The meeting agenda must  
1161 clearly identify the existence of a potential conflict of  
1162 interest. The board must be given the opportunity to approve or  
1163 disapprove the conflict of interest by a vote of two-thirds of  
1164 all other board members present.

1165 (4) (a) If the board votes against the proposed activity  
1166 under paragraph (3) (a), the board member or officer of the  
1167 managing entity, or the relative of the board member or officer,  
1168 must notify the board in writing of his or her intention, or his  
1169 or her relative's intention, not to pursue the proposed  
1170 activity, or the board member or officer shall withdraw from  
1171 office before the next scheduled board meeting. If the board  
1172 finds that a board member or officer has violated this  
1173 paragraph, the board member or officer shall be removed from  
1174 office before the next scheduled board meeting.

1175 (b) In the event that the board does not approve a

1176 conflict of interest as required under paragraph (3) (b), the  
1177 parties to the activity may opt to cancel the activity or, in  
1178 the alternative, the board member or officer of the managing  
1179 entity must resign from the board before the next scheduled  
1180 board meeting. If the activity canceled is a contract, the  
1181 managing entity is only liable for the reasonable value of the  
1182 goods and services provided up to the time of cancellation and  
1183 is not liable for any termination fee, liquidated damages, or  
1184 other form of penalty for such cancellation.

1185 (5) A board member or an officer of the managing entity,  
1186 or a relative of a board member or an officer, who is a party  
1187 to, or has an interest in, an activity that is a possible  
1188 conflict of interest may attend the meeting at which the  
1189 activity is considered by the board and may make a presentation  
1190 to the board regarding the activity. After the presentation, the  
1191 board member or officer, or the relative of the board member or  
1192 officer, must leave the meeting during the discussion of, and  
1193 the vote on, the activity. A board member or an officer who is a  
1194 party to, or has an interest in, the activity shall recuse  
1195 himself or herself from the vote.

1196 (6) A contract entered into between a board member or an  
1197 officer of the managing entity, or a relative of a board member  
1198 or an officer, and the managing entity which has not been  
1199 properly disclosed as a conflict of interest or potential  
1200 conflict of interest under this section is voidable and



1201 terminates upon the filing of a written notice terminating the  
1202 contract with the board of directors which contains the consent  
1203 of at least 20 percent of the voting interests of the managing  
1204 entity.

1205 Section 15. Subsection (3) of section 409.1415, Florida  
1206 Statutes, is renumbered as subsection (4), paragraphs (b) and  
1207 (c) of subsection (2) are amended, and a new subsection (3) is  
1208 added to that section, to read:

1209 409.1415 Parenting partnerships for children in out-of-  
1210 home care; resources.—

1211 (2) PARENTING PARTNERSHIPS.—

1212 (b) To ensure that a child in out-of-home care receives  
1213 support for healthy development which gives the child the best  
1214 possible opportunity for success, caregivers, birth or legal  
1215 parents, the department, and the community-based care lead  
1216 agency shall work cooperatively in a respectful partnership by  
1217 adhering to the following requirements:

1218 1. All members of the partnership must interact and  
1219 communicate professionally with one another, must share all  
1220 relevant information promptly, and must respect the  
1221 confidentiality of all information related to the child and his  
1222 or her family.

1223 2. The caregiver; the birth or legal parent; the child, if  
1224 appropriate; the department; and the community-based care lead  
1225 agency must participate in developing a case plan for the child

1226 and the birth or legal parent. All members of the team must work  
1227 together to implement the case plan. The caregiver must have the  
1228 opportunity to participate in all team meetings or court  
1229 hearings related to the child's care and future plans. The  
1230 department and community-based care lead agency must support and  
1231 facilitate caregiver participation through timely notification  
1232 of such meetings and hearings and provide alternative methods  
1233 for participation for a caregiver who cannot be physically  
1234 present at a meeting or hearing.

1235 3. A caregiver must strive to provide, and the department  
1236 and community-based care lead agency must support, excellent  
1237 parenting, which includes:

1238 a. A loving commitment to the child and the child's safety  
1239 and well-being.

1240 b. Appropriate supervision and positive methods of  
1241 discipline.

1242 c. Encouragement of the child's strengths.

1243 d. Respect for the child's individuality and likes and  
1244 dislikes.

1245 e. Providing opportunities to develop the child's  
1246 interests and skills.

1247 f. Being aware of the impact of trauma on behavior.

1248 g. Facilitating equal participation of the child in family  
1249 life.

1250 h. Involving the child within his or her community.

HB 7039

2021

1251 i. A commitment to enable the child to lead a normal life.

1252 4. A child in out-of-home care must be placed with a  
1253 caregiver who has the ability to care for the child, is willing  
1254 to accept responsibility for providing care, and is willing and  
1255 able to learn about and be respectful of the child's culture,  
1256 religion, and ethnicity; special physical or psychological  
1257 needs; circumstances unique to the child; and family  
1258 relationships. The department, the community-based care lead  
1259 agency, and other agencies must provide a caregiver with all  
1260 available information necessary to assist the caregiver in  
1261 determining whether he or she is able to appropriately care for  
1262 a particular child.

1263 5. A caregiver must have access to and take advantage of  
1264 all training that he or she needs to improve his or her skills  
1265 in parenting a child who has experienced trauma due to neglect,  
1266 abuse, or separation from home; to meet the child's special  
1267 needs; and to work effectively with child welfare agencies, the  
1268 courts, the schools, and other community and governmental  
1269 agencies.

1270 6. The department and community-based care lead agency  
1271 must provide a caregiver with the services and support they need  
1272 to enable them to provide quality care for the child pursuant to  
1273 subsection (3).

1274 7. Once a caregiver accepts the responsibility of caring  
1275 for a child, the child may be removed from the home of the

HB 7039

2021

1276 caregiver only if:

1277       a. The caregiver is clearly unable to safely or legally  
1278 care for the child;

1279       b. The child and the birth or legal parent are reunified;

1280       c. The child is being placed in a legally permanent home  
1281 in accordance with a case plan or court order; or

1282       d. The removal is demonstrably in the best interests of  
1283 the child.

1284       8. If a child must leave the caregiver's home for one of  
1285 the reasons stated in subparagraph 7., and in the absence of an  
1286 unforeseeable emergency, the transition must be accomplished  
1287 according to a plan that involves cooperation and sharing of  
1288 information among all persons involved, respects the child's  
1289 developmental stage and psychological needs, ensures the child  
1290 has all of his or her belongings, allows for a gradual  
1291 transition from the caregiver's home, and, if possible, allows  
1292 for continued contact with the caregiver after the child leaves.

