

By the Committee on Appropriations; and 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; 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. 402.40, F.S.;
44 providing that the department is authorized to review
45 any decision to take specified actions against
46 certified individuals; amending s. 409.987, F.S.;
47 requiring the department to develop an alternative
48 plan to contracting with a lead agency in a community
49 under certain circumstances; providing requirements
50 for the alternative plan; defining terms; requiring a
51 board member or an officer of a lead agency to
52 disclose activity that may reasonably be construed as
53 a conflict of interest; creating a rebuttable
54 presumption of a conflict of interest if the activity
55 was acted upon by the board without prior notice;
56 establishing a process for the lead agency's board of
57 directors to address the activity under certain
58 timelines; providing for certain consequences for

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59 failure to obtain a board's approval or failure to
60 properly disclose a contract as a conflict of
61 interest; amending s. 409.988, F.S.; deleting a
62 requirement that lead agencies post their current
63 budgets on their websites; requiring a lead agency to
64 demonstrate the ability to adhere to all best child
65 welfare practices; requiring lead agencies to publish
66 on their websites certain information related to case
67 managers' caseloads within a specified timeframe;
68 amending s. 409.990, F.S.; requiring lead agencies to
69 fund the cost of increased care in certain
70 circumstances; amending s. 409.996, F.S.; requiring
71 that contracts between the department and lead
72 agencies provide information to the department which
73 specifies how the lead agency will adhere to all best
74 child welfare practices; requiring the department to
75 collect and post on its website specified information
76 relating to contracts between lead agencies and the
77 department; creating s. 409.998, F.S.; providing
78 legislative findings and intent; requiring the
79 department to establish a program that consists of a
80 child and family well-being system; requiring the
81 designated lead agency to carry out programmatic
82 functions; defining the term "child and family well-
83 being system"; specifying program requirements;
84 requiring the department, in collaboration with
85 specified entities, to design, implement, and evaluate
86 the program requirements; requiring the Florida
87 Institute for Child Welfare, by a specified date, to

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88 annually submit a report to the Governor and the
89 Legislature; amending s. 916.13, F.S.; authorizing
90 certain forensic clients to receive treatment at any
91 facility deemed appropriate by the secretary of the
92 department; providing an effective 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. Paragraph (m) is added to subsection (3) of
359 section 394.9082, Florida Statutes, to read:

360 394.9082 Behavioral health managing entities.—

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

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

365 1. Current salaries, bonuses, and other compensation paid,
366 by position, for any employee who receives a salary from state-
367 appropriated funds, including state-appropriated federal funds,
368 whether base pay or base pay combined with any bonus or
369 incentive payments, in excess of 150 percent of the annual
370 salary paid to the secretary of the Department of Children and
371 Families. For purposes of this subparagraph, the term "employee"
372 includes, but is not limited to, the chief executive officer,
373 chief financial officer, and chief operating officer, or any
374 other executive staff of the managing entity.

375 2. All findings of the comprehensive, multiyear review of
376 the revenues, expenditures, and financial position of all
377 managing entities, which shall cover the most recent 2

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378 consecutive fiscal years. The review must include a
379 comprehensive system-of-care analysis and provide expenditure
380 information related to direct care, administration, and indirect
381 costs. All contracted entities must develop and maintain a plan
382 to achieve financial viability which shall accompany the
383 department's submission. The findings from this review shall be
384 submitted to the Governor, the President of the Senate, and the
385 Speaker of the House of Representatives by November 1 of each
386 year in addition to being posted on the department's Internet
387 website.

388 Section 6. Section 394.90825, Florida Statutes, is created
389 to read:

390 394.90825 Boards of managing entities; conflicts of
391 interest.-

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

393 (a) "Activity" includes, but is not limited to, a contract
394 for goods and services, a contract for the purchase of any real
395 or tangible property, or an agreement to engage with the
396 managing entity for the benefit of a third party in exchange for
397 an interest in real or tangible property, a monetary benefit, or
398 an in-kind contribution.

