

By Senator Bean

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1 A bill to be entitled
2 An act relating to the Department of Children and
3 Families; amending s. 20.19, F.S.; requiring the
4 department to establish community alliances in each
5 community-based care lead agency service area;
6 requiring community alliances to adopt certain bylaws;
7 revising the membership of community alliances;
8 amending s. 39.4015, F.S.; requiring, rather than
9 authorizing, the department to develop a family-
10 finding program; removing the limitation that the
11 development of family-finding programs is subject to
12 available resources; requiring that family finding
13 begin as soon as a child is taken into custody of the
14 department; making technical changes; amending s.
15 39.4087, F.S.; requiring the department to treat
16 caregivers in a specified manner; requiring the
17 department to provide certain information to and
18 training for caregivers of children in foster care;
19 removing the requirement that such information be
20 provided subject to available resources; expanding
21 certain information that is required to be fully
22 disclosed to the caregivers to include the child's
23 issues related to behavioral health; making technical
24 changes; amending s. 39.5086, F.S.; removing the
25 limitation that the development of kinship navigator
26 programs is subject to available resources; requiring,
27 rather than authorizing, each community-based care
28 lead agency to establish a kinship navigator program;
29 amending s. 394.9082, F.S.; requiring the department

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

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59 directors to address the activity under certain
60 timelines; providing for certain consequences for
61 failure to obtain a board's approval or failure to
62 properly disclose a contract as a conflict of
63 interest; amending s. 409.988, F.S.; deleting a
64 requirement that lead agencies post their current
65 budgets on their websites; requiring a lead agency to
66 demonstrate the ability to adhere to all best child
67 welfare practices; amending s. 409.992, F.S.; defining
68 the term "employee"; revising a limitation on salaries
69 of community-based care lead agency employees;
70 requiring that contracts and amendments to existing
71 contracts between the department and lead agencies
72 include a specified provision; amending s. 409.996,
73 F.S.; requiring that contracts between the department
74 and lead agencies provide information to the
75 department which specifies how the lead agency will
76 adhere to all best child welfare practices; requiring
77 the department to collect and post on its website
78 specified information relating to contracts between
79 lead agencies and the department; creating s. 409.998,
80 F.S.; providing legislative findings and intent;
81 requiring the department to establish a program that
82 consists of a child and family well-being system;
83 requiring the designated lead agency to carry out
84 programmatic functions; defining the term "child and
85 family well-being system"; specifying program
86 requirements; requiring the department, in
87 collaboration with specified entities, to design,

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88 implement, and evaluate the program requirements;
89 requiring the Florida Institute for Child Welfare, by
90 a specified date, to annually submit a report to the
91 Governor and the Legislature; providing an effective
92 date.

93

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

95

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

98 20.19 Department of Children and Families.—There is created
99 a Department of Children and Families.

100 (5) COMMUNITY ALLIANCES.—

101 (a) The department shall, in consultation with local
102 communities, establish a community alliance ~~or similar group~~ of
103 the stakeholders, community leaders, client representatives, and
104 funders of human services in each community-based care lead
105 agency service area ~~county~~ to provide a focal point for
106 community participation and governance of community-based
107 services. ~~An alliance may cover more than one county when such~~
108 ~~arrangement is determined to provide for more effective~~
109 ~~representation.~~ The community alliance shall represent the
110 diversity of the community.

111 (d) Each community alliance shall adopt bylaws to determine
112 the specific membership composition that best represents the
113 local community served by that community alliance. The
114 membership of a ~~the~~ community alliance must ~~in a county shall at~~
115 ~~a minimum~~ be composed of no more than 20 members selected from
116 the following:

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117 1. A representative from the department.

118 2. Representatives ~~A representative~~ from local county
119 government.

120 3. Representatives ~~A representative~~ from the school
121 district.

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

123 5. Representatives ~~A representative~~ from ~~the~~ county
124 sheriffs' offices ~~sheriff's office~~.

125 6. A representative from each ~~the~~ circuit court in the lead
126 agency service area ~~corresponding to the county~~.

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

129 8. A representative of a faith-based organization involved
130 in efforts to prevent child maltreatment, strengthen families,
131 or promote adoption.

132 (e) The community alliance shall adopt bylaws that allow
133 for the ~~and may increase the~~ membership of the alliance to be
134 increased to no more than 30 members if, in the judgment of the
135 alliance, such change is necessary to adequately represent the
136 diversity of the population within the community alliance
137 service circuits. The additional membership may ~~to~~ include the
138 state attorney for the judicial circuit in which the community
139 alliance is located, or his or her designee; ~~;~~ the public
140 defender for the judicial circuit in which the community
141 alliance is located, or his or her designee; or, ~~and~~ other
142 individuals and organizations who otherwise represent
143 perspectives that will enable the community alliance to
144 accomplish the duties specified in paragraph (b). Such
145 individuals and organizations may include, but need not be

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146 limited to, ~~represent~~ funding organizations, ~~are~~ community
147 leaders, and individuals who have knowledge of community-based
148 service issues, ~~or otherwise represent perspectives that will~~
149 ~~enable them to accomplish the duties listed in paragraph (b),~~
150 ~~if, in the judgment of the alliance, such change is necessary to~~
151 ~~adequately represent the diversity of the population within the~~
152 ~~community alliance service circuits.~~