1293       9. When the case plan for a child includes reunification,  
1294 the caregiver, the department, and the community-based care lead  
1295 agency must work together to assist the birth or legal parent in  
1296 improving his or her ability to care for and protect the child  
1297 and to provide continuity for the child.

1298       10. A caregiver must respect and support the child's ties  
1299 to his or her birth or legal family, including parents,  
1300 siblings, and extended family members, and must assist the child

1301 in maintaining allowable visitation and other forms of  
1302 communication. The department and community-based care lead  
1303 agency must provide a caregiver with the information, guidance,  
1304 training, and support necessary for fulfilling this  
1305 responsibility.

1306 11. A caregiver must work in partnership with the  
1307 department and community-based care lead agency to obtain and  
1308 maintain records that are important to the child's well-being,  
1309 including, but not limited to, child resource records, medical  
1310 records, school records, photographs, and records of special  
1311 events and achievements.

1312 12. A caregiver must advocate for a child in his or her  
1313 care with the child welfare system, the court, and community  
1314 agencies, including schools, child care providers, health and  
1315 mental health providers, and employers. The department and  
1316 community-based care lead agency must support a caregiver in  
1317 advocating for a child and may not retaliate against the  
1318 caregiver as a result of this advocacy.

1319 13. A caregiver must be as fully involved in the child's  
1320 medical, psychological, and dental care as he or she would be  
1321 for his or her biological child. The department and community-  
1322 based care lead agency must support and facilitate such  
1323 participation. The caregiver, the department, and the community-  
1324 based care lead agency must share information with each other  
1325 about the child's health and well-being.

1326           14. A caregiver must support a child's school success,  
 1327 including, when possible, maintaining school stability by  
 1328 participating in school activities and meetings. The department  
 1329 and community-based care lead agency must facilitate this  
 1330 participation and be informed of the child's progress and needs.

1331           15. A caregiver must ensure that a child in his or her  
 1332 care who is between 13 and 17 years of age learns and masters  
 1333 independent living skills. The department shall make available  
 1334 training for caregivers developed in collaboration with the  
 1335 Florida Foster and Adoptive Parent Association and the Quality  
 1336 Parenting Initiative on the life skills necessary for children  
 1337 in out-of-home care.

1338           16. The case manager and case manager supervisor must  
 1339 mediate disagreements that occur between a caregiver and the  
 1340 birth or legal parent.

1341           (c) An employee of a residential group home must meet the  
 1342 background screening requirements under s. 39.0138 and the level  
 1343 2 screening standards for screening under chapter 435. An  
 1344 employee of a residential group home who works directly with a  
 1345 child as a caregiver must meet, at a minimum, the same education  
 1346 and, training, background, and other screening requirements as  
 1347 caregivers in family foster homes licensed as level II under s.  
 1348 409.175 (5) .

1349           (3) RESOURCES AND SUPPORT FOR CAREGIVERS.-

1350           (a) Foster parents.-The department shall establish the

HB 7039

2021

1351 Foster Information Center to connect current and former foster  
1352 parents, known as foster parent advocates, to prospective and  
1353 current foster parents in order to provide information and  
1354 services, including, but not limited to:

1355 1. Navigating the application and approval process,  
1356 including timelines for each; preparing for transitioning from  
1357 approval for placement to accepting a child into the home; and  
1358 learning about and connecting with any available resources in  
1359 the prospective foster parent's community.

1360 2. Accessing available resources and services, including,  
1361 but not limited to, those from the Florida Foster and Adoptive  
1362 Parent Association, for any current foster parents who need  
1363 additional assistance.

1364 3. Providing information specific to a foster parent's  
1365 individual needs.

1366 4. Providing immediate assistance when needed.

1367 (b) Kinship caregivers.—

1368 1. A community-based care lead agency shall provide a  
1369 caregiver with resources and supports that are available and  
1370 discuss whether the caregiver meets any eligibility criteria for  
1371 such resources and supports. If the caregiver is unable to  
1372 access resources and supports beneficial to the well-being of  
1373 the child, the community-based care lead agency or case  
1374 management agency must assist the caregiver in initiating access  
1375 to resources by:

1376 |       a. Providing referrals to kinship navigation services, if  
 1377 | available.

1378 |       b. Assisting with linkages to community resources and  
 1379 | completion of program applications.

1380 |       c. Scheduling appointments.

1381 |       d. Initiating contact with community service providers.

1382 |       2. The community-based care lead agency shall provide each  
 1383 | caregiver with a telephone number to call during normal business  
 1384 | hours whenever immediate assistance is needed and the child's  
 1385 | caseworker is unavailable. The telephone number must be staffed  
 1386 | and answered by individuals possessing the knowledge and  
 1387 | authority necessary to assist caregivers.

1388 |       Section 16. Section 409.1453, Florida Statutes, is  
 1389 | repealed.

1390 |       Section 17. Subsection (3) of section 409.175, Florida  
 1391 | Statutes, is amended to read:

1392 |       409.175 Licensure of family foster homes, residential  
 1393 | child-caring agencies, and child-placing agencies; public  
 1394 | records exemption.—

1395 |       (3)(a) The total number of children placed in a ~~each~~  
 1396 | family foster home shall be based on ~~the recommendation of the~~  
 1397 | ~~department, or the community-based care lead agency where one is~~  
 1398 | ~~providing foster care and related services, based on~~ the needs  
 1399 | of each child in care, the ability of the foster family to meet  
 1400 | the individual needs of each child, including any adoptive or



1401 biological children or young adults remaining in foster care  
1402 living in the home, the amount of safe physical plant space, the  
1403 ratio of active and appropriate adult supervision, and the  
1404 background, experience, and skill of the family foster parents.

1405 (b) If the total number of children in a family foster  
1406 home is eight or more ~~will exceed five~~, including the family's  
1407 own children, the department must grant a capacity waiver before  
1408 another child may be placed in the home.

