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

A bill to be entitled

An act relating to the Department of Children and Families; amending s. 20.19, F.S.; requiring the department to establish community alliances in each community-based care lead agency service area; requiring community alliances to adopt certain bylaws; revising the membership of community alliances; amending s. 39.4015, F.S.; requiring, rather than authorizing, the department to develop a family-finding program; removing the limitation that the development of family-finding programs is subject to available resources; requiring that family finding begin as soon as a child is taken into custody of the department; making technical changes; amending s. 39.4087, F.S.; requiring the department to treat caregivers in a specified manner; requiring the department to provide certain information to and training for caregivers of children in foster care; removing the requirement that such information be provided subject to available resources; expanding certain information that is required to be fully disclosed to the caregivers to include the child's issues related to behavioral health; making technical changes; amending s. 39.5086, F.S.; removing the limitation that the development of kinship navigator programs is subject to available resources; requiring, rather than authorizing, each community-based care



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28 lead agency to establish a kinship navigator program;
29 amending s. 394.9082, F.S.; requiring the department
30 to collect and post specified information on its
31 website for each managing entity under contract with
32 the department; creating s. 394.90825, F.S.; defining
33 terms; requiring a board member or an officer of a
34 managing entity to disclose specified activity that
35 may reasonably be construed as a conflict of interest;
36 creating a rebuttable presumption of a conflict of
37 interest if the activity was acted upon by the board
38 without prior notice; establishing a process for the
39 managing entity's board of directors to address the
40 activity under certain timelines; providing for
41 certain consequences for failure to obtain a board's
42 approval or failure to properly disclose a contract as
43 a conflict of interest; amending s. 409.987, F.S.;
44 requiring the department to develop an alternative
45 plan to contracting with a lead agency in a community
46 under certain circumstances; providing requirements
47 for the alternative plan; defining terms; requiring a
48 board member or an officer of a lead agency to
49 disclose activity that may reasonably be construed as
50 a conflict of interest; creating a rebuttable
51 presumption of a conflict of interest if the activity
52 was acted upon by the board without prior notice;
53 establishing a process for the lead agency's board of
54 directors to address the activity under certain
55 timelines; providing for certain consequences for
56 failure to obtain a board's approval or failure to



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57 properly disclose a contract as a conflict of
58 interest; amending s. 409.988, F.S.; deleting a
59 requirement that lead agencies post their current
60 budgets on their websites; requiring a lead agency to
61 demonstrate the ability to adhere to all best child
62 welfare practices; amending s. 409.996, F.S.;
63 requiring that contracts between the department and
64 lead agencies provide information to the department
65 which specifies how the lead agency will adhere to all
66 best child welfare practices; requiring the department
67 to collect and post on its website specified
68 information relating to contracts between lead
69 agencies and the department; creating s. 409.998,
70 F.S.; providing legislative findings and intent;
71 requiring the department to establish a program that
72 consists of a child and family well-being system;
73 requiring the designated lead agency to carry out
74 programmatic functions; defining the term "child and
75 family well-being system"; specifying program
76 requirements; requiring the department, in
77 collaboration with specified entities, to design,
78 implement, and evaluate the program requirements;
79 requiring the Florida Institute for Child Welfare, by
80 a specified date, to annually submit a report to the
81 Governor and the Legislature; providing an effective
82 date.

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



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86 Section 1. Paragraphs (a), (d), and (e) of subsection (5)
87 of section 20.19, Florida Statutes, are amended to read:

88 20.19 Department of Children and Families.—There is created
89 a Department of Children and Families.

90 (5) COMMUNITY ALLIANCES.—

91 (a) The department shall, in consultation with local
92 communities, establish a community alliance ~~or similar group~~ of
93 the stakeholders, community leaders, client representatives, and
94 funders of human services in each community-based care lead
95 agency service area county to provide a focal point for
96 community participation and governance of community-based
97 services. ~~An alliance may cover more than one county when such~~
98 ~~arrangement is determined to provide for more effective~~
99 ~~representation.~~ The community alliance shall represent the
100 diversity of the community.

101 (d) Each community alliance shall adopt bylaws to determine
102 the specific membership composition that best represents the
103 local community served by that community alliance. The
104 membership of a the community alliance must in a county shall at
105 a minimum be composed of no more than 20 members selected from
106 the following:

107 1. A representative from the department.

108 2. Representatives ~~A representative~~ from local county
109 government.

110 3. Representatives ~~A representative~~ from the school
111 district.

112 4. A representative from the ~~county~~ United Way.

113 5. Representatives ~~A representative~~ from ~~the county~~
114 sheriffs' offices ~~sheriff's office~~.



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115 6. A representative from each the circuit court in the lead
116 agency service area corresponding to the county.

117 7. A representative from the ~~county~~ children's services
118 council board, if one exists.

119 8. A representative of a faith-based organization involved
120 in efforts to prevent child maltreatment, strengthen families,
121 or promote adoption.

