

By Senator Garcia

36-00994-24

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1 A bill to be entitled
2 An act relating to community-based child welfare
3 agencies; amending s. 409.987, F.S.; revising
4 requirements for contracts the Department of Children
5 and Families has with community-based care lead
6 agencies; revising requirements for an entity to serve
7 as a lead agency; revising the definition of the term
8 "conflict of interest"; defining the term "related
9 party"; requiring the lead agency's board of directors
10 to disclose any known or potential conflicts of
11 interest; prohibiting a lead agency from entering into
12 a contract or being a party to a transaction that
13 creates a conflict of interest; requiring a lead
14 agency to submit to the department for approval any
15 contract involving related parties; imposing civil
16 penalties for lead agency contracts having undisclosed
17 conflicts of interest; amending s. 409.988, F.S.;
18 revising community-based care lead agency duties;
19 making technical changes; amending s. 409.990, F.S.;
20 requiring a lead agency to submit to the department a
21 spending plan approved by its board of directors which
22 satisfies certain requirements before funds may be
23 released; specifying requirements for the spending
24 plan; requiring the lead agency to submit a revised
25 spending plan to the department if the lead agency's
26 actual expenditures project an end-of-year deficit;
27 amending s. 409.991, F.S.; revising the definition of
28 the term "core services funds"; deleting definitions;
29 requiring that the allocation of core services funds

36-00994-24

2024536__

30 be based on a three-tiered payment model; providing
31 specifications for the payment model; requiring that
32 reports be submitted annually to the Governor and the
33 Legislature by a specified date; requiring that all
34 funding for core services be based on the department's
35 methodology; amending s. 409.992, F.S.; revising
36 requirements for lead agency practices in the
37 procurement of commodities and contractual services;
38 requiring the department to impose certain penalties
39 for a lead agency's noncompliance with applicable
40 procurement law; requiring lead agencies to comply
41 with established purchasing practices for the
42 procurement of real property and professional
43 services; revising certain limitations on the salaries
44 of community-based care lead agency administrative
45 employees and the amount of federal grant funds that
46 may be used for executive salaries; amending s.
47 409.994, F.S.; authorizing the department to petition
48 a court for the appointment of a receiver if the
49 secretary of the department determines that certain
50 conditions endanger the dependent children under a
51 lead agency's care; providing that a written
52 certification by the secretary of the department of
53 the dangerous conditions satisfies certain evidentiary
54 requirements; authorizing the department to petition
55 the court for the appointment of a receiver if the
56 lead agency is unlikely to meet its current financial
57 obligations; amending s. 409.996, F.S.; revising
58 requirements for contracts between the department and

36-00994-24

2024536__

59 lead agencies; revising the actions the department may
60 take under certain circumstances; amending s. 409.997,
61 F.S.; deleting the requirement for an annual
62 performance report; amending s. 409.988, F.S.;
63 conforming a provision to changes made by the act;
64 providing an effective date.

65

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

67

68 Section 1. Subsections (3) and (4) and paragraphs (a) and
69 (b) of subsection (7) of section 409.987, Florida Statutes, are
70 amended, and paragraphs (g) and (h) are added to subsection (7)
71 of that section, to read:

72 409.987 Lead agency procurement; boards; conflicts of
73 interest.—

74 (3) Notwithstanding s. 287.057, the department shall use 5-
75 year contracts with lead agencies. The 5-year contract must be
76 reprocured at the end of each 5-year contract term. The contract
77 may be extended at the discretion of the department for up to 1
78 year, based on department needs.

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

80 (a) Be organized as a Florida corporation or a governmental
81 entity.

82 (b) Be governed by a board of directors or a board
83 committee composed of board members. Board members shall provide
84 oversight and ensure accountability and transparency for the
85 system of care. The board of directors shall provide fiduciary
86 oversight to prevent conflicts of interest, promote
87 accountability and transparency, and protect state and federal

36-00994-24

2024536__

88 funding from misuse. The membership of the board of directors or
89 board committee must be described in the bylaws or articles of
90 incorporation of each lead agency, which must provide that at
91 least 75 percent of the membership of the board of directors or
92 board committee must be composed ~~consist~~ of persons residing in
93 this state, and at least 51 percent of the state residents on
94 the board of directors must reside within the service area of
95 the lead agency. However, for procurements of lead agency
96 contracts initiated on or after July 1, 2014:

97 1. At least 75 percent of the membership of the board of
98 directors must be composed ~~consist~~ of persons residing in this
99 state, and at least 51 percent of the membership of the board of
100 directors must be composed ~~consist~~ of persons residing within
101 the service area of the lead agency. If a board committee
102 governs the lead agency, 100 percent of its membership must be
103 composed ~~consist~~ of persons residing within the service area of
104 the lead agency.