1409 (c) Before granting a capacity waiver, the department must  
1410 conduct an assessment of each child to be placed in the home.  
1411 ~~must be completed by a family services counselor and approved in~~  
1412 ~~writing by the counselor's supervisor prior to placement of any~~  
1413 ~~additional children in the home, except that, If the placement~~  
1414 involves a child whose sibling is already in the home or a child  
1415 who has been in placement in the home previously, the assessment  
1416 must be completed within 72 hours after placement. The  
1417 assessment must assess and document the mental, physical, and  
1418 psychosocial needs of the child and whether those needs will be  
1419 met by placement in the home ~~and recommend the maximum number of~~  
1420 ~~children in a family foster home that will allow the child's~~  
1421 ~~needs to be met.~~

1422 (d) ~~(e)~~ For any licensed family foster home, the  
1423 appropriateness of the number of children in the home must be  
1424 reassessed annually as part of the relicensure process. For a  
1425 home with more than eight ~~five~~ children, including the family's

1426 own children, if it is determined by the licensure study at the  
 1427 time of relicensure that the total number of children in the  
 1428 home is appropriate and that there have been no substantive  
 1429 licensure violations and no indications of child maltreatment or  
 1430 child-on-child sexual abuse within the past 12 months, the  
 1431 relicensure of the home may ~~shall~~ not be denied based on the  
 1432 total number of children in the home.

1433 (e) The department may adopt rules to implement this  
 1434 subsection.

1435 Section 18. Section 409.1753, Florida Statutes, is  
 1436 repealed.

1437 Section 19. Subsections (6) and (7) are added to section  
 1438 409.987, Florida Statutes, to read:

1439 409.987 Lead agency procurement; boards; conflicts of  
 1440 interest.—

1441 (6) In communities in which conditions make it not  
 1442 feasible to competitively contract with a lead agency, the  
 1443 department may collaborate with the local community alliance to  
 1444 establish an alternative approach to providing community-based  
 1445 child welfare services in the service area that would otherwise  
 1446 be served by a lead agency.

1447 (a) The department and local community alliance shall  
 1448 develop a plan that must detail how the community will continue  
 1449 to implement community-based care through competitively  
 1450 procuring either the specific components of foster care and

1451 related services or comprehensive services for defined eligible  
1452 populations of children and families from qualified entities as  
1453 part of the community's efforts to develop the local capacity  
1454 for a community-based system of coordinated care. The plan must  
1455 ensure local control over the management and administration of  
1456 service provision. At a minimum, the plan must describe the  
1457 reasons for the department's inability to competitively contract  
1458 for lead agency services, the proposed alternative approach to  
1459 providing lead agency services, the entities that will be  
1460 involved in service provision, how local control will be  
1461 maintained, how services will be managed to ensure that federal  
1462 and state requirements are met and outcome goals under s.  
1463 409.986 are achieved, and recommendations for increasing the  
1464 ability of the department to contract with a lead agency in that  
1465 area.

1466 (b) The department shall submit the plan to the Governor,  
1467 the President of the Senate, and the Speaker of the House of  
1468 Representatives before implementation. The department shall  
1469 submit quarterly updates about the plan's implementation to the  
1470 Governor, the President of the Senate, and the Speaker of the  
1471 House of Representatives until 2 years after full implementation  
1472 of the plan.

1473 (7) (a) As used in this subsection, the term:

1474 1. "Activity" includes, but is not limited to, a contract  
1475 for goods and services, a contract for the purchase of any real

1476 or tangible property, or an agreement to engage with a lead  
1477 agency for the benefit of a third party in exchange for an  
1478 interest in real or tangible property, a monetary benefit, or an  
1479 in-kind contribution.

1480 2. "Conflict of interest" means when a board member or an  
1481 officer, or a relative of a board member or an officer, of a  
1482 lead agency does any of the following:

1483 a. Enters into a contract or other transaction for goods  
1484 or services with the lead agency.

1485 b. Holds a direct or indirect interest in a corporation,  
1486 limited liability corporation, partnership, limited liability  
1487 partnership, or other business entity that conducts business  
1488 with the lead agency or proposes to enter into a contract or  
1489 other transaction with the lead agency. For purposes of this  
1490 paragraph, the term "indirect interest" has the same meaning as  
1491 in s. 112.312.

1492 c. Knowingly obtains a direct or indirect personal,  
1493 financial, professional, or other benefit as a result of the  
1494 relationship of such board member or officer, or relative of the  
1495 board member or officer, with the lead agency. For purposes of  
1496 this paragraph, the term "benefit" does not include per diem and  
1497 travel expenses paid or reimbursed to board members or officers  
1498 of the lead agency in connection with their service on the  
1499 board.

1500 3. "Relative" means a relative within the third degree of

1501 consanguinity by blood or marriage.

1502 (b)1. For any activity that is presented to the board of a  
1503 lead agency for its initial consideration and approval after  
1504 July 1, 2021, or any activity that involves a contract that is  
1505 being considered for renewal on or after July 1, 2021, but  
1506 before January 1, 2022, a board member or an officer of a lead  
1507 agency shall disclose to the board any activity that may  
1508 reasonably be construed to be a conflict of interest before such  
1509 activity is initially considered and approved or a contract is  
1510 renewed by the board. A rebuttable presumption of a conflict of  
1511 interest exists if the activity was acted on by the board  
1512 without prior notice as required under paragraph (c).

1513 2. For contracts with a lead agency which are in existence  
1514 on July 1, 2021, and are not subject to renewal before January  
1515 1, 2022, a board member or an officer of the lead agency shall  
1516 disclose to the board any activity that may reasonably be  
1517 construed to be a conflict of interest under this section by  
1518 December 31, 2021.

1519 (c)1. If a board member or an officer of a lead agency, or  
1520 a relative of a board member or an officer, proposes to engage  
1521 in an activity as described in subparagraph (b)1., the proposed  
1522 activity must be listed on the meeting agenda for the next  
1523 general or special meeting of the board members, and copies of  
1524 all contracts and transactional documents related to the  
1525 proposed activity must be included in the agenda. The meeting

1526 agenda must clearly identify the existence of a potential  
1527 conflict of interest for the proposed activity. Before a board  
1528 member or an officer of the lead agency, or a relative of a  
1529 board member or an officer, engages in the proposed activity,  
1530 the activity and contract or other transactional documents must  
1531 be approved by an affirmative vote of two-thirds of all other  
1532 board members present.

1533 2. If a board member or an officer of the lead agency  
1534 notifies the board of a potential conflict of interest with the  
1535 board member or officer, or a relative of the board member or  
1536 officer, under an existing contract as described in subparagraph  
1537 (b)2., the board must notice the activity on a meeting agenda  
1538 for the next general or special meeting of the board members,  
1539 and copies of all contracts and transactional documents related  
1540 to the activity must be attached. The meeting agenda must  
1541 clearly identify the existence of a potential conflict of  
1542 interest. The board must be given the opportunity to approve or  
1543 disapprove the conflict of interest by a vote of two-thirds of  
1544 all other board members present.