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

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

404 2. Holds a direct or indirect interest in a corporation,
405 limited liability corporation, partnership, limited liability
406 partnership, or other business entity that conducts business

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407 with the managing entity or proposes to enter into a contract or
408 other transaction with the managing entity. For purposes of this
409 paragraph, "indirect interest" has the same meaning as provided
410 in s. 112.312.

411 3. Knowingly obtains a direct or indirect personal,
412 financial, professional, or other benefit as a result of the
413 relationship of such member or officer, or relative of the
414 member or officer, with the managing entity. For purposes of
415 this paragraph, the term "benefit" does not include per diem and
416 travel expenses paid or reimbursed to board members in
417 connection with their service on the board.

418 (c) "Managing entity" has the same meaning as in s.
419 394.9082.

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

422 (2) (a) For any activity that is presented to the board of a
423 managing entity for its initial consideration and approval after
424 July 1, 2021, or any activity that involves a contract that is
425 being considered for renewal on or after July 1, 2021, and
426 before January 1, 2022, a board member or an officer of a
427 managing entity shall disclose to the board any activity that
428 may reasonably be construed to be a conflict of interest before
429 such activity is initially considered and approved or renewed by
430 the board. A rebuttable presumption of a conflict of interest
431 exists if the activity was acted upon by the board without prior
432 notice as required under subsection (3).

433 (b) For contracts with a managing entity which are in
434 existence on July 1, 2021, and are not subject to renewal before
435 January 1, 2022, a board member or an officer shall disclose to

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436 the board any activity that may reasonably be construed to be a
437 conflict of interest under this section by December 31, 2021.

438 (3) (a) If a board member or an officer, or a relative of a
439 member or an officer, proposes to engage in an activity as
440 described in paragraph (2) (a), the proposed activity must be
441 listed on the meeting agenda for the next general or special
442 meeting of the members, and copies of all contracts and
443 transactional documents related to the proposed activity must be
444 included in the agenda. The meeting agenda must clearly identify
445 the existence of a potential conflict of interest for the
446 proposed activity. Before a member or an officer, or a relative
447 of a member or an officer, engages in the proposed activity, the
448 activity and contract or other transaction documents must be
449 approved by an affirmative vote of two-thirds of all other
450 members present.

451 (b) If a member or an officer notifies the board of a
452 potential conflict of interest with the member or officer, or a
453 relative of the member or officer, under an existing contract as
454 described in paragraph (2) (b), the board must notice the
455 activity on a meeting agenda for the next general or special
456 meeting of the members, and copies of all contracts and
457 transactional documents related to the activity must be
458 attached. The meeting agenda must clearly identify the existence
459 of a potential conflict of interest. The board must be given the
460 opportunity to approve or disapprove the conflict of interest by
461 a vote of two-thirds of all other members present.

462 (4) (a) If the board votes against the proposed activity
463 pursuant to paragraph (3) (a), the board member or officer, or
464 the relative of the member or officer, must notify the board in

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465 writing of his or her intention, or his or her relative's
466 intention, not to pursue the proposed activity, or the member or
467 officer shall withdraw from office before the next scheduled
468 board meeting. If the board finds that an officer or a member
469 has violated this paragraph, the officer or member shall be
470 deemed removed from office before the next scheduled board
471 meeting.

472 (b) In the event that the board does not approve of a
473 conflict of interest as required in paragraph (3)(b), the
474 parties to the activity may opt to cancel the activity or, in
475 the alternative, the member or officer must resign from the
476 board before the next scheduled board meeting. If the activity
477 canceled is a contract, the managing entity is only liable for
478 the reasonable value of the goods and services provided up to
479 the time of cancellation and is not liable for any termination
480 fee, liquidated damages, or other form of penalty for such
481 cancellation.