153 Section 2. Subsection (3) of section 39.4015, Florida
154 Statutes, is amended to read:

155 39.4015 Family finding.—

156 (3) FAMILY-FINDING PROGRAM. ~~Subject to available resources,~~
157 The department, in collaboration with sheriffs' offices that
158 conduct child protective investigations and community-based care
159 lead agencies, shall ~~may~~ develop a formal family-finding program
160 to be implemented by child protective investigators and
161 community-based care lead agencies ~~as resources permit.~~

162 (a) Family finding shall ~~may~~ begin as soon as a child is
163 taken into custody of the department, pursuant to s. 39.401, and
164 throughout the duration of the case as necessary, finding and
165 engaging with as many family members and fictive kin as possible
166 for each child who may help with care or support for the child.
167 The department or community-based care lead agency must
168 specifically document strategies taken to locate and engage
169 relatives and fictive kin. Strategies of engagement may include,
170 but are not limited to, asking the relatives and fictive kin to:

171 1. Participate in a family group decision-making
172 ~~decisionmaking~~ conference, family team conferencing, or other
173 family meetings aimed at developing or supporting the family
174 service plan;

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- 175 2. Attend visitations with the child;
176 3. Assist in transportation of the child;
177 4. Provide respite or child care services; or
178 5. Provide actual kinship care.

179 (b) The family-finding ~~family finding~~ program shall provide
180 the department and the community-based care lead agencies with
181 best practices for identifying family and fictive kin. The
182 family-finding ~~family finding~~ program must use diligent efforts
183 in family finding and, must continue those efforts until
184 multiple relatives and fictive kin are identified, ~~and must go~~
185 ~~beyond basic searching tools by exploring alternative tools and~~
186 ~~methodologies.~~ Family-finding ~~Family finding~~ efforts by the
187 department and the community-based care lead agency may include,
188 but are not limited to:

- 189 1. Searching for and locating adult relatives and fictive
190 kin.
191 2. Identifying and building positive connections between
192 the child and the child's relatives and fictive kin.
193 3. Supporting the engagement of relatives and fictive kin
194 in social service planning and delivery of services and creating
195 a network of extended family support to assist in remedying the
196 concerns that led to the child becoming involved with the child
197 welfare system, when appropriate.
198 4. Maintaining family connections, when possible.
199 5. Keeping siblings together in care, when in the best
200 interest of each child and when possible.

201 (c) To be compliant with this section, family-finding
202 efforts must go beyond basic searching tools by exploring
203 alternative tools and methodologies. A basic computer search

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204 using the Internet or attempts to contact known relatives at a
205 last known address or telephone number do not constitute
206 effective family finding.

207 Section 3. Section 39.4087, Florida Statutes, is amended to
208 read:

209 39.4087 Department ~~goals and~~ requirements relating to
210 caregivers; dispute resolution.-

211 (1) To provide the best care to children, the Legislature
212 requires ~~establishes as goals for~~ the department to treat foster
213 parents, kinship caregivers, and nonrelative caregivers with
214 dignity, respect, and trust while ensuring delivery of child
215 welfare services is focused on the best interest of the child.
216 To that end, regarding foster parents, kinship caregivers, and
217 nonrelative caregivers caring for dependent children in their
218 home, to the extent not otherwise prohibited by state or federal
219 law ~~and to the extent of current resources~~, the department is
220 required to do all of the following ~~will strive to~~:

221 (a) Provide a clear explanation to a caregiver on the role
222 of the department, the role of the child's biological family as
223 it relates to the delivery of child welfare services, and the
224 rights and responsibilities of the caregiver.

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

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

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233 ~~a.1.~~ Any issues relative to the child that may jeopardize
234 the health and safety of the caregiver or other individuals
235 residing in the household or alter the manner in which the
236 caregiver would normally provide care.

237 ~~b.2.~~ Any delinquency or criminal record of the child,
238 including, but not limited to, any pending petitions or
239 adjudications of delinquency when the conduct constituting the
240 delinquent act, if committed by an adult, would constitute
241 murder in the first degree, murder in the second degree, rape,
242 robbery, or kidnapping.

243 ~~c.3.~~ Information about any physical or sexual abuse the
244 child has experienced.

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

247 ~~e.5.~~ With parental consent to the extent required by law,
248 any known health history and medical, psychological, or
249 behavioral ~~mental~~ health issues or needs of the child,
250 including, but not limited to, current infectious diseases the
251 child has or any episodes of hospitalization due to mental or
252 physical illness.

253 2. A caregiver must maintain the confidentiality of any
254 information as required by law.

255 (d) Allow caregivers to communicate with professionals who
256 work with the child, including, but not limited to, therapists
257 and other behavioral health professionals, physicians and other
258 health care professionals, and teachers.

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

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

264 (g) Provide a clear, written explanation to a caregiver of
265 any plan concerning the placement of a child in the caregiver's
266 home. If a plan was not developed before the placement, the
267 department must provide a clear, written explanation to the
268 caregiver once the plan is developed.

269 (h) Provide information, when it becomes available, on any
270 emergency situation that requires a child to be placed in the
271 caregiver's home.

272 (i) Allow a caregiver to request the removal of a child
273 from the home without retaliation. However, the caregiver must
274 be open to receiving training or other support services that may
275 mitigate the need for the child's removal. If removal occurs,
276 the caregiver shall cooperate with any transition that is in the
277 best interest of the child to the extent that doing so is safe
278 for the caregiver and other individuals in the caregiver's home.