1545 (d)1. If the board votes against the proposed activity  
1546 under subparagraph (c)1., the board member or officer of the  
1547 lead agency, or the relative of the board member or officer,  
1548 must notify the board in writing of his or her intention, or his  
1549 or her relative's intention, not to pursue the proposed  
1550 activity, or the board member or officer shall withdraw from

1551 office before the next scheduled board meeting. If the board  
1552 finds that a board member or officer has violated this  
1553 paragraph, the board member or officer shall be removed from  
1554 office before the next scheduled board meeting.

1555 2. In the event that the board does not approve a conflict  
1556 of interest as required under subparagraph (c)2., the parties to  
1557 the activity may opt to cancel the activity or, in the  
1558 alternative, the board member or officer of the lead agency must  
1559 resign from the board before the next scheduled board meeting.  
1560 If the activity canceled is a contract, the lead agency is only  
1561 liable for the reasonable value of the goods and services  
1562 provided up to the time of cancellation and is not liable for  
1563 any termination fee, liquidated damages, or other form of  
1564 penalty for such cancellation.

1565 (e) A board member or an officer of a lead agency, or a  
1566 relative of a board member or an officer, who is a party to, or  
1567 has an interest in, an activity that is a possible conflict of  
1568 interest may attend the meeting at which the activity is  
1569 considered by the board and may make a presentation to the board  
1570 regarding the activity. After the presentation, the board member  
1571 or officer, or the relative of the board member or officer, must  
1572 leave the meeting during the discussion of, and the vote on, the  
1573 activity. A board member or an officer who is a party to, or has  
1574 an interest in, the activity shall recuse himself or herself  
1575 from the vote.

1576        (f) A contract entered into between a board member or an  
 1577        officer of a lead agency, or a relative of a board member or an  
 1578        officer, and the lead agency which has not been properly  
 1579        disclosed as a conflict of interest or potential conflict of  
 1580        interest under this section is voidable and terminates upon the  
 1581        filing of a written notice terminating the contract with the  
 1582        board of directors which contains the consent of at least 20  
 1583        percent of the voting interests of the lead agency.

1584        Section 20. Subsection (1) of section 409.988, Florida  
 1585        Statutes, is amended to read:

1586        409.988 Lead agency duties; general provisions.—

1587        (1) DUTIES.—A lead agency:

1588        (a) Shall serve all children referred as a result of a  
 1589        report of abuse, neglect, or abandonment to the department's  
 1590        central abuse hotline, including, but not limited to, children  
 1591        who are the subject of verified reports and children who are not  
 1592        the subject of verified reports but who are at moderate to  
 1593        extremely high risk of abuse, neglect, or abandonment, as  
 1594        determined using the department's risk assessment instrument,  
 1595        regardless of the level of funding allocated to the lead agency  
 1596        by the state if all related funding is transferred. The lead  
 1597        agency may also serve children who have not been the subject of  
 1598        reports of abuse, neglect, or abandonment, but who are at risk  
 1599        of abuse, neglect, or abandonment, to prevent their entry into  
 1600        the child protection and child welfare system.



1601 (b) Shall provide accurate and timely information  
1602 necessary for oversight by the department pursuant to the child  
1603 welfare results-oriented accountability system required by s.  
1604 409.997.

1605 (c) Shall follow the financial guidelines developed by the  
1606 department and provide for a regular independent auditing of its  
1607 financial activities. Such financial information shall be  
1608 provided to the community alliance established under s.  
1609 20.19(5).

1610 ~~(d) Shall post on its website the current budget for the~~  
1611 ~~lead agency, including the salaries, bonuses, and other~~  
1612 ~~compensation paid, by position, for the agency's chief executive~~  
1613 ~~officer, chief financial officer, and chief operating officer,~~  
1614 ~~or their equivalents.~~

1615 (d)(e) Shall prepare all judicial reviews, case plans, and  
1616 other reports necessary for court hearings for dependent  
1617 children, except those related to the investigation of a  
1618 referral from the department's child abuse hotline, and shall  
1619 submit these documents timely to the department's attorneys for  
1620 review, any necessary revision, and filing with the court. The  
1621 lead agency shall make the necessary staff available to  
1622 department attorneys for preparation for dependency proceedings,  
1623 and shall provide testimony and other evidence required for  
1624 dependency court proceedings in coordination with the  
1625 department's attorneys. This duty does not include the

1626 preparation of legal pleadings or other legal documents, which  
1627 remain the responsibility of the department.

1628 (e)~~(f)~~ Shall ensure that all individuals providing care  
1629 for dependent children receive:

1630 1. Appropriate training and meet the minimum employment  
1631 standards established by the department. Appropriate training  
1632 shall include, but is not limited to, training on the  
1633 recognition of and responses to head trauma and brain injury in  
1634 a child under 6 years of age developed by the Child Protection  
1635 Team Program within the Department of Health.

1636 2. Contact information for the local mobile response team  
1637 established under s. 394.495.

1638 (f)~~(g)~~ Shall maintain eligibility to receive all available  
1639 federal child welfare funds.

1640 (g) Shall adhere to all best child welfare practices under  
1641 ss. 39.4087, 39.523, 409.1415, and 409.145.

1642 (h) Shall maintain written agreements with Healthy  
1643 Families Florida lead entities in its service area pursuant to  
1644 s. 409.153 to promote cooperative planning for the provision of  
1645 prevention and intervention services.

1646 (i) Shall comply with federal and state statutory  
1647 requirements and agency rules in the provision of contractual  
1648 services.

1649 (j) May subcontract for the provision of services required  
1650 by the contract with the lead agency and the department;

1651 however, the subcontracts must specify how the provider will  
1652 contribute to the lead agency meeting the performance standards  
1653 established pursuant to the child welfare results-oriented  
1654 accountability system required by s. 409.997. The lead agency  
1655 shall directly provide no more than 35 percent of all child  
1656 welfare services provided unless it can demonstrate a need,  
1657 within the lead agency's geographic service area, to exceed this  
1658 threshold. The local community alliance in the geographic  
1659 service area in which the lead agency is seeking to exceed the  
1660 threshold shall review the lead agency's justification for need  
1661 and recommend to the department whether the department should  
1662 approve or deny the lead agency's request for an exemption from  
1663 the services threshold. If there is not a community alliance  
1664 operating in the geographic service area in which the lead  
1665 agency is seeking to exceed the threshold, such review and  
1666 recommendation shall be made by representatives of local  
1667 stakeholders, including at least one representative from each of  
1668 the following:

- 1669 1. The department.
- 1670 2. The county government.
- 1671 3. The school district.
- 1672 4. The county United Way.
- 1673 5. The county sheriff's office.
- 1674 6. The circuit court corresponding to the county.
- 1675 7. The county children's board, if one exists.