482 (5) A board member or an officer, or a relative of a member
483 or an officer, who is a party to, or has an interest in, an
484 activity that is a possible conflict of interest may attend the
485 meeting at which the activity is considered by the board and is
486 authorized to make a presentation to the board regarding the
487 activity. After the presentation, the member or officer, or the
488 relative of the member or officer, shall leave the meeting
489 during the discussion of, and the vote on, the activity. A
490 member or an officer who is a party to, or has an interest in,
491 the activity shall recuse himself or herself from the vote.

492 (6) A contract entered into between a board member or an
493 officer, or a relative of a member or an officer, and the

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494 managing entity which has not been properly disclosed as a
495 conflict of interest or potential conflict of interest under
496 this section is voidable and terminates upon the filing of a
497 written notice terminating the contract with the board of
498 directors which contains the consent of at least 20 percent of
499 the voting interests of the managing entity.

500 Section 7. Subsection (3) of section 402.40, Florida
501 Statutes, is amended to read:

502 402.40 Child welfare training and certification.—

503 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
504 shall approve one or more third-party credentialing entities for
505 the purpose of developing and administering child welfare
506 certification programs for persons who provide child welfare
507 services. A third-party credentialing entity shall request such
508 approval in writing from the department. In order to obtain
509 approval, the third-party credentialing entity must:

510 (a) Establish professional requirements and standards that
511 applicants must achieve in order to obtain a child welfare
512 certification and to maintain such certification.

513 (b) Develop and apply core competencies and examination
514 instruments according to nationally recognized certification and
515 psychometric standards.

516 (c) Maintain a professional code of ethics and a
517 disciplinary process that apply to all persons holding child
518 welfare certification.

519 (d) Maintain a database, accessible to the public, of all
520 persons holding child welfare certification, including any
521 history of ethical violations.

522 (e) Require annual continuing education for persons holding

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523 child welfare certification.

524 (f) Administer a continuing education provider program to
525 ensure that only qualified providers offer continuing education
526 opportunities for certificateholders.

527 (g) Review the findings and all relevant records involving
528 the death of a child or other critical incident following
529 completion of any reviews by the department, the inspector
530 general, or the Office of the Attorney General. Such review may
531 occur only upon the filing of a complaint from an outside party
532 involving certified personnel. This review shall assess the
533 certified personnel's compliance with the third-party
534 credentialing entity's published code of ethical and
535 professional conduct and disciplinary procedures.

536 (h) Maintain an advisory committee, including
537 representatives from each region of the department, each
538 sheriff's office providing child protective services, and each
539 community-based care lead agency, who shall be appointed by the
540 organization they represent. The third-party credentialing
541 entity may appoint additional members to the advisory committee.

542
543 Any decision by a department-recognized credentialing entity to
544 deny, revoke, or suspend a certification, or otherwise impose
545 sanctions on an individual who is certified, is reviewable by
546 the department pursuant to s. 397.321(15).

547 Section 8. Section 409.987, Florida Statutes, is amended to
548 read:

549 409.987 Lead agency procurement; boards; conflicts of
550 interest.—

551 (1) Community-based care lead agencies shall be procured by

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552 the department through a competitive process as required under
553 chapter 287.

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

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

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

561 (a) Be organized as a Florida corporation or a governmental
562 entity.

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

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

580 2. The powers of the board of directors or board committee

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

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

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

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

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610 coordinated care. The plan must ensure local control over the
611 management and administration of the service provision in
612 accordance with the intent of this section and may adhere to
613 recognized best business practices, including, but not limited
614 to, the use of public or private partnerships.

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

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

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

625 a. Enters into a contract or other transaction for goods or
626 services with the lead agency.

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

634 c. Knowingly obtains a direct or indirect personal,
635 financial, professional, or other benefit as a result of the
636 relationship of such member or officer, or relative of the
637 member or officer, with the lead agency. For purposes of this
638 subparagraph, the term "benefit" does not include per diem and

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639 travel expenses paid or reimbursed to board members in
640 connection with their service on the board.

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

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

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

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

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668 member or an officer, engages in the proposed activity, the
669 activity and contract or other transaction documents must be
670 approved by an affirmative vote of two-thirds of all other
671 members present.