105 2. The powers of the board of directors or board committee
106 include, but are not limited to, approving the lead agency's
107 budget and setting the lead agency's operational policy and
108 procedures. A board of directors must additionally have the
109 power to hire the lead agency's executive director, unless a
110 board committee governs the lead agency, in which case the board
111 committee must have the power to confirm the selection of the
112 lead agency's executive director.

113 (c) Demonstrate financial responsibility through an
114 organized plan for regular fiscal audits and the posting of a
115 performance bond.

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

36-00994-24

2024536__

117 1. "Activity" includes, but is not limited to, a contract
118 for goods and services, a contract for the purchase of any real
119 or tangible property, or an agreement to engage with a lead
120 agency for the benefit of a third party in exchange for an
121 interest in real or tangible property, a monetary benefit, or an
122 in-kind contribution.

123 2. "Conflict of interest" means when an employee, a board
124 member or an officer, or a relative of a board member or an
125 officer, of a lead agency does any of the following:

126 a. Enters into a contract or other transaction for goods or
127 services with the lead agency.

128 b. Holds a direct or indirect interest in a corporation,
129 limited liability corporation, partnership, limited liability
130 partnership, or other business entity that conducts business
131 with the lead agency or proposes to enter into a contract or
132 other transaction with the lead agency. For purposes of this
133 paragraph, the term "indirect interest" has the same meaning as
134 in s. 112.312.

135 c. Knowingly obtains a direct or indirect personal,
136 financial, professional, or other benefit as a result of the
137 relationship of such employee, board member or officer, or
138 relative of the board member or officer, with the lead agency.
139 For purposes of this paragraph, the term "benefit" does not
140 include per diem and travel expenses paid or reimbursed to board
141 members or officers of the lead agency in connection with their
142 service on the board.

143 3. "Related party" means any entity of which a director or
144 an executive of the entity is also directly or indirectly
145 related to, or has a direct or indirect financial or other

36-00994-24

2024536__

146 material interest in, the lead agency. The term also includes
147 any subsidiary, parent entity, associate firm, or joint venture,
148 or any entity that is controlled, influenced, or managed by
149 another entity or an individual related to such entity,
150 including an individual who is, or was within the immediately
151 preceding 3 years, an executive officer or a board member of the
152 entity.

153 ~~4.3-~~ "Relative" means a relative within the third degree of
154 consanguinity by blood or marriage.

155 (b)1. The lead agency's board of directors is responsible
156 for all activity and contractual obligations of the lead agency
157 and must disclose to the department any known or potential
158 conflicts of interest. This duty to disclose is ongoing for the
159 duration of each contract or relevant activity of the lead
160 agency ~~For any activity that is presented to the board of a lead~~
161 ~~agency for its initial consideration and approval after July 1,~~
162 ~~2021, or any activity that involves a contract that is being~~
163 ~~considered for renewal on or after July 1, 2021, but before~~
164 ~~January 1, 2022, a board member or an officer of a lead agency~~
165 ~~shall disclose to the board any activity that may reasonably be~~
166 ~~construed to be a conflict of interest before such activity is~~
167 ~~initially considered and approved or a contract is renewed by~~
168 ~~the board. A rebuttable presumption of a conflict of interest~~
169 ~~exists if the activity was acted on by the board without prior~~
170 ~~notice as required under paragraph (c).~~

171 2. A lead agency may not enter into a contract or be a
172 party to any transaction that creates a conflict of interest.
173 The lead agency must submit to the department, for their review
174 and approval, any proposed contract for allowable services

36-00994-24

2024536__

175 involving related parties, prior to contract award and
176 execution. For contracts with a lead agency which are in
177 existence on July 1, 2021, and are not subject to renewal before
178 January 1, 2022, a board member or an officer of the lead agency
179 shall disclose to the board any activity that may reasonably be
180 construed to be a conflict of interest under this section by
181 December 31, 2021.