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

282 (k) Give at least 7 days' notice to a caregiver, to the
283 extent possible, of any meeting or court hearing related to a
284 child in his or her care. The notice must ~~shall~~ include, at
285 minimum, ~~but is not limited to~~, the name of the judge or hearing
286 officer, the docket number, and the purpose and location of the
287 hearing or meeting. If the department is providing such
288 information to a child's biological parent, the department shall
289 provide notice to the caregiver at the same time as the
290 biological parent.

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291 (1) ~~If the caregiver agrees,~~ Consider the caregiver as a
292 placement option for a child if such child, who was formerly
293 placed with the caregiver, reenters out-of-home care and the
294 caregiver agrees to the child being placed with the caregiver
295 upon reentry ~~and reenters out-of-home care.~~

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

298 (n) Upon request, provide a caregiver with copies of all
299 information in the department's records relating to the
300 caregiver.

301 (2) (a) If a caregiver believes that the department, an
302 employee of the department, an agency under contract with the
303 department, or an employee of such agency has violated this
304 section, and that the violation has harmed or could harm a child
305 who is or was in the custody of the department, or that the
306 violation inhibited the caregiver's ability to meet the child's
307 needs as set forth in the case plan, the caregiver may notify
308 the liaison assigned to the caregiver or the child's case
309 manager. The liaison or case manager must make every attempt to
310 resolve the dispute.

311 (b) If a caregiver believes the dispute is not adequately
312 resolved by the case manager, the caregiver or the liaison for
313 the caregiver may contact the supervisor of the liaison or the
314 supervisor of the case manager. If the caregiver or the liaison
315 for the caregiver contacts a supervisor in writing, he or she
316 may copy the department on the communication, and the department
317 shall maintain a record of any such communication received.

318 (c) If a caregiver believes that the supervisor of the
319 liaison or the supervisor of the case manager did not adequately

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320 resolve the dispute, the caregiver may contact the department,
321 and the department must conduct a review and respond to the
322 caregiver in writing within 30 days after being contacted.

323 Section 4. Paragraph (b) of subsection (2) of section
324 39.5086, Florida Statutes, is amended to read:

325 39.5086 Kinship navigator programs.—

326 (2) PURPOSE AND SERVICES.—

327 (b) ~~Subject to available resources,~~ Each community-based
328 care lead agency shall ~~may~~ establish a kinship navigator program
329 that:

330 1. Coordinates with other state or local agencies that
331 promote service coordination or provide information and referral
332 services, including any entities that participate in the Florida
333 211 Network, to avoid duplication or fragmentation of services
334 to kinship care families;

335 2. Is planned and operated in consultation with kinship
336 caregivers and organizations representing them, youth raised by
337 kinship caregivers, relevant governmental agencies, and relevant
338 community-based or faith-based organizations;

339 3. Has a toll-free telephone hotline to provide information
340 to link kinship caregivers, kinship support group facilitators,
341 and kinship service providers to:

342 a. One another;

343 b. Eligibility and enrollment information for federal,
344 state, and local benefits;

345 c. Relevant training to assist kinship caregivers in
346 caregiving and in obtaining benefits and services; and

347 d. Relevant knowledge related to legal options available
348 for child custody, other legal assistance, and help in obtaining

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349 legal services.

350 4. Provides outreach to kinship care families, including by
351 establishing, distributing, and updating a kinship care website,
352 or other relevant guides or outreach materials; and

353 5. Promotes partnerships between public and private
354 agencies, including schools, community-based or faith-based
355 organizations, and relevant governmental agencies, to increase
356 their knowledge of the needs of kinship care families to promote
357 better services for those families.

358 Section 5. Present paragraphs (f) through (j) of subsection
359 (4) of section 394.9082, Florida Statutes, are redesignated as
360 paragraphs (h) through (l), respectively, paragraph (m) is added
361 to subsection (3) and new paragraphs (f) and (g) are added to
362 subsection (4) of that section, and paragraph (a) of subsection
363 (6) of that section is amended, to read:

364 394.9082 Behavioral health managing entities.—

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

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

369 1. Current salaries, bonuses, and other compensation paid,
370 by position, for any employee who receives a salary from state-
371 appropriated funds, including state-appropriated federal funds,
372 whether base pay or base pay combined with any bonus or
373 incentive payments, in excess of 100 percent of the annual
374 salary paid to the secretary of the Department of Children and
375 Families. For purposes of this subparagraph, the term "employee"
376 includes, but is not limited to, the chief executive officer,
377 chief financial officer, and chief operating officer, or any

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378 other executive staff of the managing entity.

379 2. Annual expenses, reported as both a percentage of total
380 managing entity funds and as a total dollar amount, as follows:

381 a. Program expenses, including, but not limited to, costs
382 directly related to carrying out the managing entity's mission,
383 which result in services being provided;

384 b. Administrative expenses, including, but not limited to,
385 costs of board of director meetings, general legal services,
386 accounting, insurance, office management, auditing, human
387 resources, and other centralized services; and

388 c. Fundraising expenses, including, but not limited to,
389 costs for publicizing and conducting fundraising campaigns,
390 maintaining donor mailing lists, conducting special fundraising
391 events, and any other activities that involve soliciting
392 contributions.

393 (4) CONTRACT WITH MANAGING ENTITIES.-

394 (f)1. For purposes of this paragraph, the term "employee"
395 includes, but is not limited to, the chief executive officer,
396 chief financial officer, and chief operating officer, or any
397 other executive staff of the managing entity.