122 (e) The community alliance shall adopt bylaws that allow
123 for the and may increase the membership of the alliance to be
124 increased to no more than 30 members if, in the judgment of the
125 alliance, such change is necessary to adequately represent the
126 diversity of the population within the community alliance
127 service circuits. The additional membership may to include the
128 state attorney for the judicial circuit in which the community
129 alliance is located, or his or her designee; the public
130 defender for the judicial circuit in which the community
131 alliance is located, or his or her designee; or, and other
132 individuals and organizations who otherwise represent
133 perspectives that will enable the community alliance to
134 accomplish the duties specified in paragraph (b). Such
135 individuals and organizations may include, but need not be
136 limited to, represent funding organizations, are community
137 leaders, and individuals who have knowledge of community-based
138 service issues, or otherwise represent perspectives that will
139 enable them to accomplish the duties listed in paragraph (b),
140 if, in the judgment of the alliance, such change is necessary to
141 adequately represent the diversity of the population within the
142 community alliance service circuits.

143 Section 2. Subsection (3) of section 39.4015, Florida



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144 Statutes, is amended to read:

145 39.4015 Family finding.—

146 (3) FAMILY-FINDING PROGRAM.—~~Subject to available resources,~~
147 The department, in collaboration with sheriffs' offices that
148 conduct child protective investigations and community-based care
149 lead agencies, shall ~~may~~ develop a formal family-finding program
150 to be implemented by child protective investigators and
151 community-based care lead agencies ~~as resources permit~~.

152 (a) Family finding shall ~~may~~ begin as soon as a child is
153 taken into custody of the department, pursuant to s. 39.401, and
154 throughout the duration of the case as necessary, finding and
155 engaging with as many family members and fictive kin as possible
156 for each child who may help with care or support for the child.
157 The department or community-based care lead agency must
158 specifically document strategies taken to locate and engage
159 relatives and fictive kin. Strategies of engagement may include,
160 but are not limited to, asking the relatives and fictive kin to:

- 161 1. Participate in a family group decision-making
162 ~~decisionmaking~~ conference, family team conferencing, or other
163 family meetings aimed at developing or supporting the family
164 service plan;
- 165 2. Attend visitations with the child;
- 166 3. Assist in transportation of the child;
- 167 4. Provide respite or child care services; or
- 168 5. Provide actual kinship care.

169 (b) The family-finding ~~family finding~~ program shall provide
170 the department and the community-based care lead agencies with
171 best practices for identifying family and fictive kin. The
172 family-finding ~~family finding~~ program must use diligent efforts



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173 in family finding ~~and~~, must continue those efforts until
174 multiple relatives and fictive kin are identified, ~~and must go~~
175 ~~beyond basic searching tools by exploring alternative tools and~~
176 ~~methodologies.~~ Family-finding Family-finding efforts by the
177 department and the community-based care lead agency may include,
178 but are not limited to:

179 1. Searching for and locating adult relatives and fictive
180 kin.

181 2. Identifying and building positive connections between
182 the child and the child's relatives and fictive kin.

183 3. Supporting the engagement of relatives and fictive kin
184 in social service planning and delivery of services and creating
185 a network of extended family support to assist in remedying the
186 concerns that led to the child becoming involved with the child
187 welfare system, when appropriate.

188 4. Maintaining family connections, when possible.

189 5. Keeping siblings together in care, when in the best
190 interest of each child and when possible.

191 (c) To be compliant with this section, family-finding
192 efforts must go beyond basic searching tools by exploring
193 alternative tools and methodologies. A basic computer search
194 using the Internet or attempts to contact known relatives at a
195 last known address or telephone number do not constitute
196 effective family finding.

197 Section 3. Section 39.4087, Florida Statutes, is amended to
198 read:

199 39.4087 Department ~~goals and~~ requirements relating to
200 caregivers; dispute resolution.—

201 (1) To provide the best care to children, the Legislature



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202 ~~requires~~ ~~establishes as goals for~~ the department to treat foster
203 parents, kinship caregivers, and nonrelative caregivers with
204 dignity, respect, and trust while ensuring delivery of child
205 welfare services is focused on the best interest of the child.
206 To that end, regarding foster parents, kinship caregivers, and
207 nonrelative caregivers caring for dependent children in their
208 home, to the extent not otherwise prohibited by state or federal
209 law ~~and to the extent of current resources~~, the department is
210 required to do all of the following ~~will strive to:~~

211 (a) Provide a clear explanation to a caregiver on the role
212 of the department, the role of the child's biological family as
213 it relates to the delivery of child welfare services, and the
214 rights and responsibilities of the caregiver.

215 (b) Provide training and support to the caregiver to help
216 meet the necessary requirements for the daily care of the child
217 and any special needs the child may have.

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

223 ~~a.1.~~ Any issues relative to the child that may jeopardize
224 the health and safety of the caregiver or other individuals
225 residing in the household or alter the manner in which the
226 caregiver would normally provide care.

227 ~~b.2.~~ Any delinquency or criminal record of the child,
228 including, but not limited to, any pending petitions or
229 adjudications of delinquency when the conduct constituting the
230 delinquent act, if committed by an adult, would constitute



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231 murder in the first degree, murder in the second degree, rape,
232 robbery, or kidnapping.

233 ~~c.3.~~ Information about any physical or sexual abuse the
234 child has experienced.

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

237 ~~e.5.~~ With parental consent to the extent required by law,
238 any known health history and medical, psychological, or
239 behavioral ~~mental~~ health issues or needs of the child,
240 including, but not limited to, current infectious diseases the
241 child has or any episodes of hospitalization due to mental or
242 physical illness.

243 2. A caregiver must maintain the confidentiality of any
244 information as required by law.

245 (d) Allow caregivers to communicate with professionals who
246 work with the child, including, but not limited to, therapists
247 and other behavioral health professionals, physicians and other
248 health care professionals, and teachers.