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

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

693 2. In the event that the board does not approve of a
694 conflict as required in subparagraph (c)2., the parties to the
695 activity may opt to cancel the activity or, in the alternative,
696 the member or officer must resign from the board before the next

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697 scheduled board meeting. If the activity canceled is a contract,
698 the lead agency is only liable for the reasonable value of the
699 goods and services provided up to the time of cancellation and
700 is not liable for any termination fee, liquidated damages, or
701 other form of penalty for such cancellation.

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

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

720 Section 9. Subsection (1) of section 409.988, Florida
721 Statutes, is amended to read:

722 409.988 Lead agency duties; general provisions.—

723 (1) DUTIES.—A lead agency:

724 (a) Shall serve all children referred as a result of a
725 report of abuse, neglect, or abandonment to the department's

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

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

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

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

750 ~~(e)~~ Shall prepare all judicial reviews, case plans, and
751 other reports necessary for court hearings for dependent
752 children, except those related to the investigation of a
753 referral from the department's child abuse hotline, and shall
754 submit these documents timely to the department's attorneys for

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

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

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

771 2. Contact information for the local mobile response team
772 established under s. 394.495.

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

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

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

782 (i) Shall comply with federal and state statutory
783 requirements and agency rules in the provision of contractual

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784 services.

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

- 805 1. The department.
- 806 2. The county government.
- 807 3. The school district.
- 808 4. The county United Way.
- 809 5. The county sheriff's office.
- 810 6. The circuit court corresponding to the county.
- 811 7. The county children's board, if one exists.

812 (k) Shall publish ~~post~~ on its website by the 15th day of

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813 each month at a minimum the information contained in
814 subparagraphs 1.-5. ~~subparagraphs 1.-4.~~ for the preceding
815 calendar month regarding its case management services. The
816 following information shall be reported by each individual
817 subcontracted case management provider, by the lead agency, if
818 the lead agency provides case management services, and in total
819 for all case management services subcontracted or directly
820 provided by the lead agency:

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

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

825 3.2. ~~The turnover rate for case managers and case~~
826 ~~management supervisors for the previous 12 months;~~

827 4.3. ~~The percentage of required home visits completed; and~~

828 5.4. ~~Performance on outcome measures required pursuant to~~
829 ~~s. 409.997 for the previous 12 months.~~

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

839 Section 10. Present subsection (7) of section 409.990,
840 Florida Statutes, is redesignated as subsection (8), and a new
841 subsection (7) is added to that section, to read:

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842 409.990 Funding for lead agencies.—A contract established
843 between the department and a lead agency must be funded by a
844 grant of general revenue, other applicable state funds, or
845 applicable federal funding sources.

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

850 Section 11. Present subsections (3) through (25) of section
851 409.996, Florida Statutes, are redesignated as subsections (4)
852 through (26), respectively, a new subsection (3) is added to
853 that section, and subsections (1) and (2) and paragraph (d) of
854 present subsection (25) are amended, to read:

855 409.996 Duties of the Department of Children and Families.—
856 The department shall contract for the delivery, administration,
857 or management of care for children in the child protection and
858 child welfare system. In doing so, the department retains
859 responsibility for the quality of contracted services and
860 programs and shall ensure that, at a minimum, services are
861 delivered in accordance with applicable federal and state
862 statutes and regulations and the performance standards and
863 metrics specified in the strategic plan created under s.
864 20.19(1).

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

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

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871 (b) Provide information to the department which specifies
872 how the lead agency will adhere to all best child welfare
873 practices pursuant to ss. 39.4087, 39.523, 409.1415, and
874 409.145.

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

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

- 883 1. Enhanced monitoring and reporting.
- 884 2. Corrective action plans.
- 885 3. Requirements to accept technical assistance and
886 consultation from the department under subsection (5) ~~(4)~~.
- 887 4. Financial penalties, which shall require a lead agency
888 to reallocate funds from administrative costs to direct care for
889 children.
- 890 5. Early termination of contracts, as provided in s.
891 402.1705(3)(f).