398 2. Notwithstanding any other law, a managing entity
399 employee may not receive a salary from state-appropriated funds,
400 including state-appropriated federal funds, whether base pay or
401 base pay combined with any bonus or incentive payments,
402 including the base pay or base pay combined with any bonus or
403 incentive payments received as a result of employment with more
404 than one community-based care lead agency or managing entity, in
405 excess of 100 percent of the annual salary paid to the secretary
406 of the Department of Children and Families.

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407 3. This paragraph does not prohibit any party from
408 providing cash that is not from appropriated state funds to a
409 managing entity employee.

410 (g) Upon the execution of a new contract or in any
411 amendment to an existing contract, the department shall include
412 a provision that includes the limitation on compensation
413 specified in paragraph (f).

414 (6) NETWORK ACCREDITATION AND SYSTEMS COORDINATION
415 AGREEMENTS.—

416 (a)1. The department shall identify acceptable
417 accreditations which address coordination within a network and,
418 if possible, between the network and major systems and programs
419 with which the network interacts, such as the child welfare
420 system, the courts system, and the Medicaid program. In
421 identifying acceptable accreditations, the department shall
422 consider whether the accreditation facilitates integrated
423 strategic planning, resource coordination, technology
424 integration, performance measurement, and increased value to
425 consumers through choice of and access to services, improved
426 coordination of services, and effectiveness and efficiency of
427 service delivery.

428 2. All managing entities under contract with the state by
429 July 1, 2016, shall earn accreditation deemed acceptable by the
430 department pursuant to subparagraph 1. by June 30, 2019.
431 Managing entities whose initial contract with the state is
432 executed after July 1, 2016, shall earn network accreditation
433 within 3 years after the contract execution date. Pursuant to
434 paragraph (4) (1) ~~(4) (j)~~, the department may continue the
435 contract of a managing entity under contract as of July 1, 2016,

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436 that earns the network accreditation within the required
437 timeframe and maintains it throughout the contract term.

438 Section 6. Section 394.90825, Florida Statutes, is created
439 to read:

440 394.90825 Boards of managing entities; conflicts of
441 interest.—

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

443 (a) "Activity" includes, but is not limited to, a contract
444 for goods and services, a contract for the purchase of any real
445 or tangible property, or an agreement to engage with the
446 managing entity for the benefit of a third party in exchange for
447 an interest in real or tangible property, a monetary benefit, or
448 an in-kind contribution.

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

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

454 2. Holds a direct or indirect interest in a corporation,
455 limited liability corporation, partnership, limited liability
456 partnership, or other business entity that conducts business
457 with the managing entity or proposes to enter into a contract or
458 other transaction with the managing entity. For purposes of this
459 paragraph, "indirect interest" has the same meaning as provided
460 in s. 112.312.

461 3. Knowingly obtains a direct or indirect personal,
462 financial, professional, or other benefit as a result of the
463 relationship of such member or officer, or relative of the
464 member or officer, with the managing entity. For purposes of

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

468 (c) "Managing entity" has the same meaning as in s.
469 394.9082.

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

472 (2) (a) For any activity that is presented to the board of a
473 managing entity for its initial consideration and approval after
474 July 1, 2021, or any activity that involves a contract that is
475 being considered for renewal on or after July 1, 2021, and
476 before January 1, 2022, a board member or an officer of a
477 managing entity shall disclose to the board any activity that
478 may reasonably be construed to be a conflict of interest before
479 such activity is initially considered and approved or renewed by
480 the board. A rebuttable presumption of a conflict of interest
481 exists if the activity was acted upon by the board without prior
482 notice as required under subsection (3).

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

488 (3) (a) If a board member or an officer, or a relative of a
489 member or an officer, proposes to engage in an activity as
490 described in (2) (a), the proposed activity must be listed on the
491 meeting agenda for the next general or special meeting of the
492 members, and copies of all contracts and transactional documents
493 related to the proposed activity must be included in the agenda.

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494 The meeting agenda must clearly identify the existence of a
495 potential conflict of interest for the proposed activity. Before
496 a member or an officer, or a relative of a member or an officer,
497 engages in the proposed activity, the activity and contract or
498 other transaction documents must be approved by an affirmative
499 vote of two-thirds of all other members present.

500 (b) If a member or an officer notifies the board of a
501 potential conflict of interest with the member or officer, or a
502 relative of the member or officer, under an existing contract as
503 described in paragraph (2) (b), the board must notice the
504 activity on a meeting agenda for the next general or special
505 meeting of the members, and copies of all contracts and
506 transactional documents related to the activity must be
507 attached. The meeting agenda must clearly identify the existence
508 of a potential conflict of interest. The board must be given the
509 opportunity to approve or disapprove the conflict of interest by
510 a vote of two-thirds of all other members present.

511 (4) (a) If the board votes against the proposed activity
512 pursuant to paragraph (3) (a), the board member or officer, or
513 the relative of the member or officer, must notify the board in
514 writing of his or her intention, or his or her relative's
515 intention, not to pursue the proposed activity, or the member or
516 officer shall withdraw from office before the next scheduled
517 board meeting. If the board finds that an officer or a member
518 has violated this paragraph, the officer or member shall be
519 deemed removed from office before the next scheduled board
520 meeting.

521 (b) In the event that the board does not approve of a
522 conflict of interest as required in paragraph (3) (b), the

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523 parties to the activity may opt to cancel the activity or, in
524 the alternative, the member or officer must resign from the
525 board before the next scheduled board meeting. If the activity
526 cancelled is a contract, the managing entity is only liable for
527 the reasonable value of the goods and services provided up to
528 the time of cancellation and is not liable for any termination
529 fee, liquidated damages, or other form of penalty for such
530 cancellation.