182 (g) Civil penalties in the amount of \$5,000 per occurrence
183 shall be imposed for each known and potential conflict of
184 interest which is not disclosed to the department.

185 (h) A contract procured for which there was a conflict of
186 interest that was not disclosed shall result in:

187 1. A civil penalty in the amount of \$50,000 for a first
188 offense.

189 2. A civil penalty in the amount of \$100,000 for a second
190 or subsequent offense.

191 (i) Any contract procured in this manner must be
192 reprocured.

193 Section 2. Subsection (1) of section 409.988, Florida
194 Statutes, is amended to read:

195 409.988 Community-based care lead agency duties; general
196 provisions.—

197 (1) DUTIES.—A lead agency:

198 (a)1. Shall serve:

199 a. All children referred as a result of a report of abuse,
200 neglect, or abandonment to the department's central abuse
201 hotline, including, but not limited to, children who are the
202 subject of verified reports and children who are not the subject
203 of verified reports but who are at moderate to extremely high

36-00994-24

2024536__

204 risk of abuse, neglect, or abandonment, as determined using the
205 department's risk assessment instrument, regardless of the level
206 of funding allocated to the lead agency by the state if all
207 related funding is transferred.

208 b. Children who were adopted from the child welfare system
209 and whose families require postadoption supports.

210 2. May also serve children who have not been the subject of
211 reports of abuse, neglect, or abandonment, but who are at risk
212 of abuse, neglect, or abandonment, to prevent their entry into
213 the child protection and child welfare system.

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

217 (c) Shall follow the financial guidelines developed by the
218 department and shall comply with regular, independent auditing
219 of its financial activities, including any requests for records
220 associated with such financial audits within the timeframe
221 established by the department or its contracted vendors ~~provide~~
222 ~~for a regular independent auditing of its financial activities.~~
223 The results of the financial audit must ~~Such financial~~
224 ~~information shall~~ be provided to the community alliance
225 established under s. 20.19(5).

226 (d) Shall prepare all judicial reviews, case plans, and
227 other reports necessary for court hearings for dependent
228 children, except those related to the investigation of a
229 referral from the department's child abuse hotline, and shall
230 submit these documents timely to the department's attorneys for
231 review, any necessary revision, and filing with the court. The
232 lead agency shall make the necessary staff available to

36-00994-24

2024536__

233 department attorneys for preparation for dependency proceedings,
234 and shall provide testimony and other evidence required for
235 dependency court proceedings in coordination with the
236 department's attorneys. This duty does not include the
237 preparation of legal pleadings or other legal documents, which
238 remain the responsibility of the department. Timely submission
239 of documents by the lead agency to the department's attorneys
240 includes the following parameters:

241 1. All documents prepared and kept by the lead agency must
242 be made available at the request of the department's attorneys
243 within 1 business day.

244 2. Before each court hearing, the department's attorneys
245 and the case manager must confer on any case to be heard in
246 court. For dependency and termination of parental rights
247 adjudicatory hearings, the department's attorneys and the case
248 manager must confer no fewer than 3 days before the hearing.

249 3. For judicial review hearings, the department's attorneys
250 and the case manager must confer no fewer than 3 days before the
251 hearing, provided that the attorneys receive from the case
252 manager the judicial review social study report 10 business days
253 before the hearing.

254 (e) Shall ensure that all individuals providing care for
255 dependent children receive:

256 1. Appropriate training and meet the minimum employment
257 standards established by the department. Appropriate training
258 shall include, but is not limited to, training on the
259 recognition of and responses to head trauma and brain injury in
260 a child under 6 years of age developed by the Child Protection
261 Team Program within the Department of Health.

36-00994-24

2024536__

262 2. Contact information for the local mobile response team
263 established under s. 394.495.

264 (f) Shall maintain eligibility to receive all available
265 federal child welfare funds.

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

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

272 (i) Shall comply with federal and state statutory
273 requirements and agency rules in the provision of contractual
274 services. Any subcontract in excess of the simplified
275 acquisition threshold specified in 2 C.F.R. part 200 must comply
276 with the competitive procurement process in chapter 287.