249 (e) Provide a means by which a caregiver may contact the
250 community-based care lead agency 24 hours a day, 7 days a week,
251 for the purpose of receiving assistance from the lead agency.

252 (f) Solicit and consider caregiver input on a child's case
253 plan.

254 (g) Provide a clear, written explanation to a caregiver of
255 any plan concerning the placement of a child in the caregiver's
256 home. If a plan was not developed before the placement, the
257 department must provide a clear, written explanation to the
258 caregiver once the plan is developed.

259 (h) Provide information, when it becomes available, on any



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260 emergency situation that requires a child to be placed in the
261 caregiver's home.

262 (i) Allow a caregiver to request the removal of a child
263 from the home without retaliation. However, the caregiver must
264 be open to receiving training or other support services that may
265 mitigate the need for the child's removal. If removal occurs,
266 the caregiver shall cooperate with any transition that is in the
267 best interest of the child to the extent that doing so is safe
268 for the caregiver and other individuals in the caregiver's home.

269 (j) Inform the caregiver as soon as possible of any
270 decision made by a court or child-caring agency relating to a
271 child who is placed with the caregiver.

272 (k) Give at least 7 days' notice to a caregiver, to the
273 extent possible, of any meeting or court hearing related to a
274 child in his or her care. The notice must ~~shall~~ include, at
275 minimum, ~~but is not limited to~~, the name of the judge or hearing
276 officer, the docket number, and the purpose and location of the
277 hearing or meeting. If the department is providing such
278 information to a child's biological parent, the department shall
279 provide notice to the caregiver at the same time as the
280 biological parent.

281 ~~(l) If the caregiver agrees,~~ Consider the caregiver as a
282 placement option for a child if such child, who was formerly
283 placed with the caregiver, reenters out-of-home care and the
284 caregiver agrees to the child being placed with the caregiver
285 upon reentry and reenters out-of-home care.

286 (m) Upon reasonable notice from a caregiver, allow him or
287 her a period of respite.

288 (n) Upon request, provide a caregiver with copies of all



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289 information in the department's records relating to the
290 caregiver.

291 (2) (a) If a caregiver believes that the department, an
292 employee of the department, an agency under contract with the
293 department, or an employee of such agency has violated this
294 section, and that the violation has harmed or could harm a child
295 who is or was in the custody of the department, or that the
296 violation inhibited the caregiver's ability to meet the child's
297 needs as set forth in the case plan, the caregiver may notify
298 the liaison assigned to the caregiver or the child's case
299 manager. The liaison or case manager must make every attempt to
300 resolve the dispute.

301 (b) If a caregiver believes the dispute is not adequately
302 resolved by the case manager, the caregiver or the liaison for
303 the caregiver may contact the supervisor of the liaison or the
304 supervisor of the case manager. If the caregiver or the liaison
305 for the caregiver contacts a supervisor in writing, he or she
306 may copy the department on the communication, and the department
307 shall maintain a record of any such communication received.

308 (c) If a caregiver believes that the supervisor of the
309 liaison or the supervisor of the case manager did not adequately
310 resolve the dispute, the caregiver may contact the department,
311 and the department must conduct a review and respond to the
312 caregiver in writing within 30 days after being contacted.

313 Section 4. Paragraph (b) of subsection (2) of section
314 39.5086, Florida Statutes, is amended to read:

315 39.5086 Kinship navigator programs.—

316 (2) PURPOSE AND SERVICES.—

317 (b) ~~Subject to available resources,~~ Each community-based



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318 care lead agency shall ~~may~~ establish a kinship navigator program
319 that:

320 1. Coordinates with other state or local agencies that
321 promote service coordination or provide information and referral
322 services, including any entities that participate in the Florida
323 211 Network, to avoid duplication or fragmentation of services
324 to kinship care families;

325 2. Is planned and operated in consultation with kinship
326 caregivers and organizations representing them, youth raised by
327 kinship caregivers, relevant governmental agencies, and relevant
328 community-based or faith-based organizations;

329 3. Has a toll-free telephone hotline to provide information
330 to link kinship caregivers, kinship support group facilitators,
331 and kinship service providers to:

332 a. One another;

333 b. Eligibility and enrollment information for federal,
334 state, and local benefits;

335 c. Relevant training to assist kinship caregivers in
336 caregiving and in obtaining benefits and services; and

337 d. Relevant knowledge related to legal options available
338 for child custody, other legal assistance, and help in obtaining
339 legal services.

340 4. Provides outreach to kinship care families, including by
341 establishing, distributing, and updating a kinship care website,
342 or other relevant guides or outreach materials; and

343 5. Promotes partnerships between public and private
344 agencies, including schools, community-based or faith-based
345 organizations, and relevant governmental agencies, to increase
346 their knowledge of the needs of kinship care families to promote



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347 better services for those families.

348 Section 5. Paragraph (m) is added to subsection (3) of
349 section 394.9082, Florida Statutes, to read:

350 394.9082 Behavioral health managing entities.—

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

352 (m) Collect and post all of the following information on
353 its website, updated annually, for each managing entity under
354 contract with the department:

355 1. Current salaries, bonuses, and other compensation paid,
356 by position, for any employee who receives a salary from state-
357 appropriated funds, including state-appropriated federal funds,
358 whether base pay or base pay combined with any bonus or
359 incentive payments, in excess of 150 percent of the annual
360 salary paid to the secretary of the Department of Children and
361 Families. For purposes of this subparagraph, the term "employee"
362 includes, but is not limited to, the chief executive officer,
363 chief financial officer, and chief operating officer, or any
364 other executive staff of the managing entity.