531 (5) A board member or an officer, or a relative of a member
532 or an officer, who is a party to, or has an interest in, an
533 activity that is a possible conflict of interest may attend the
534 meeting at which the activity is considered by the board and is
535 authorized to make a presentation to the board regarding the
536 activity. After the presentation, the member or officer, or the
537 relative of the member or officer, shall leave the meeting
538 during the discussion of, and the vote on, the activity. A
539 member or an officer who is a party to, or has an interest in,
540 the activity shall recuse himself or herself from the vote.

541 (6) A contract entered into between a board member or an
542 officer, or a relative of a member or an officer, and the
543 managing entity which has not been properly disclosed as a
544 conflict of interest or potential conflict of interest under
545 this section is voidable and terminates upon the filing of a
546 written notice terminating the contract with the board of
547 directors which contains the consent of at least 20 percent of
548 the voting interests of the managing entity.

549 Section 7. Section 409.987, Florida Statutes, is amended to
550 read:

551 409.987 Lead agency procurement; boards; conflicts of

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552 interest.—

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

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

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

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

563 (a) Be organized as a Florida corporation or a governmental
564 entity.

565 (b) Be governed by a board of directors or a board
566 committee composed of board members. The membership of the board
567 of directors or board committee must be described in the bylaws
568 or articles of incorporation of each lead agency, which must
569 provide that at least 75 percent of the membership of the board
570 of directors or board committee must consist of persons residing
571 in this state, and at least 51 percent of the state residents on
572 the board of directors must reside within the service area of
573 the lead agency. However, for procurements of lead agency
574 contracts initiated on or after July 1, 2014:

575 1. At least 75 percent of the membership of the board of
576 directors must consist of persons residing in this state, and at
577 least 51 percent of the membership of the board of directors
578 must consist of persons residing within the service area of the
579 lead agency. If a board committee governs the lead agency, 100
580 percent of its membership must consist of persons residing

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581 within the service area of the lead agency.

582 2. The powers of the board of directors or board committee
583 include, but are not limited to, approving the lead agency's
584 budget and setting the lead agency's operational policy and
585 procedures. A board of directors must additionally have the
586 power to hire the lead agency's executive director, unless a
587 board committee governs the lead agency, in which case the board
588 committee must have the power to confirm the selection of the
589 lead agency's executive director.

590 (c) Demonstrate financial responsibility through an
591 organized plan for regular fiscal audits and the posting of a
592 performance bond.

593 (5) The department's procurement team procuring any lead
594 agencies' contracts must include individuals from the community
595 alliance in the area to be served under the contract. All
596 meetings at which vendors make presentations to or negotiate
597 with the procurement team shall be held in the area to be served
598 by the contract.

599 (6) In communities where conditions make it impossible or
600 not feasible to competitively contract with a lead agency, the
601 department shall develop an alternative plan, in collaboration
602 with the local community alliance, that may include establishing
603 an innovative consortia of partners which may include, but is
604 not limited to, private entities, local and county governmental
605 entities, and the department. The plan must detail how the
606 community will continue to implement community-based care
607 through competitively procuring either the specific components
608 of foster care and related services or comprehensive services
609 for defined eligible populations of children and families from

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610 qualified licensed agencies as part of the community's efforts
611 to develop the local capacity for a community-based system of
612 coordinated care. The plan must ensure local control over the
613 management and administration of the service provision in
614 accordance with the intent of this section and may adhere to
615 recognized best business practices, including, but not limited
616 to, the use of public or private partnerships.

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

618 1. "Activity" includes, but is not limited to, a contract
619 for goods and services, a contract for the purchase of any real
620 or tangible property, or an agreement to engage with the lead
621 agency for the benefit of a third party in exchange for an
622 interest in real or tangible property, a monetary benefit, or an
623 in-kind contribution.

624 2. "Conflict of interest" means when a board member or an
625 officer, or a relative of a member or an officer, of the lead
626 agency does any of the following:

627 a. Enters into a contract or other transaction for goods or
628 services with the lead agency.

629 b. Holds a direct or indirect interest in a corporation,
630 limited liability corporation, partnership, limited liability
631 partnership, or other business entity that conducts business
632 with the lead agency or proposes to enter into a contract or
633 other transaction with the lead agency. For purposes of this
634 subparagraph, "indirect interest" has the same meaning as
635 provided in s. 112.312.

636 c. Knowingly obtains a direct or indirect personal,
637 financial, professional, or other benefit as a result of the
638 relationship of such member or officer, or relative of the

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639 member or officer, with the lead agency. For purposes of this
640 subparagraph, the term "benefits" does not include per diem and
641 travel expenses paid or reimbursed to board members in
642 connection with their service on the board.

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

645 (b)1. For any activity that is presented to the board for
646 its initial consideration and approval on or after July 1, 2021,
647 or any activity that involves a contract which is being
648 considered for renewal on or after July 1, 2021, and before
649 January 1, 2022, a board member or an officer of a lead agency
650 must disclose to the board any activity that may reasonably be
651 construed to be a conflict of interest before such activity is
652 initially considered and approved or renewed by the board. A
653 rebuttable presumption of a conflict of interest exists if the
654 activity was acted upon by the board without prior notice, as
655 required in paragraph (c).