HB 7039

2021

1676 (k) Shall publish ~~post~~ on its website by the 15th day of  
1677 each month at a minimum the information contained in  
1678 subparagraphs 1.-5. ~~subparagraphs 1.-4.~~ for the preceding  
1679 calendar month regarding its case management services. The  
1680 following information shall be reported by each individual  
1681 subcontracted case management provider, by the lead agency, if  
1682 the lead agency provides case management services, and in total  
1683 for all case management services subcontracted or directly  
1684 provided by the lead agency:

1685 1. The average caseload of case managers, including only  
1686 filled positions;

1687 2. The total number and percentage of case managers who  
1688 have 25 or more cases on their caseloads;

1689 3.2. The turnover rate for case managers and case  
1690 management supervisors for the previous 12 months;

1691 4.3. The percentage of required home visits completed; and

1692 5.4. Performance on outcome measures required pursuant to  
1693 s. 409.997 for the previous 12 months.

1694 (l) Shall identify an employee to serve as a liaison with  
1695 the community alliance and community-based and faith-based  
1696 organizations interested in collaborating with the lead agency  
1697 or offering services or other assistance on a volunteer basis to  
1698 the children and families served by the lead agency. The lead  
1699 agency shall ensure that appropriate lead agency staff and  
1700 subcontractors, including, but not limited to, case managers,

1701 are informed of the specific services or assistance available  
1702 from community-based and faith-based organizations.

1703 Section 21. Subsection (7) of section 409.990, Florida  
1704 Statutes, is renumbered as subsection (8), and a new subsection  
1705 (7) is added to that section to read:

1706 409.990 Funding for lead agencies.—A contract established  
1707 between the department and a lead agency must be funded by a  
1708 grant of general revenue, other applicable state funds, or  
1709 applicable federal funding sources.

1710 (7) If subcontracted service providers must provide  
1711 services that are beyond the contract limits due to increased  
1712 client need or caseload, the lead agencies shall fund the cost  
1713 of increased care.

1714 Section 22. Subsections (3) through (25) of section  
1715 409.996, Florida Statutes, are renumbered as subsections (5)  
1716 through (27), respectively, subsections (1) and (2) and  
1717 paragraph (d) of present subsection (25) are amended, and new  
1718 subsections (3) and (4) are added to that section, to read:

1719 409.996 Duties of the Department of Children and  
1720 Families.—The department shall contract for the delivery,  
1721 administration, or management of care for children in the child  
1722 protection and child welfare system. In doing so, the department  
1723 retains responsibility for the quality of contracted services  
1724 and programs and shall ensure that, at a minimum, services are  
1725 delivered in accordance with applicable federal and state

1726 statutes and regulations and the performance standards and  
1727 metrics specified in the strategic plan created under s.  
1728 20.19(1).

1729 (1) The department shall enter into contracts with lead  
1730 agencies for the performance of the duties by the lead agencies  
1731 established in s. 409.988. At a minimum, the contracts must do  
1732 all of the following:

1733 (a) Provide for the services needed to accomplish the  
1734 duties established in s. 409.988. and

1735 (b) Require the lead agency to provide information to the  
1736 department which specifies how the lead agency will adhere to  
1737 all best child welfare practices under ss. 39.4087, 39.523,  
1738 409.1415, and 409.145.

1739 (c) Provide information to the department which is  
1740 necessary to meet the requirements for a quality assurance  
1741 program under subsection (21) ~~(19)~~ and the child welfare  
1742 results-oriented accountability system under s. 409.997.

1743 (d) ~~(b)~~ Provide for tiered interventions and graduated  
1744 penalties for failure to comply with contract terms or in the  
1745 event of performance deficiencies. Such interventions and  
1746 penalties shall include, but are not limited to:

1747 1. Enhanced monitoring and reporting.

1748 2. Corrective action plans.

1749 3. Requirements to accept technical assistance and  
1750 consultation from the department under subsection (6) ~~(4)~~.

1751 4. Financial penalties, which shall require a lead agency  
1752 to reallocate funds from administrative costs to direct care for  
1753 children.

1754 5. Early termination of contracts, as provided in s.  
1755 402.1705(3)(f).

1756 (e)~~(e)~~ Ensure that the lead agency shall furnish current  
1757 and accurate information on its activities in all cases in  
1758 client case records in the state's statewide automated child  
1759 welfare information system.

1760 (f)~~(d)~~ Specify the procedures to be used by the parties to  
1761 resolve differences in interpreting the contract or to resolve  
1762 disputes as to the adequacy of the parties' compliance with  
1763 their respective obligations under the contract.

1764 (2) The department must adopt written policies and  
1765 procedures for monitoring the contract for delivery of services  
1766 by lead agencies which must be published ~~posted~~ on the  
1767 department's website. These policies and procedures must, at a  
1768 minimum, address the evaluation of fiscal accountability and  
1769 program operations, including provider achievement of  
1770 performance standards, provider monitoring of subcontractors,  
1771 and timely followup of corrective actions for significant  
1772 monitoring findings related to providers and subcontractors.  
1773 These policies and procedures must also include provisions for  
1774 reducing the duplication of the department's program monitoring  
1775 activities both internally and with other agencies, to the

1776 extent possible. The department's written procedures must ensure  
1777 that the written findings, conclusions, and recommendations from  
1778 monitoring the contract for services of lead agencies are  
1779 communicated to the director of the provider agency and the  
1780 community alliance as expeditiously as possible.

1781 (3) The department shall annually conduct a comprehensive,  
1782 multiyear review of the revenues, expenditures, and financial  
1783 position of all community-based care lead agencies which must  
1784 cover the most recent 2 consecutive fiscal years. The review  
1785 must include a comprehensive system-of-care analysis. All  
1786 community-based care lead agencies must develop and maintain a  
1787 plan to achieve financial viability. The department's review and  
1788 the agency's plan shall be submitted to the Governor, the  
1789 President of the Senate, and the Speaker of the House of  
1790 Representatives by November 1 of each year.