365 2. All findings of the comprehensive, multiyear review of
366 the revenues, expenditures, and financial position of all
367 managing entities, which shall cover the most recent 2
368 consecutive fiscal years. The review must include a
369 comprehensive system-of-care analysis and provide expenditure
370 information related to direct care, administration, and indirect
371 costs. All contracted entities must develop and maintain a plan
372 to achieve financial viability which shall accompany the
373 department's submission. The findings from this review shall be
374 submitted to the Governor, the President of the Senate, and the
375 Speaker of the House of Representatives by November 1 of each



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376 year in addition to being posted on the department's Internet
377 website.

378 Section 6. Section 394.90825, Florida Statutes, is created
379 to read:

380 394.90825 Boards of managing entities; conflicts of
381 interest.—

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

383 (a) "Activity" includes, but is not limited to, a contract
384 for goods and services, a contract for the purchase of any real
385 or tangible property, or an agreement to engage with the
386 managing entity for the benefit of a third party in exchange for
387 an interest in real or tangible property, a monetary benefit, or
388 an in-kind contribution.

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

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

394 2. Holds a direct or indirect interest in a corporation,
395 limited liability corporation, partnership, limited liability
396 partnership, or other business entity that conducts business
397 with the managing entity or proposes to enter into a contract or
398 other transaction with the managing entity. For purposes of this
399 paragraph, "indirect interest" has the same meaning as provided
400 in s. 112.312.

401 3. Knowingly obtains a direct or indirect personal,
402 financial, professional, or other benefit as a result of the
403 relationship of such member or officer, or relative of the
404 member or officer, with the managing entity. For purposes of



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405 this paragraph, the term "benefit" does not include per diem and
406 travel expenses paid or reimbursed to board members in
407 connection with their service on the board.

408 (c) "Managing entity" has the same meaning as in s.
409 394.9082.

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

412 (2) (a) For any activity that is presented to the board of a
413 managing entity for its initial consideration and approval after
414 July 1, 2021, or any activity that involves a contract that is
415 being considered for renewal on or after July 1, 2021, and
416 before January 1, 2022, a board member or an officer of a
417 managing entity shall disclose to the board any activity that
418 may reasonably be construed to be a conflict of interest before
419 such activity is initially considered and approved or renewed by
420 the board. A rebuttable presumption of a conflict of interest
421 exists if the activity was acted upon by the board without prior
422 notice as required under subsection (3).

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

428 (3) (a) If a board member or an officer, or a relative of a
429 member or an officer, proposes to engage in an activity as
430 described in paragraph (2) (a), the proposed activity must be
431 listed on the meeting agenda for the next general or special
432 meeting of the members, and copies of all contracts and
433 transactional documents related to the proposed activity must be



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434 included in the agenda. The meeting agenda must clearly identify
435 the existence of a potential conflict of interest for the
436 proposed activity. Before a member or an officer, or a relative
437 of a member or an officer, engages in the proposed activity, the
438 activity and contract or other transaction documents must be
439 approved by an affirmative vote of two-thirds of all other
440 members present.

441 (b) If a member or an officer notifies the board of a
442 potential conflict of interest with the member or officer, or a
443 relative of the member or officer, under an existing contract as
444 described in paragraph (2) (b), the board must notice the
445 activity on a meeting agenda for the next general or special
446 meeting of the members, and copies of all contracts and
447 transactional documents related to the activity must be
448 attached. The meeting agenda must clearly identify the existence
449 of a potential conflict of interest. The board must be given the
450 opportunity to approve or disapprove the conflict of interest by
451 a vote of two-thirds of all other members present.

452 (4) (a) If the board votes against the proposed activity
453 pursuant to paragraph (3) (a), the board member or officer, or
454 the relative of the member or officer, must notify the board in
455 writing of his or her intention, or his or her relative's
456 intention, not to pursue the proposed activity, or the member or
457 officer shall withdraw from office before the next scheduled
458 board meeting. If the board finds that an officer or a member
459 has violated this paragraph, the officer or member shall be
460 deemed removed from office before the next scheduled board
461 meeting.

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



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463 conflict of interest as required in paragraph (3)(b), the
464 parties to the activity may opt to cancel the activity or, in
465 the alternative, the member or officer must resign from the
466 board before the next scheduled board meeting. If the activity
467 canceled is a contract, the managing entity is only liable for
468 the reasonable value of the goods and services provided up to
469 the time of cancellation and is not liable for any termination
470 fee, liquidated damages, or other form of penalty for such
471 cancellation.

472 (5) A board member or an officer, or a relative of a member
473 or an officer, who is a party to, or has an interest in, an
474 activity that is a possible conflict of interest may attend the
475 meeting at which the activity is considered by the board and is
476 authorized to make a presentation to the board regarding the
477 activity. After the presentation, the member or officer, or the
478 relative of the member or officer, shall leave the meeting
479 during the discussion of, and the vote on, the activity. A
480 member or an officer who is a party to, or has an interest in,
481 the activity shall recuse himself or herself from the vote.