656 2. For contracts with a lead agency which are in existence
657 on July 1, 2021, and are not subject to renewal before January
658 1, 2022, a board member or officer shall disclose to the board
659 any activity that may reasonably be construed to be a conflict
660 of interest under this section by December 31, 2021.

661 (c)1. If a member or an officer, or a relative of a member
662 or an officer, proposes to engage in an activity that is covered
663 by subparagraph (b)1., the proposed activity must be listed on
664 the meeting agenda for the next general or special meeting of
665 the members, and copies of all contracts and transactional
666 documents related to the proposed activity must be included in
667 the agenda. The meeting agenda must clearly identify the

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668 existence of a potential conflict of interest for the proposed
669 activity. Before a member or an officer, or a relative of a
670 member or an officer, engages in the proposed activity, the
671 activity and contract or other transaction documents must be
672 approved by an affirmative vote of two-thirds of all other
673 members present.

674 2. If a member or an officer notifies the board of a
675 potential conflict of interest with the member or officer, or a
676 relative of the member or officer, under an existing contract as
677 described in subparagraph (b)2., the board must notice the
678 activity on a meeting agenda for the next general or special
679 meeting of the members, and copies of all contracts and
680 transactional documents related to the activity must be
681 attached. The meeting agenda must clearly identify the existence
682 of a potential conflict of interest. The board must be given the
683 opportunity to approve or disapprove of the conflict of interest
684 by a vote of two-thirds of all other members present.

685 (d)1. If the board votes against the proposed activity
686 pursuant to subparagraph (c)1., the member or officer, or the
687 relative of the member or officer, must notify the board in
688 writing of his or her intention, or his or her relative's
689 intention, not to pursue the proposed activity, or the member or
690 officer shall withdraw from office before the next scheduled
691 board meeting. If the board finds that an officer or a member
692 has violated this subparagraph, the officer or member shall be
693 deemed removed from office before the next scheduled board
694 meeting.

695 2. In the event that the board does not approve of a
696 conflict as required in subparagraph (c)2., the parties to the

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697 activity may opt to cancel the activity or, in the alternative,
698 the member or officer must resign from the board before the next
699 scheduled board meeting. If the activity canceled is a contract,
700 the lead agency is only liable for the reasonable value of the
701 goods and services provided up to the time of cancellation and
702 is not liable for any termination fee, liquidated damages, or
703 other form of penalty for such cancellation.

704 (e) A member or an officer, or a relative of a member or an
705 officer, who is a party to, or has an interest in, an activity
706 that is a possible conflict of interest may attend the meeting
707 at which the activity is considered by the board and is
708 authorized to make a presentation to the board regarding the
709 activity. After the presentation, the member or officer, or the
710 relative of the member or officer, must leave the meeting during
711 the discussion of, and the vote on, the activity. A member or an
712 officer who is a party to, or has an interest in, the activity
713 must recuse himself or herself from the vote.

714 (f) A contract entered into between a member or an officer,
715 or a relative of a member or an officer, and the lead agency
716 which has not been properly disclosed as a conflict of interest
717 or potential conflict of interest under this subsection is
718 voidable and terminates upon the filing of a written notice
719 terminating the contract with the board of directors which
720 contains the consent of at least 20 percent of the voting
721 interests of the lead agency.

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

724 409.988 Lead agency duties; general provisions.—

725 (1) DUTIES.—A lead agency:

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726 (a) Shall serve all children referred as a result of a
727 report of abuse, neglect, or abandonment to the department's
728 central abuse hotline, including, but not limited to, children
729 who are the subject of verified reports and children who are not
730 the subject of verified reports but who are at moderate to
731 extremely high risk of abuse, neglect, or abandonment, as
732 determined using the department's risk assessment instrument,
733 regardless of the level of funding allocated to the lead agency
734 by the state if all related funding is transferred. The lead
735 agency may also serve children who have not been the subject of
736 reports of abuse, neglect, or abandonment, but who are at risk
737 of abuse, neglect, or abandonment, to prevent their entry into
738 the child protection and child welfare system.

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

742 (c) Shall follow the financial guidelines developed by the
743 department and provide for a regular independent auditing of its
744 financial activities. Such financial information shall be
745 provided to the community alliance established under s.
746 20.19(5).

747 ~~(d) Shall post on its website the current budget for the~~
748 ~~lead agency, including the salaries, bonuses, and other~~
749 ~~compensation paid, by position, for the agency's chief executive~~
750 ~~officer, chief financial officer, and chief operating officer,~~
751 ~~or their equivalents.~~

752 ~~(e)~~ Shall prepare all judicial reviews, case plans, and
753 other reports necessary for court hearings for dependent
754 children, except those related to the investigation of a

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755 referral from the department's child abuse hotline, and shall
756 submit these documents timely to the department's attorneys for
757 review, any necessary revision, and filing with the court. The
758 lead agency shall make the necessary staff available to
759 department attorneys for preparation for dependency proceedings,
760 and shall provide testimony and other evidence required for
761 dependency court proceedings in coordination with the
762 department's attorneys. This duty does not include the
763 preparation of legal pleadings or other legal documents, which
764 remain the responsibility of the department.

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

767 1. Appropriate training and meet the minimum employment
768 standards established by the department. Appropriate training
769 shall include, but is not limited to, training on the
770 recognition of and responses to head trauma and brain injury in
771 a child under 6 years of age developed by the Child Protection
772 Team Program within the Department of Health.

773 2. Contact information for the local mobile response team
774 established under s. 394.495.