1791 (4) (a) The department shall collect and publish on its  
1792 website, and annually update, all of the following information  
1793 for each lead agency under contract with the department:

1794 1. Current salaries, bonuses, and other compensation paid,  
1795 by position, for any employee who receives a salary from state-  
1796 appropriated funds, including state-appropriated federal funds,  
1797 whether base pay or base pay combined with any bonus or  
1798 incentive payments, in excess of 150 percent of the annual  
1799 salary paid to the secretary of the department. For purposes of  
1800 this paragraph, the term "employee" has the same meaning as in



1801 s. 448.095.

1802 2. All findings of the review under subsection (3).

1803 (b) The department shall collect and publish on its  
 1804 website, and update monthly, the information required under s.  
 1805 409.988(1)(k).

1806 (27)~~(25)~~ Subject to an appropriation, for the 2020-2021  
 1807 and 2021-2022 fiscal years, the department shall implement a  
 1808 pilot project in the Sixth and Thirteenth Judicial Circuits,  
 1809 respectively, aimed at improving child welfare outcomes.

1810 (d) The department shall include the results of the pilot  
 1811 projects in the report required in subsection (26) ~~(24)~~ of this  
 1812 section. The report must include the department's findings and  
 1813 recommendations relating to the pilot projects.

1814 Section 23. Paragraph (c) is added to subsection (6) of s.  
 1815 1012.795, Florida Statutes, to read:

1816 1012.795 Education Practices Commission; authority to  
 1817 discipline.—

1818 (6)

1819 (c) If the Department of Education determines that any  
 1820 instructional personnel or school administrator, as defined in  
 1821 s. 1012.01(2) or (3), respectively, has knowingly failed to  
 1822 report known or suspected child abuse as required under s.  
 1823 39.201, and the Education Practices Commission has issued a  
 1824 final order for a previous instance of failure to report by the  
 1825 individual, the Education Practices Commission shall, at a

1826 minimum, suspend the educator certificate of the instructional  
 1827 personnel or school administrator for a period of at least 1  
 1828 year.

1829 Section 24. Subsection (6) of section 39.301, Florida  
 1830 Statutes, is amended to read:

1831 39.301 Initiation of protective investigations.—

1832 (6) Upon commencing an investigation under this part, if a  
 1833 report was received from a reporter under s. 39.201(1)(a)2. ~~s.~~  
 1834 ~~39.201(1)(b)~~, the protective investigator must provide his or  
 1835 her contact information to the reporter within 24 hours after  
 1836 being assigned to the investigation. The investigator must also  
 1837 advise the reporter that he or she may provide a written summary  
 1838 of the report made to the central abuse hotline to the  
 1839 investigator which shall become a part of the electronic child  
 1840 welfare case file.

1841 Section 25. Paragraph (d) of subsection (4) of section  
 1842 119.071, Florida Statutes, is amended to read:

1843 119.071 General exemptions from inspection or copying of  
 1844 public records.—

1845 (4) AGENCY PERSONNEL INFORMATION.—

1846 (d)1. For purposes of this paragraph, the term:

1847 a. "Home addresses" means the dwelling location at which  
 1848 an individual resides and includes the physical address, mailing  
 1849 address, street address, parcel identification number, plot  
 1850 identification number, legal property description, neighborhood

1851 name and lot number, GPS coordinates, and any other descriptive  
1852 property information that may reveal the home address.

1853 b. "Telephone numbers" includes home telephone numbers,  
1854 personal cellular telephone numbers, personal pager telephone  
1855 numbers, and telephone numbers associated with personal  
1856 communications devices.

1857 2.a. The home addresses, telephone numbers, dates of  
1858 birth, and photographs of active or former sworn law enforcement  
1859 personnel or of active or former civilian personnel employed by  
1860 a law enforcement agency, including correctional and  
1861 correctional probation officers, personnel of the Department of  
1862 Children and Families whose duties include the investigation of  
1863 abuse, neglect, exploitation, fraud, theft, or other criminal  
1864 activities, personnel of the Department of Health whose duties  
1865 are to support the investigation of child abuse or neglect, and  
1866 personnel of the Department of Revenue or local governments  
1867 whose responsibilities include revenue collection and  
1868 enforcement or child support enforcement; the names, home  
1869 addresses, telephone numbers, photographs, dates of birth, and  
1870 places of employment of the spouses and children of such  
1871 personnel; and the names and locations of schools and day care  
1872 facilities attended by the children of such personnel are exempt  
1873 from s. 119.07(1) and s. 24(a), Art. I of the State  
1874 Constitution.

1875 b. The home addresses, telephone numbers, dates of birth,

1876 and photographs of current or former nonsworn investigative  
1877 personnel of the Department of Financial Services whose duties  
1878 include the investigation of fraud, theft, workers' compensation  
1879 coverage requirements and compliance, other related criminal  
1880 activities, or state regulatory requirement violations; the  
1881 names, home addresses, telephone numbers, dates of birth, and  
1882 places of employment of the spouses and children of such  
1883 personnel; and the names and locations of schools and day care  
1884 facilities attended by the children of such personnel are exempt  
1885 from s. 119.07(1) and s. 24(a), Art. I of the State  
1886 Constitution.

1887 c. The home addresses, telephone numbers, dates of birth,  
1888 and photographs of current or former nonsworn investigative  
1889 personnel of the Office of Financial Regulation's Bureau of  
1890 Financial Investigations whose duties include the investigation  
1891 of fraud, theft, other related criminal activities, or state  
1892 regulatory requirement violations; the names, home addresses,  
1893 telephone numbers, dates of birth, and places of employment of  
1894 the spouses and children of such personnel; and the names and  
1895 locations of schools and day care facilities attended by the  
1896 children of such personnel are exempt from s. 119.07(1) and s.  
1897 24(a), Art. I of the State Constitution.

1898 d. The home addresses, telephone numbers, dates of birth,  
1899 and photographs of current or former firefighters certified in  
1900 compliance with s. 633.408; the names, home addresses, telephone

1901 numbers, photographs, dates of birth, and places of employment  
 1902 of the spouses and children of such firefighters; and the names  
 1903 and locations of schools and day care facilities attended by the  
 1904 children of such firefighters are exempt from s. 119.07(1) and  
 1905 s. 24(a), Art. I of the State Constitution.

1906 e. The home addresses, dates of birth, and telephone  
 1907 numbers of current or former justices of the Supreme Court,  
 1908 district court of appeal judges, circuit court judges, and  
 1909 county court judges; the names, home addresses, telephone  
 1910 numbers, dates of birth, and places of employment of the spouses  
 1911 and children of current or former justices and judges; and the  
 1912 names and locations of schools and day care facilities attended  
 1913 by the children of current or former justices and judges are  
 1914 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 1915 Constitution.