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

896 (f) ~~(d)~~ Specify the procedures to be used by the parties to
897 resolve differences in interpreting the contract or to resolve
898 disputes as to the adequacy of the parties' compliance with
899 their respective obligations under the contract.

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900 (2) The department must adopt written policies and
901 procedures for monitoring the contract for delivery of services
902 by lead agencies which must be posted on the department's
903 website. These policies and procedures must, at a minimum,
904 address the evaluation of fiscal accountability and program
905 operations, including provider achievement of performance
906 standards, provider monitoring of subcontractors, and timely
907 follow-up ~~followup~~ of corrective actions for significant
908 monitoring findings related to providers and subcontractors.
909 These policies and procedures must also include provisions for
910 reducing the duplication of the department's program monitoring
911 activities both internally and with other agencies, to the
912 extent possible. The department's written procedures must ensure
913 that the written findings, conclusions, and recommendations from
914 monitoring the contract for services of lead agencies are
915 communicated to the director of the provider agency and the
916 community alliance as expeditiously as possible.

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

920 (a) Current salaries, bonuses, and other compensation paid,
921 by position, for any employee who receives a salary from state-
922 appropriated funds, including state-appropriated federal funds,
923 whether base pay or base pay combined with any bonus or
924 incentive payments, in excess of 150 percent of the annual
925 salary paid to the secretary of the Department of Children and
926 Families. For purposes of this paragraph, the term "employee"
927 includes, but is not limited to, the chief executive officer,
928 chief financial officer, and chief operating officer, or any

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929 other executive staff of the community-based care lead agency.

930 (b) All findings of the comprehensive, multiyear review of
931 the revenues, expenditures, and financial position of all lead
932 agencies, which shall cover the most recent 2 consecutive fiscal
933 years. The review must include a comprehensive system-of-care
934 analysis and provide expenditure information related to direct
935 care, administration, and indirect costs. All contracted
936 agencies must develop and maintain a plan to achieve financial
937 viability which shall accompany the department's submission. The
938 findings from this review shall be submitted to the Governor,
939 the President of the Senate, and the Speaker of the House of
940 Representatives by November 1 of each year in addition to being
941 posted on the department's Internet website.

942 (26) ~~(25)~~ Subject to an appropriation, for the 2020-2021 and
943 2021-2022 fiscal years, the department shall implement a pilot
944 project in the Sixth and Thirteenth Judicial Circuits,
945 respectively, aimed at improving child welfare outcomes.

946 (d) The department shall include the results of the pilot
947 projects in the report required in subsection (25) ~~(24)~~ of this
948 section. The report must include the department's findings and
949 recommendations relating to the pilot projects.

950 Section 12. Section 409.998, Florida Statutes, is created
951 to read:

952 409.998 Child and family well-being.-

953 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

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

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

966 (d) It is the intent of the Legislature that the state
967 establish a child and family well-being system that shifts the
968 focus from child welfare to child well-being by allowing all
969 sectors of a community and the state to work together to
970 reallocate resources into services and supports that reduce the
971 need for out-of-home care and that improve the well-being of
972 children and families.

973 (2) ESTABLISHMENT OF PROGRAM.—The department shall
974 establish a program that consists of a child and family well-
975 being system to serve children and their families through a
976 contract with a designated lead agency operating in accordance
977 with s. 409.987. The lead agency shall carry out all
978 programmatic functions necessary to fulfill the intent of this
979 section. As used in this section, the term "child and family
980 well-being system" means a system that recognizes the difference
981 between poverty and neglect and that provides mentoring and
982 supports to biological parents as they develop the skills and
983 resources necessary to adequately care for their children.