482 (6) A contract entered into between a board member or an
483 officer, or a relative of a member or an officer, and the
484 managing entity which has not been properly disclosed as a
485 conflict of interest or potential conflict of interest under
486 this section is voidable and terminates upon the filing of a
487 written notice terminating the contract with the board of
488 directors which contains the consent of at least 20 percent of
489 the voting interests of the managing entity.

490 Section 7. Section 409.987, Florida Statutes, is amended to
491 read:



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492 409.987 Lead agency procurement; boards; conflicts of
493 interest.—

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

497 (2) The department shall produce a schedule for the
498 procurement of community-based care lead agencies and provide
499 the schedule to the community alliances established pursuant to
500 s. 20.19(5) and post the schedule on the department's website.

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

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

504 (a) Be organized as a Florida corporation or a governmental
505 entity.

506 (b) Be governed by a board of directors or a board
507 committee composed of board members. The membership of the board
508 of directors or board committee must be described in the bylaws
509 or articles of incorporation of each lead agency, which must
510 provide that at least 75 percent of the membership of the board
511 of directors or board committee must consist of persons residing
512 in this state, and at least 51 percent of the state residents on
513 the board of directors must reside within the service area of
514 the lead agency. However, for procurements of lead agency
515 contracts initiated on or after July 1, 2014:

516 1. At least 75 percent of the membership of the board of
517 directors must consist of persons residing in this state, and at
518 least 51 percent of the membership of the board of directors
519 must consist of persons residing within the service area of the
520 lead agency. If a board committee governs the lead agency, 100



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521 percent of its membership must consist of persons residing
522 within the service area of the lead agency.

523 2. The powers of the board of directors or board committee
524 include, but are not limited to, approving the lead agency's
525 budget and setting the lead agency's operational policy and
526 procedures. A board of directors must additionally have the
527 power to hire the lead agency's executive director, unless a
528 board committee governs the lead agency, in which case the board
529 committee must have the power to confirm the selection of the
530 lead agency's executive director.

531 (c) Demonstrate financial responsibility through an
532 organized plan for regular fiscal audits and the posting of a
533 performance bond.

534 (5) The department's procurement team procuring any lead
535 agencies' contracts must include individuals from the community
536 alliance in the area to be served under the contract. All
537 meetings at which vendors make presentations to or negotiate
538 with the procurement team shall be held in the area to be served
539 by the contract.

540 (6) In communities where conditions make it impossible or
541 not feasible to competitively contract with a lead agency, the
542 department shall develop an alternative plan, in collaboration
543 with the local community alliance, that may include establishing
544 an innovative consortia of partners which may include, but is
545 not limited to, private entities, local and county governmental
546 entities, and the department. The plan must detail how the
547 community will continue to implement community-based care
548 through competitively procuring either the specific components
549 of foster care and related services or comprehensive services



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550 for defined eligible populations of children and families from
551 qualified licensed agencies as part of the community's efforts
552 to develop the local capacity for a community-based system of
553 coordinated care. The plan must ensure local control over the
554 management and administration of the service provision in
555 accordance with the intent of this section and may adhere to
556 recognized best business practices, including, but not limited
557 to, the use of public or private partnerships.

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

559 1. "Activity" includes, but is not limited to, a contract
560 for goods and services, a contract for the purchase of any real
561 or tangible property, or an agreement to engage with the lead
562 agency for the benefit of a third party in exchange for an
563 interest in real or tangible property, a monetary benefit, or an
564 in-kind contribution.

565 2. "Conflict of interest" means when a board member or an
566 officer, or a relative of a member or an officer, of the lead
567 agency does any of the following:

568 a. Enters into a contract or other transaction for goods or
569 services with the lead agency.

570 b. Holds a direct or indirect interest in a corporation,
571 limited liability corporation, partnership, limited liability
572 partnership, or other business entity that conducts business
573 with the lead agency or proposes to enter into a contract or
574 other transaction with the lead agency. For purposes of this
575 subparagraph, "indirect interest" has the same meaning as
576 provided in s. 112.312.

577 c. Knowingly obtains a direct or indirect personal,
578 financial, professional, or other benefit as a result of the



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579 relationship of such member or officer, or relative of the
580 member or officer, with the lead agency. For purposes of this
581 subparagraph, the term "benefits" does not include per diem and
582 travel expenses paid or reimbursed to board members in
583 connection with their service on the board.

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

586 (b)1. For any activity that is presented to the board for
587 its initial consideration and approval on or after July 1, 2021,
588 or any activity that involves a contract which is being
589 considered for renewal on or after July 1, 2021, and before
590 January 1, 2022, a board member or an officer of a lead agency
591 must disclose to the board any activity that may reasonably be
592 construed to be a conflict of interest before such activity is
593 initially considered and approved or renewed by the board. A
594 rebuttable presumption of a conflict of interest exists if the
595 activity was acted upon by the board without prior notice, as
596 required in paragraph (c).

597 2. For contracts with a lead agency which are in existence
598 on July 1, 2021, and are not subject to renewal before January
599 1, 2022, a board member or officer shall disclose to the board
600 any activity that may reasonably be construed to be a conflict
601 of interest under this section by December 31, 2021.

602 (c)1. If a member or an officer, or a relative of a member
603 or an officer, proposes to engage in an activity that is covered
604 by subparagraph (b)1., the proposed activity must be listed on
605 the meeting agenda for the next general or special meeting of
606 the members, and copies of all contracts and transactional
607 documents related to the proposed activity must be included in



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608 the agenda. The meeting agenda must clearly identify the
609 existence of a potential conflict of interest for the proposed
610 activity. Before a member or an officer, or a relative of a
611 member or an officer, engages in the proposed activity, the
612 activity and contract or other transaction documents must be
613 approved by an affirmative vote of two-thirds of all other
614 members present.