1916 f. The home addresses, telephone numbers, dates of birth,  
 1917 and photographs of current or former state attorneys, assistant  
 1918 state attorneys, statewide prosecutors, or assistant statewide  
 1919 prosecutors; the names, home addresses, telephone numbers,  
 1920 photographs, dates of birth, and places of employment of the  
 1921 spouses and children of current or former state attorneys,  
 1922 assistant state attorneys, statewide prosecutors, or assistant  
 1923 statewide prosecutors; and the names and locations of schools  
 1924 and day care facilities attended by the children of current or  
 1925 former state attorneys, assistant state attorneys, statewide

1926 prosecutors, or assistant statewide prosecutors are exempt from  
 1927 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1928 g. The home addresses, dates of birth, and telephone  
 1929 numbers of general magistrates, special magistrates, judges of  
 1930 compensation claims, administrative law judges of the Division  
 1931 of Administrative Hearings, and child support enforcement  
 1932 hearing officers; the names, home addresses, telephone numbers,  
 1933 dates of birth, and places of employment of the spouses and  
 1934 children of general magistrates, special magistrates, judges of  
 1935 compensation claims, administrative law judges of the Division  
 1936 of Administrative Hearings, and child support enforcement  
 1937 hearing officers; and the names and locations of schools and day  
 1938 care facilities attended by the children of general magistrates,  
 1939 special magistrates, judges of compensation claims,  
 1940 administrative law judges of the Division of Administrative  
 1941 Hearings, and child support enforcement hearing officers are  
 1942 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 1943 Constitution.

1944 h. The home addresses, telephone numbers, dates of birth,  
 1945 and photographs of current or former human resource, labor  
 1946 relations, or employee relations directors, assistant directors,  
 1947 managers, or assistant managers of any local government agency  
 1948 or water management district whose duties include hiring and  
 1949 firing employees, labor contract negotiation, administration, or  
 1950 other personnel-related duties; the names, home addresses,

1951 telephone numbers, dates of birth, and places of employment of  
 1952 the spouses and children of such personnel; and the names and  
 1953 locations of schools and day care facilities attended by the  
 1954 children of such personnel are exempt from s. 119.07(1) and s.  
 1955 24(a), Art. I of the State Constitution.

1956 i. The home addresses, telephone numbers, dates of birth,  
 1957 and photographs of current or former code enforcement officers;  
 1958 the names, home addresses, telephone numbers, dates of birth,  
 1959 and places of employment of the spouses and children of such  
 1960 personnel; and the names and locations of schools and day care  
 1961 facilities attended by the children of such personnel are exempt  
 1962 from s. 119.07(1) and s. 24(a), Art. I of the State  
 1963 Constitution.

1964 j. The home addresses, telephone numbers, places of  
 1965 employment, dates of birth, and photographs of current or former  
 1966 guardians ad litem, as defined in s. 39.820; the names, home  
 1967 addresses, telephone numbers, dates of birth, and places of  
 1968 employment of the spouses and children of such persons; and the  
 1969 names and locations of schools and day care facilities attended  
 1970 by the children of such persons are exempt from s. 119.07(1) and  
 1971 s. 24(a), Art. I of the State Constitution.

1972 k. The home addresses, telephone numbers, dates of birth,  
 1973 and photographs of current or former juvenile probation  
 1974 officers, juvenile probation supervisors, detention  
 1975 superintendents, assistant detention superintendents, juvenile

1976 justice detention officers I and II, juvenile justice detention  
 1977 officer supervisors, juvenile justice residential officers,  
 1978 juvenile justice residential officer supervisors I and II,  
 1979 juvenile justice counselors, juvenile justice counselor  
 1980 supervisors, human services counselor administrators, senior  
 1981 human services counselor administrators, rehabilitation  
 1982 therapists, and social services counselors of the Department of  
 1983 Juvenile Justice; the names, home addresses, telephone numbers,  
 1984 dates of birth, and places of employment of spouses and children  
 1985 of such personnel; and the names and locations of schools and  
 1986 day care facilities attended by the children of such personnel  
 1987 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 1988 Constitution.

1989 1. The home addresses, telephone numbers, dates of birth,  
 1990 and photographs of current or former public defenders, assistant  
 1991 public defenders, criminal conflict and civil regional counsel,  
 1992 and assistant criminal conflict and civil regional counsel; the  
 1993 names, home addresses, telephone numbers, dates of birth, and  
 1994 places of employment of the spouses and children of current or  
 1995 former public defenders, assistant public defenders, criminal  
 1996 conflict and civil regional counsel, and assistant criminal  
 1997 conflict and civil regional counsel; and the names and locations  
 1998 of schools and day care facilities attended by the children of  
 1999 current or former public defenders, assistant public defenders,  
 2000 criminal conflict and civil regional counsel, and assistant



2001 criminal conflict and civil regional counsel are exempt from s.  
 2002 119.07(1) and s. 24(a), Art. I of the State Constitution.

2003 m. The home addresses, telephone numbers, dates of birth,  
 2004 and photographs of current or former investigators or inspectors  
 2005 of the Department of Business and Professional Regulation; the  
 2006 names, home addresses, telephone numbers, dates of birth, and  
 2007 places of employment of the spouses and children of such current  
 2008 or former investigators and inspectors; and the names and  
 2009 locations of schools and day care facilities attended by the  
 2010 children of such current or former investigators and inspectors  
 2011 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 2012 Constitution.

2013 n. The home addresses, telephone numbers, and dates of  
 2014 birth of county tax collectors; the names, home addresses,  
 2015 telephone numbers, dates of birth, and places of employment of  
 2016 the spouses and children of such tax collectors; and the names  
 2017 and locations of schools and day care facilities attended by the  
 2018 children of such tax collectors are exempt from s. 119.07(1) and  
 2019 s. 24(a), Art. I of the State Constitution.

2020 o. The home addresses, telephone numbers, dates of birth,  
 2021 and photographs of current or former personnel of the Department  
 2022 of Health whose duties include, or result in, the determination  
 2023 or adjudication of eligibility for social security disability  
 2024 benefits, the investigation or prosecution of complaints filed  
 2025 against health care practitioners, or the inspection of health

2026 care practitioners or health care facilities licensed by the  
2027 Department of Health; the names, home addresses, telephone  
2028 numbers, dates of birth, and places of employment of the spouses  
2029 and children of such personnel; and the names and locations of  
2030 schools and day care facilities attended by the children of such  
2031 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
2032 the State Constitution.