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

777 (g) Shall demonstrate the ability to adhere to all best
778 child welfare practices pursuant to ss. 39.4087, 39.523,
779 409.1415, and 409.145.

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

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784 (i) Shall comply with federal and state statutory
785 requirements and agency rules in the provision of contractual
786 services.

787 (j) May subcontract for the provision of services required
788 by the contract with the lead agency and the department;
789 however, the subcontracts must specify how the provider will
790 contribute to the lead agency meeting the performance standards
791 established pursuant to the child welfare results-oriented
792 accountability system required by s. 409.997. The lead agency
793 shall directly provide no more than 35 percent of all child
794 welfare services provided unless it can demonstrate a need,
795 within the lead agency's geographic service area, to exceed this
796 threshold. The local community alliance in the geographic
797 service area in which the lead agency is seeking to exceed the
798 threshold shall review the lead agency's justification for need
799 and recommend to the department whether the department should
800 approve or deny the lead agency's request for an exemption from
801 the services threshold. If there is not a community alliance
802 operating in the geographic service area in which the lead
803 agency is seeking to exceed the threshold, such review and
804 recommendation shall be made by representatives of local
805 stakeholders, including at least one representative from each of
806 the following:

- 807 1. The department.
- 808 2. The county government.
- 809 3. The school district.
- 810 4. The county United Way.
- 811 5. The county sheriff's office.
- 812 6. The circuit court corresponding to the county.

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813 7. The county children's board, if one exists.

814 (k) Shall post on its website by the 15th day of each month
815 at a minimum the information contained in subparagraphs 1.-4.
816 for the preceding calendar month regarding its case management
817 services. The following information shall be reported by each
818 individual subcontracted case management provider, by the lead
819 agency, if the lead agency provides case management services,
820 and in total for all case management services subcontracted or
821 directly provided by the lead agency:

822 1. The average caseload of case managers, including only
823 filled positions;

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

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

827 4. Performance on outcome measures required pursuant to s.
828 409.997 for the previous 12 months.

829 (l) Shall identify an employee to serve as a liaison with
830 the community alliance and community-based and faith-based
831 organizations interested in collaborating with the lead agency
832 or offering services or other assistance on a volunteer basis to
833 the children and families served by the lead agency. The lead
834 agency shall ensure that appropriate lead agency staff and
835 subcontractors, including, but not limited to, case managers,
836 are informed of the specific services or assistance available
837 from community-based and faith-based organizations.

838 Section 9. Subsection (3) of section 409.992, Florida
839 Statutes, is amended, and subsection (5) is added to that
840 section, to read:

841 409.992 Lead agency expenditures.—

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842 (3) (a) For purposes of this subsection, the term "employee"
843 includes, but is not limited to, the chief executive officer,
844 chief financial officer, and chief operating officer, or any
845 other executive staff of the community-based care lead agency.

846 (b) Notwithstanding any other ~~provision of law,~~ a
847 community-based care lead agency ~~administrative~~ employee may not
848 receive a salary ~~from state-appropriated funds, including state-~~
849 appropriated federal funds, whether base pay or base pay
850 combined with any bonus or incentive payments, ~~including the~~
851 base pay or base pay combined with any bonus or incentive
852 payments received as a result of employment with more than one
853 community-based care lead agency or managing entity, in excess
854 of ~~100~~ 150 percent of the annual salary paid to the secretary of
855 the Department of Children and Families ~~from state-appropriated~~
856 funds, ~~including state-appropriated federal funds.~~

857 (c) This subsection does not prohibit any party from
858 providing cash that is not from appropriated state funds to a
859 community-based care lead agency ~~administrative~~ employee.

860 (5) Upon the execution of a new contract or in any
861 amendment to an existing contract with a lead agency, the
862 department shall include a provision that includes the
863 limitation on compensation specified in subsection (3).

864 Section 10. Present subsections (3) through (25) of section
865 409.996, Florida Statutes, are redesignated as subsections (4)
866 through (26), respectively, a new subsection (3) is added to
867 that section, and subsections (1) and (2) and paragraph (d) of
868 present subsection (25) are amended, to read:

869 409.996 Duties of the Department of Children and Families.—
870 The department shall contract for the delivery, administration,

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871 or management of care for children in the child protection and
872 child welfare system. In doing so, the department retains
873 responsibility for the quality of contracted services and
874 programs and shall ensure that, at a minimum, services are
875 delivered in accordance with applicable federal and state
876 statutes and regulations and the performance standards and
877 metrics specified in the strategic plan created under s.
878 20.19(1).

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

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

885 (b) Provide information to the department which specifies
886 how the lead agency will adhere to all best child welfare
887 practices pursuant to ss. 39.4087, 39.523, 409.1415, and
888 409.145.

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

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

- 897 1. Enhanced monitoring and reporting.
898 2. Corrective action plans.
899 3. Requirements to accept technical assistance and

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900 consultation from the department under subsection (5) ~~(4)~~.

901 4. Financial penalties, which shall require a lead agency
902 to reallocate funds from administrative costs to direct care for
903 children.

904 5. Early termination of contracts, as provided in s.
905 402.1705(3)(f).

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

910 (f) ~~(d)~~ Specify the procedures to be used by the parties to
911 resolve differences in interpreting the contract or to resolve
912 disputes as to the adequacy of the parties' compliance with
913 their respective obligations under the contract.