615 2. If a member or an officer notifies the board of a
616 potential conflict of interest with the member or officer, or a
617 relative of the member or officer, under an existing contract as
618 described in subparagraph (b)2., the board must notice the
619 activity on a meeting agenda for the next general or special
620 meeting of the members, and copies of all contracts and
621 transactional documents related to the activity must be
622 attached. The meeting agenda must clearly identify the existence
623 of a potential conflict of interest. The board must be given the
624 opportunity to approve or disapprove of the conflict of interest
625 by a vote of two-thirds of all other members present.

626 (d)1. If the board votes against the proposed activity
627 pursuant to subparagraph (c)1., the member or officer, or the
628 relative of the member or officer, must notify the board in
629 writing of his or her intention, or his or her relative's
630 intention, not to pursue the proposed activity, or the member or
631 officer shall withdraw from office before the next scheduled
632 board meeting. If the board finds that an officer or a member
633 has violated this subparagraph, the officer or member shall be
634 deemed removed from office before the next scheduled board
635 meeting.

636 2. In the event that the board does not approve of a



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637 conflict as required in subparagraph (c)2., the parties to the
638 activity may opt to cancel the activity or, in the alternative,
639 the member or officer must resign from the board before the next
640 scheduled board meeting. If the activity canceled is a contract,
641 the lead agency is only liable for the reasonable value of the
642 goods and services provided up to the time of cancellation and
643 is not liable for any termination fee, liquidated damages, or
644 other form of penalty for such cancellation.

645 (e) A member or an officer, or a relative of a member or an
646 officer, who is a party to, or has an interest in, an activity
647 that is a possible conflict of interest may attend the meeting
648 at which the activity is considered by the board and is
649 authorized to make a presentation to the board regarding the
650 activity. After the presentation, the member or officer, or the
651 relative of the member or officer, must leave the meeting during
652 the discussion of, and the vote on, the activity. A member or an
653 officer who is a party to, or has an interest in, the activity
654 must recuse himself or herself from the vote.

655 (f) A contract entered into between a member or an officer,
656 or a relative of a member or an officer, and the lead agency
657 which has not been properly disclosed as a conflict of interest
658 or potential conflict of interest under this subsection is
659 voidable and terminates upon the filing of a written notice
660 terminating the contract with the board of directors which
661 contains the consent of at least 20 percent of the voting
662 interests of the lead agency.

663 Section 8. Subsection (1) of section 409.988, Florida
664 Statutes, is amended to read:

665 409.988 Lead agency duties; general provisions.-



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- 666 (1) DUTIES.—A lead agency:
- 667 (a) Shall serve all children referred as a result of a
- 668 report of abuse, neglect, or abandonment to the department's
- 669 central abuse hotline, including, but not limited to, children
- 670 who are the subject of verified reports and children who are not
- 671 the subject of verified reports but who are at moderate to
- 672 extremely high risk of abuse, neglect, or abandonment, as
- 673 determined using the department's risk assessment instrument,
- 674 regardless of the level of funding allocated to the lead agency
- 675 by the state if all related funding is transferred. The lead
- 676 agency may also serve children who have not been the subject of
- 677 reports of abuse, neglect, or abandonment, but who are at risk
- 678 of abuse, neglect, or abandonment, to prevent their entry into
- 679 the child protection and child welfare system.
- 680 (b) Shall provide accurate and timely information necessary
- 681 for oversight by the department pursuant to the child welfare
- 682 results-oriented accountability system required by s. 409.997.
- 683 (c) Shall follow the financial guidelines developed by the
- 684 department and provide for a regular independent auditing of its
- 685 financial activities. Such financial information shall be
- 686 provided to the community alliance established under s.
- 687 20.19(5).
- 688 ~~(d) Shall post on its website the current budget for the~~
- 689 ~~lead agency, including the salaries, bonuses, and other~~
- 690 ~~compensation paid, by position, for the agency's chief executive~~
- 691 ~~officer, chief financial officer, and chief operating officer,~~
- 692 ~~or their equivalents.~~
- 693 ~~(e)~~ Shall prepare all judicial reviews, case plans, and
- 694 other reports necessary for court hearings for dependent



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695 children, except those related to the investigation of a
696 referral from the department's child abuse hotline, and shall
697 submit these documents timely to the department's attorneys for
698 review, any necessary revision, and filing with the court. The
699 lead agency shall make the necessary staff available to
700 department attorneys for preparation for dependency proceedings,
701 and shall provide testimony and other evidence required for
702 dependency court proceedings in coordination with the
703 department's attorneys. This duty does not include the
704 preparation of legal pleadings or other legal documents, which
705 remain the responsibility of the department.

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

708 1. Appropriate training and meet the minimum employment
709 standards established by the department. Appropriate training
710 shall include, but is not limited to, training on the
711 recognition of and responses to head trauma and brain injury in
712 a child under 6 years of age developed by the Child Protection
713 Team Program within the Department of Health.

714 2. Contact information for the local mobile response team
715 established under s. 394.495.

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

718 (g) Shall demonstrate the ability to adhere to all best
719 child welfare practices pursuant to ss. 39.4087, 39.523,
720 409.1415, and 409.145.