2033 p. The home addresses, telephone numbers, dates of birth,  
2034 and photographs of current or former impaired practitioner  
2035 consultants who are retained by an agency or current or former  
2036 employees of an impaired practitioner consultant whose duties  
2037 result in a determination of a person's skill and safety to  
2038 practice a licensed profession; the names, home addresses,  
2039 telephone numbers, dates of birth, and places of employment of  
2040 the spouses and children of such consultants or their employees;  
2041 and the names and locations of schools and day care facilities  
2042 attended by the children of such consultants or employees are  
2043 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
2044 Constitution.

2045 q. The home addresses, telephone numbers, dates of birth,  
2046 and photographs of current or former emergency medical  
2047 technicians or paramedics certified under chapter 401; the  
2048 names, home addresses, telephone numbers, dates of birth, and  
2049 places of employment of the spouses and children of such  
2050 emergency medical technicians or paramedics; and the names and

2051 | locations of schools and day care facilities attended by the  
2052 | children of such emergency medical technicians or paramedics are  
2053 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
2054 | Constitution.

2055 |       r. The home addresses, telephone numbers, dates of birth,  
2056 | and photographs of current or former personnel employed in an  
2057 | agency's office of inspector general or internal audit  
2058 | department whose duties include auditing or investigating waste,  
2059 | fraud, abuse, theft, exploitation, or other activities that  
2060 | could lead to criminal prosecution or administrative discipline;  
2061 | the names, home addresses, telephone numbers, dates of birth,  
2062 | and places of employment of spouses and children of such  
2063 | personnel; and the names and locations of schools and day care  
2064 | facilities attended by the children of such personnel are exempt  
2065 | from s. 119.07(1) and s. 24(a), Art. I of the State  
2066 | Constitution.

2067 |       s. The home addresses, telephone numbers, dates of birth,  
2068 | and photographs of current or former directors, managers,  
2069 | supervisors, nurses, and clinical employees of an addiction  
2070 | treatment facility; the home addresses, telephone numbers,  
2071 | photographs, dates of birth, and places of employment of the  
2072 | spouses and children of such personnel; and the names and  
2073 | locations of schools and day care facilities attended by the  
2074 | children of such personnel are exempt from s. 119.07(1) and s.  
2075 | 24(a), Art. I of the State Constitution. For purposes of this

HB 7039

2021

2076 sub-subparagraph, the term "addiction treatment facility" means  
2077 a county government, or agency thereof, that is licensed  
2078 pursuant to s. 397.401 and provides substance abuse prevention,  
2079 intervention, or clinical treatment, including any licensed  
2080 service component described in s. 397.311(26).

2081 t. The home addresses, telephone numbers, dates of birth,  
2082 and photographs of current or former directors, managers,  
2083 supervisors, and clinical employees of a child advocacy center  
2084 that meets the standards of s. 39.3035(2) ~~s. 39.3035(1)~~ and  
2085 fulfills the screening requirement of s. 39.3035(3) ~~s.~~  
2086 ~~39.3035(2)~~, and the members of a Child Protection Team as  
2087 described in s. 39.303 whose duties include supporting the  
2088 investigation of child abuse or sexual abuse, child abandonment,  
2089 child neglect, and child exploitation or to provide services as  
2090 part of a multidisciplinary case review team; the names, home  
2091 addresses, telephone numbers, photographs, dates of birth, and  
2092 places of employment of the spouses and children of such  
2093 personnel and members; and the names and locations of schools  
2094 and day care facilities attended by the children of such  
2095 personnel and members are exempt from s. 119.07(1) and s. 24(a),  
2096 Art. I of the State Constitution.

2097 3. An agency that is the custodian of the information  
2098 specified in subparagraph 2. and that is not the employer of the  
2099 officer, employee, justice, judge, or other person specified in  
2100 subparagraph 2. shall maintain the exempt status of that

2101 information only if the officer, employee, justice, judge, other  
2102 person, or employing agency of the designated employee submits a  
2103 written request for maintenance of the exemption to the  
2104 custodial agency.

2105 4. An officer, an employee, a justice, a judge, or other  
2106 person specified in subparagraph 2. may submit a written request  
2107 for the release of his or her exempt information to the  
2108 custodial agency. The written request must be notarized and must  
2109 specify the information to be released and the party that is  
2110 authorized to receive the information. Upon receipt of the  
2111 written request, the custodial agency shall release the  
2112 specified information to the party authorized to receive such  
2113 information.

2114 5. The exemptions in this paragraph apply to information  
2115 held by an agency before, on, or after the effective date of the  
2116 exemption.

2117 6. This paragraph is subject to the Open Government Sunset  
2118 Review Act in accordance with s. 119.15 and shall stand repealed  
2119 on October 2, 2024, unless reviewed and saved from repeal  
2120 through reenactment by the Legislature.

2121 Section 26. Paragraph (g) of subsection (2) of section  
2122 934.03, Florida Statutes, is amended to read:

2123 934.03 Interception and disclosure of wire, oral, or  
2124 electronic communications prohibited.-

2125 (2)

2126 (g) It is lawful under this section and ss. 934.04-934.09  
 2127 for an employee of:

2128 1. An ambulance service licensed pursuant to s. 401.25, a  
 2129 fire station employing firefighters as defined by s. 633.102, a  
 2130 public utility, a law enforcement agency as defined by s.  
 2131 934.02(10), or any other entity with published emergency  
 2132 telephone numbers;

2133 2. An agency operating an emergency telephone number "911"  
 2134 system established pursuant to s. 365.171; or

2135 3. The central abuse hotline operated under s. 39.101  
 2136 ~~pursuant to s. 39.201~~

2137

2138 to intercept and record incoming wire communications; however,  
 2139 such employee may intercept and record incoming wire  
 2140 communications on designated "911" telephone numbers and  
 2141 published nonemergency telephone numbers staffed by trained  
 2142 dispatchers at public safety answering points only. It is also  
 2143 lawful for such employee to intercept and record outgoing wire  
 2144 communications to the numbers from which such incoming wire  
 2145 communications were placed when necessary to obtain information  
 2146 required to provide the emergency services being requested. For  
 2147 the purpose of this paragraph, the term "public utility" has the  
 2148 same meaning as provided in s. 366.02 and includes a person,  
 2149 partnership, association, or corporation now or hereafter owning  
 2150 or operating equipment or facilities in the state for conveying

HB 7039

2021

2151 | or transmitting messages or communications by telephone or  
2152 | telegraph to the public for compensation.

2153 |       Section 27. This act shall take effect July 1, 2021.