914 (2) The department must adopt written policies and
915 procedures for monitoring the contract for delivery of services
916 by lead agencies which must be posted on the department's
917 website. These policies and procedures must, at a minimum,
918 address the evaluation of fiscal accountability and program
919 operations, including provider achievement of performance
920 standards, provider monitoring of subcontractors, and timely
921 follow-up ~~followup~~ of corrective actions for significant
922 monitoring findings related to providers and subcontractors.
923 These policies and procedures must also include provisions for
924 reducing the duplication of the department's program monitoring
925 activities both internally and with other agencies, to the
926 extent possible. The department's written procedures must ensure
927 that the written findings, conclusions, and recommendations from
928 monitoring the contract for services of lead agencies are

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929 communicated to the director of the provider agency and the
930 community alliance as expeditiously as possible.

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

934 (a) Current salaries, bonuses, and other compensation paid,
935 by position, for any employee who receives a salary from state-
936 appropriated funds, including state-appropriated federal funds,
937 whether base pay or base pay combined with any bonus or
938 incentive payments, in excess of 100 percent of the annual
939 salary paid to the secretary of the Department of Children and
940 Families. For purposes of this paragraph, the term "employee"
941 includes, but is not limited to, the chief executive officer,
942 chief financial officer, and chief operating officer, or any
943 other executive staff of the community-based care lead agency.

944 (b) Annual expenses, reported as both a percentage of total
945 lead agency funds and as a total dollar amount, as follows:

946 1. Program expenses, including, but not limited to, costs
947 directly related to carrying out the lead agency's mission and
948 which result in services being provided;

949 2. Administrative expenses, including, but not limited to,
950 costs of board of directors' meetings, general legal services,
951 accounting, insurance, office management, auditing, human
952 resources, and other centralized services; and

953 3. Fundraising expenses, including, but not limited to,
954 costs for publicizing and conducting fundraising campaigns,
955 maintaining donor mailing lists, conducting special fundraising
956 events, and any other activities that involve soliciting
957 contributions.

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958 ~~(26)~~~~(25)~~ Subject to an appropriation, for the 2020-2021 and
959 2021-2022 fiscal years, the department shall implement a pilot
960 project in the Sixth and Thirteenth Judicial Circuits,
961 respectively, aimed at improving child welfare outcomes.

962 (d) The department shall include the results of the pilot
963 projects in the report required in subsection (25) ~~(24)~~ of this
964 section. The report must include the department's findings and
965 recommendations relating to the pilot projects.

966 Section 11. Section 409.998, Florida Statutes, is created
967 to read:

968 409.998 Child and family well-being.-

969 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

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

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

982 (d) It is the intent of the Legislature that the state
983 establish a child and family well-being system that shifts the
984 focus from child welfare to child well-being by allowing all
985 sectors of a community and the state to work together to
986 reallocate resources into services and supports that reduce the

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987 need for out-of-home care and that improve the well-being of
988 children and families.

989 (2) ESTABLISHMENT OF PROGRAM.—The department shall
990 establish a program that consists of a child and family well-
991 being system to serve children and their families through a
992 contract with a designated lead agency operating in accordance
993 with s. 409.987. The lead agency shall carry out all
994 programmatic functions necessary to fulfill the intent of this
995 section. As used in this section, the term “child and family
996 well-being system” means a system that recognizes the difference
997 between poverty and neglect and that provides mentoring and
998 supports to biological parents as they develop the skills and
999 resources necessary to adequately care for their children.

1000 (3) PROGRAM REQUIREMENTS.—The creation of a child and
1001 family well-being system requires a fundamental change that
1002 refocuses all aspects of child welfare on supporting the
1003 family’s role in caring for children. Successful implementation
1004 will result in a community-based network of support where the
1005 trauma of child removal is prevented and children are thriving
1006 in their own safe, permanent, and nurturing families. The
1007 designated lead agency shall collaborate with national experts
1008 that specialize in child welfare systems change to create a
1009 program that is required to do all of the following:

1010 (a) Designate lead agency leadership that will identify a
1011 core group of agency individuals to develop a plan for creating
1012 necessary change in the way the agency works.

1013 (b) Recognize that change of this magnitude is difficult
1014 and time-consuming and determine steps necessary to attend to
1015 the well-being of individuals involved early on in the process

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1016 to reduce undesired staff turnover and burnout and increase
1017 staff satisfaction and well-being.

1018 (c) Develop a plan for creating a change in the way all
1019 partners in the process think about how to best keep families
1020 and children safe and together.

1021 (d) Build working relationships throughout the process of
1022 change, including some unexpected or unconventional partners,
1023 allies, and mentors in the community.

1024 (e) Provide regular and ongoing opportunities for the
1025 workforce to interact to discuss new ideas and principles that
1026 are needed for change to become permanent.

1027 (f) Redirect resources toward primary prevention and away
1028 from removing children from their families.

1029 (4) IMPLEMENTATION.—The department shall, in collaboration
1030 with the designated lead agency, the community alliance, and the
1031 Florida Institute for Child Welfare, design, implement, and
1032 evaluate the program requirements specified in subsection (3).

1033 (5) REPORTING REQUIREMENTS.—By October 1, 2021, and
1034 annually thereafter, the Florida Institute for Child Welfare
1035 shall submit a report to the Governor, the President of the
1036 Senate, and the Speaker of the House of Representatives which
1037 evaluates the child and family well-being program, including,
1038 but not limited to, whether the program is in compliance with
1039 this section and the outcomes of the children served by the
1040 child and family well-being program.

1041 Section 12. This act shall take effect July 1, 2021.