721 (h) Shall maintain written agreements with Healthy Families
722 Florida lead entities in its service area pursuant to s. 409.153
723 to promote cooperative planning for the provision of prevention



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724 and intervention services.

725 (i) Shall comply with federal and state statutory
726 requirements and agency rules in the provision of contractual
727 services.

728 (j) May subcontract for the provision of services required
729 by the contract with the lead agency and the department;
730 however, the subcontracts must specify how the provider will
731 contribute to the lead agency meeting the performance standards
732 established pursuant to the child welfare results-oriented
733 accountability system required by s. 409.997. The lead agency
734 shall directly provide no more than 35 percent of all child
735 welfare services provided unless it can demonstrate a need,
736 within the lead agency's geographic service area, to exceed this
737 threshold. The local community alliance in the geographic
738 service area in which the lead agency is seeking to exceed the
739 threshold shall review the lead agency's justification for need
740 and recommend to the department whether the department should
741 approve or deny the lead agency's request for an exemption from
742 the services threshold. If there is not a community alliance
743 operating in the geographic service area in which the lead
744 agency is seeking to exceed the threshold, such review and
745 recommendation shall be made by representatives of local
746 stakeholders, including at least one representative from each of
747 the following:

- 748 1. The department.
- 749 2. The county government.
- 750 3. The school district.
- 751 4. The county United Way.
- 752 5. The county sheriff's office.



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753 6. The circuit court corresponding to the county.
754 7. The county children's board, if one exists.
755 (k) Shall post on its website by the 15th day of each month
756 at a minimum the information contained in subparagraphs 1.-4.
757 for the preceding calendar month regarding its case management
758 services. The following information shall be reported by each
759 individual subcontracted case management provider, by the lead
760 agency, if the lead agency provides case management services,
761 and in total for all case management services subcontracted or
762 directly provided by the lead agency:
763 1. The average caseload of case managers, including only
764 filled positions;
765 2. The turnover rate for case managers and case management
766 supervisors for the previous 12 months;
767 3. The percentage of required home visits completed; and
768 4. Performance on outcome measures required pursuant to s.
769 409.997 for the previous 12 months.
770 (1) Shall identify an employee to serve as a liaison with
771 the community alliance and community-based and faith-based
772 organizations interested in collaborating with the lead agency
773 or offering services or other assistance on a volunteer basis to
774 the children and families served by the lead agency. The lead
775 agency shall ensure that appropriate lead agency staff and
776 subcontractors, including, but not limited to, case managers,
777 are informed of the specific services or assistance available
778 from community-based and faith-based organizations.
779 Section 9. Present subsections (3) through (25) of section
780 409.996, Florida Statutes, are redesignated as subsections (4)
781 through (26), respectively, a new subsection (3) is added to



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782 that section, and subsections (1) and (2) and paragraph (d) of
783 present subsection (25) are amended, to read:

784 409.996 Duties of the Department of Children and Families.—

785 The department shall contract for the delivery, administration,
786 or management of care for children in the child protection and
787 child welfare system. In doing so, the department retains
788 responsibility for the quality of contracted services and
789 programs and shall ensure that, at a minimum, services are
790 delivered in accordance with applicable federal and state
791 statutes and regulations and the performance standards and
792 metrics specified in the strategic plan created under s.
793 20.19(1).

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

798 (a) Provide for the services needed to accomplish the
799 duties established in s. 409.988. ~~and~~

800 (b) Provide information to the department which specifies
801 how the lead agency will adhere to all best child welfare
802 practices pursuant to ss. 39.4087, 39.523, 409.1415, and
803 409.145.

804 (c) Provide information to the department which is
805 necessary to meet the requirements for a quality assurance
806 program under subsection (20) ~~(19)~~ and the child welfare
807 results-oriented accountability system under s. 409.997.

808 (d) ~~(b)~~ Provide for tiered interventions and graduated
809 penalties for failure to comply with contract terms or in the
810 event of performance deficiencies. Such interventions and



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811 penalties shall include, but are not limited to:

812 1. Enhanced monitoring and reporting.

813 2. Corrective action plans.

814 3. Requirements to accept technical assistance and
815 consultation from the department under subsection (5) ~~(4)~~.

816 4. Financial penalties, which shall require a lead agency
817 to reallocate funds from administrative costs to direct care for
818 children.

819 5. Early termination of contracts, as provided in s.
820 402.1705(3)(f).

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

825 (f) ~~(d)~~ Specify the procedures to be used by the parties to
826 resolve differences in interpreting the contract or to resolve
827 disputes as to the adequacy of the parties' compliance with
828 their respective obligations under the contract.

829 (2) The department must adopt written policies and
830 procedures for monitoring the contract for delivery of services
831 by lead agencies which must be posted on the department's
832 website. These policies and procedures must, at a minimum,
833 address the evaluation of fiscal accountability and program
834 operations, including provider achievement of performance
835 standards, provider monitoring of subcontractors, and timely
836 follow-up ~~followup~~ of corrective actions for significant
837 monitoring findings related to providers and subcontractors.
838 These policies and procedures must also include provisions for
839 reducing the duplication of the department's program monitoring



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840 activities both internally and with other agencies, to the
841 extent possible. The department's written procedures must ensure
842 that the written findings, conclusions, and recommendations from
843 monitoring the contract for services of lead agencies are
844 communicated to the director of the provider agency and the
845 community alliance as expeditiously as possible.