277 (j) May subcontract for the provision of services,
278 excluding administrative and management functions, required by
279 the contract with the lead agency and the department; however,
280 the subcontracts must specify how the provider will contribute
281 to the lead agency meeting the performance standards established
282 pursuant to the child welfare results-oriented accountability
283 system required by s. 409.997. The lead agency shall directly
284 provide no more than 35 percent of all child welfare services
285 ~~provided unless it can demonstrate a need, within the lead~~
286 ~~agency's geographic service area, to exceed this threshold. The~~
287 ~~local community alliance in the geographic service area in which~~
288 ~~the lead agency is seeking to exceed the threshold shall review~~
289 ~~the lead agency's justification for need and recommend to the~~
290 ~~department whether the department should approve or deny the~~

36-00994-24

2024536__

291 ~~lead agency's request for an exemption from the services~~
292 ~~threshold. If there is not a community alliance operating in the~~
293 ~~geographic service area in which the lead agency is seeking to~~
294 ~~exceed the threshold, such review and recommendation shall be~~
295 ~~made by representatives of local stakeholders, including at~~
296 ~~least one representative from each of the following:~~

- 297 ~~1. The department.~~
- 298 ~~2. The county government.~~
- 299 ~~3. The school district.~~
- 300 ~~4. The county United Way.~~
- 301 ~~5. The county sheriff's office.~~
- 302 ~~6. The circuit court corresponding to the county.~~
- 303 ~~7. The county children's board, if one exists.~~

304 (k) Shall publish on its website by the 15th day of each
305 month at a minimum the data specified in subparagraphs 1.-9. ~~1.-~~
306 ~~5.~~, calculated using a standard methodology determined by the
307 department, for the preceding calendar month regarding its case
308 management services. The following information must ~~shall~~ be
309 reported by each individual subcontracted case management
310 provider, by the lead agency, if the lead agency provides case
311 management services, and in total for all case management
312 services subcontracted or directly provided by the lead agency:

- 313 1. The average caseload of case managers, including only
314 filled positions;
- 315 2. The total number and percentage of case managers who
316 have 25 or more cases on their caseloads;
- 317 3. The turnover rate for case managers and case management
318 supervisors for the previous 12 months;
- 319 4. The percentage of required home visits completed; ~~and~~

36-00994-24

2024536__

320 5. Performance on outcome measures required pursuant to s.
321 409.997 for the previous 12 months;~~-~~

322 6. The number of unlicensed placements for the previous
323 month;

324 7. The percentages and trends for foster parent and group
325 home recruitment and licensure for the previous month;

326 8. The percentage of families being served through family
327 support, in-home, and out-of-home services for the previous
328 month; and

329 9. The percentage of cases that converted from nonjudicial
330 to judicial for the previous month.

331 (l) Shall identify an employee to serve as a liaison with
332 the community alliance and community-based and faith-based
333 organizations interested in collaborating with the lead agency
334 or offering services or other assistance on a volunteer basis to
335 the children and families served by the lead agency. The lead
336 agency shall ensure that appropriate lead agency staff and
337 subcontractors, including, but not limited to, case managers,
338 are informed of the specific services or assistance available
339 from community-based and faith-based organizations.

340 (m) Shall include the statement "... (community-based care
341 lead agency name)... is a community-based care lead agency
342 contracted with the Department of Children and Families" on its
343 website and, at a minimum, in its promotional literature, lead
344 agency-created documents and forms provided to families served
345 by the lead agency, business cards, and stationery letterhead.

346 (n) Shall ensure that it is addressing the unique needs of
347 the fathers of children who are served by the lead agency.

348 1. The lead agency shall:

36-00994-24

2024536__

349 a. Conduct an initial assessment of its engagement with
350 such fathers and provision of and referral to father-oriented
351 services.

352 b. Create an action plan to address any gaps identified
353 through the assessment and implement the action plan.

354 c. Employ a father-engagement specialist to, at a minimum,
355 build relationships with fathers, help identify their needs,
356 assist them in accessing services, and communicate with the lead
357 agency about the challenges faced by these fathers and how to
358 appropriately meet their unique needs. The lead agency shall
359 prioritize individuals who have faced experiences similar to the
360 fathers who are being served by the lead agency for selection as
361 a father-engagement specialist.