984 (3) PROGRAM REQUIREMENTS.—The creation of a child and
985 family well-being system requires a fundamental change that
986 refocuses all aspects of child welfare on supporting the

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987 family's role in caring for children. Successful implementation
988 will result in a community-based network of support where the
989 trauma of child removal is prevented and children are thriving
990 in their own safe, permanent, and nurturing families. The
991 designated lead agency shall collaborate with national experts
992 that specialize in child welfare systems change to create a
993 program that is required to do all of the following:

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

997 (b) Recognize that change of this magnitude is difficult
998 and time-consuming and determine steps necessary to attend to
999 the well-being of individuals involved early on in the process
1000 to reduce undesired staff turnover and burnout and increase
1001 staff satisfaction and well-being.

1002 (c) Develop a plan for creating a change in the way all
1003 partners in the process think about how to best keep families
1004 and children safe and together.

1005 (d) Build working relationships throughout the process of
1006 change, including some unexpected or unconventional partners,
1007 allies, and mentors in the community.

1008 (e) Provide regular and ongoing opportunities for the
1009 workforce to interact to discuss new ideas and principles that
1010 are needed for change to become permanent.

1011 (f) Redirect resources toward primary prevention and away
1012 from removing children from their families.

1013 (4) IMPLEMENTATION.—The department shall, in collaboration
1014 with the designated lead agency, the community alliance, and the
1015 Florida Institute for Child Welfare, design, implement, and

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1016 evaluate the program requirements specified in subsection (3).

1017 (5) REPORTING REQUIREMENTS.—By October 1, 2021, and
1018 annually thereafter, the Florida Institute for Child Welfare
1019 shall submit a report to the Governor, the President of the
1020 Senate, and the Speaker of the House of Representatives which
1021 evaluates the child and family well-being program, including,
1022 but not limited to, whether the program is in compliance with
1023 this section and the outcomes of the children served by the
1024 child and family well-being program.

1025 Section 13. Subsection (2) of section 916.13, Florida
1026 Statutes, is amended to read:

1027 916.13 Involuntary commitment of defendant adjudicated
1028 incompetent.—

1029 (2) A defendant who has been charged with a felony and who
1030 has been adjudicated incompetent to proceed due to mental
1031 illness, and who meets the criteria for involuntary commitment
1032 under this chapter, may be committed to the department, and the
1033 department shall retain and treat the defendant. For a forensic
1034 client who is held in a jail awaiting admission to a facility of
1035 the department, and who is likely to regain competence to
1036 proceed in the foreseeable future, restoration treatment may be
1037 provided at any facility deemed appropriate by the department
1038 secretary.

1039 (a) Immediately after receipt of a completed copy of the
1040 court commitment order containing all documentation required by
1041 the applicable Florida Rules of Criminal Procedure, the
1042 department shall request all medical information relating to the
1043 defendant from the jail. The jail shall provide the department
1044 with all medical information relating to the defendant within 3

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1045 business days after receipt of the department's request or at
1046 the time the defendant enters the physical custody of the
1047 department, whichever is earlier.

1048 (b) Within 6 months after the date of admission and at the
1049 end of any period of extended commitment, or at any time the
1050 administrator or his or her designee determines that the
1051 defendant has regained competency to proceed or no longer meets
1052 the criteria for continued commitment, the administrator or
1053 designee shall file a report with the court pursuant to the
1054 applicable Florida Rules of Criminal Procedure.

1055 (c) A competency hearing must be held within 30 days after
1056 the court receives notification that the defendant is competent
1057 to proceed or no longer meets the criteria for continued
1058 commitment. The defendant must be transported to the committing
1059 court's jurisdiction for the hearing. If the defendant is
1060 receiving psychotropic medication at a mental health facility at
1061 the time he or she is discharged and transferred to the jail,
1062 the administering of such medication must continue unless the
1063 jail physician documents the need to change or discontinue it.
1064 The jail and department physicians shall collaborate to ensure
1065 that medication changes do not adversely affect the defendant's
1066 mental health status or his or her ability to continue with
1067 court proceedings; however, the final authority regarding the
1068 administering of medication to an inmate in jail rests with the
1069 jail physician.

1070 Section 14. This act shall take effect July 1, 2021.