846 (3) The department shall collect and post on its website,
847 and annually update, all of the following information for each
848 lead agency under contract with the department:

849 (a) Current salaries, bonuses, and other compensation paid,
850 by position, for any employee who receives a salary from state-
851 appropriated funds, including state-appropriated federal funds,
852 whether base pay or base pay combined with any bonus or
853 incentive payments, in excess of 150 percent of the annual
854 salary paid to the secretary of the Department of Children and
855 Families. For purposes of this paragraph, the term "employee"
856 includes, but is not limited to, the chief executive officer,
857 chief financial officer, and chief operating officer, or any
858 other executive staff of the community-based care lead agency.

859 (b) All findings of the comprehensive, multiyear review of
860 the revenues, expenditures, and financial position of all lead
861 agencies, which shall cover the most recent 2 consecutive fiscal
862 years. The review must include a comprehensive system-of-care
863 analysis and provide expenditure information related to direct
864 care, administration, and indirect costs. All contracted
865 agencies must develop and maintain a plan to achieve financial
866 viability which shall accompany the department's submission. The
867 findings from this review shall be submitted to the Governor,
868 the President of the Senate, and the Speaker of the House of



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869 Representatives by November 1 of each year in addition to being
870 posted on the department's Internet website.

871 (26)(25) Subject to an appropriation, for the 2020-2021 and
872 2021-2022 fiscal years, the department shall implement a pilot
873 project in the Sixth and Thirteenth Judicial Circuits,
874 respectively, aimed at improving child welfare outcomes.

875 (d) The department shall include the results of the pilot
876 projects in the report required in subsection (25) (24) of this
877 section. The report must include the department's findings and
878 recommendations relating to the pilot projects.

879 Section 10. Section 409.998, Florida Statutes, is created
880 to read:

881 409.998 Child and family well-being.-

882 (1) LEGISLATIVE FINDINGS AND INTENT.-

883 (a) The Legislature finds that every child deserves a safe,
884 stable, and permanent family and that all families deserve the
885 opportunities and supports to raise their children safely and
886 successfully in their own homes and communities.

887 (b) The Legislature also finds that families are our
888 greatest asset in ensuring that all children are safe and have
889 what they need to thrive and succeed, and there is evidence
890 that, with appropriate support, many families can remain safely
891 together without court involvement or traumatic separations.

892 (c) The Legislature further finds that the state's current
893 child welfare system and practices do not always align with
894 current research related to the needs of children and families.

895 (d) It is the intent of the Legislature that the state
896 establish a child and family well-being system that shifts the
897 focus from child welfare to child well-being by allowing all



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898 sectors of a community and the state to work together to
899 reallocate resources into services and supports that reduce the
900 need for out-of-home care and that improve the well-being of
901 children and families.

902 (2) ESTABLISHMENT OF PROGRAM.—The department shall
903 establish a program that consists of a child and family well-
904 being system to serve children and their families through a
905 contract with a designated lead agency operating in accordance
906 with s. 409.987. The lead agency shall carry out all
907 programmatic functions necessary to fulfill the intent of this
908 section. As used in this section, the term "child and family
909 well-being system" means a system that recognizes the difference
910 between poverty and neglect and that provides mentoring and
911 supports to biological parents as they develop the skills and
912 resources necessary to adequately care for their children.

913 (3) PROGRAM REQUIREMENTS.—The creation of a child and
914 family well-being system requires a fundamental change that
915 refocuses all aspects of child welfare on supporting the
916 family's role in caring for children. Successful implementation
917 will result in a community-based network of support where the
918 trauma of child removal is prevented and children are thriving
919 in their own safe, permanent, and nurturing families. The
920 designated lead agency shall collaborate with national experts
921 that specialize in child welfare systems change to create a
922 program that is required to do all of the following:

923 (a) Designate lead agency leadership that will identify a
924 core group of agency individuals to develop a plan for creating
925 necessary change in the way the agency works.

926 (b) Recognize that change of this magnitude is difficult



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927 and time-consuming and determine steps necessary to attend to
928 the well-being of individuals involved early on in the process
929 to reduce undesired staff turnover and burnout and increase
930 staff satisfaction and well-being.

931 (c) Develop a plan for creating a change in the way all
932 partners in the process think about how to best keep families
933 and children safe and together.

934 (d) Build working relationships throughout the process of
935 change, including some unexpected or unconventional partners,
936 allies, and mentors in the community.

937 (e) Provide regular and ongoing opportunities for the
938 workforce to interact to discuss new ideas and principles that
939 are needed for change to become permanent.

940 (f) Redirect resources toward primary prevention and away
941 from removing children from their families.

942 (4) IMPLEMENTATION.—The department shall, in collaboration
943 with the designated lead agency, the community alliance, and the
944 Florida Institute for Child Welfare, design, implement, and
945 evaluate the program requirements specified in subsection (3).

946 (5) REPORTING REQUIREMENTS.—By October 1, 2021, and
947 annually thereafter, the Florida Institute for Child Welfare
948 shall submit a report to the Governor, the President of the
949 Senate, and the Speaker of the House of Representatives which
950 evaluates the child and family well-being program, including,
951 but not limited to, whether the program is in compliance with
952 this section and the outcomes of the children served by the
953 child and family well-being program.

954 Section 11. This act shall take effect July 1, 2021.