362 2. The department shall annually review how the lead agency
363 is meeting the needs of fathers, including, at a minimum, how
364 the lead agency is helping fathers establish positive, stable
365 relationships with their children and assisting fathers in
366 receiving needed services. The lead agency shall provide any
367 relevant information on how it is meeting the needs of these
368 fathers to the department, which must be included in the report
369 required under s. 409.997.

370 Section 3. Present subsections (2) through (8) of section
371 409.990, Florida Statutes, are redesignated as subsections (3)
372 through (9), respectively, and a new subsection (2) is added to
373 that section, to read:

374 409.990 Funding for lead agencies.—A contract established
375 between the department and a lead agency must be funded by a
376 grant of general revenue, other applicable state funds, or
377 applicable federal funding sources.

36-00994-24

2024536__

378 (2) Before the release of funds, each lead agency shall
 379 submit a detailed spending plan, approved by its board of
 380 directors, to the department for all projected expenditures for
 381 the fiscal year. The spending plan must demonstrate that core
 382 expenditures will not exceed the appropriated amount of core
 383 services funds and that the plan reserves a certain amount of
 384 funding for unanticipated expenses. Each lead agency must
 385 receive its statutory 2-month advance; however, the department
 386 may not release additional funds until it has reviewed and
 387 approved the lead agency's spending plan. At any point during
 388 the year, if a lead agency's actual expenditures project an end-
 389 of-year deficit, the lead agency must submit a revised spending
 390 plan to the department. The revised spending plan must reflect
 391 actions the lead agency will take to remain within appropriated
 392 core services fund amounts for the remainder of the fiscal year.

393 Section 4. Section 409.991, Florida Statutes, is amended to
 394 read:

395 409.991 Allocation of funds for community-based care lead
 396 agencies.—

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

398 ~~(a)~~—“core services funds” means all funds allocated to
 399 ~~community-based care~~ lead agencies operating under contract with
 400 the department pursuant to s. 409.987. The term does not include
 401 any of, with the following exceptions:

402 (a)1. Funds appropriated for independent living services.†

403 (b)2. Funds appropriated for maintenance adoption
 404 subsidies.†

405 (c)3. Funds allocated by the department for child
 406 protective investigation service investigations training.†

36-00994-24

2024536__

- 407 (d)~~4.~~ Nonrecurring funds.~~;~~
- 408 (e)~~5.~~ Designated mental health wrap-around service ~~services~~
- 409 funds.~~;~~
- 410 (f)~~6.~~ Funds for special projects for a designated
- 411 ~~community-based care lead agency.~~~~;~~ and
- 412 (g)~~7.~~ Funds appropriated for the Guardianship Assistance
- 413 Program established under s. 39.6225.
- 414 ~~(b) "Equity allocation model" means an allocation model~~
- 415 ~~that uses the following factors:~~
- 416 ~~1. Proportion of the child population;~~
- 417 ~~2. Proportion of child abuse hotline workload; and~~
- 418 ~~3. Proportion of children in care.~~
- 419 ~~(c) "Proportion of child population" means the proportion~~
- 420 ~~of children up to 18 years of age during the previous calendar~~
- 421 ~~year in the geographic area served by the community-based care~~
- 422 ~~lead agency.~~
- 423 ~~(d) "Proportion of child abuse hotline workload" means the~~
- 424 ~~weighted average of the following subcomponents:~~
- 425 ~~1. The average number of initial and additional child abuse~~
- 426 ~~reports received during the month for the most recent 12 months~~
- 427 ~~based on child protective investigations trend reports as~~
- 428 ~~determined by the department. This subcomponent shall be~~
- 429 ~~weighted as 20 percent of the factor.~~
- 430 ~~2. The average count of children in investigations in the~~
- 431 ~~most recent 12 months based on child protective investigations~~
- 432 ~~trend reports as determined by the department. This subcomponent~~
- 433 ~~shall be weighted as 40 percent of the factor.~~
- 434 ~~3. The average count of children in investigations with a~~
- 435 ~~most serious finding of verified abuse in the most recent 12~~

36-00994-24

2024536__

436 ~~months based on child protective investigations trend reports as~~
437 ~~determined by the department. This subcomponent shall be~~
438 ~~weighted as 40 percent of the factor.~~

439 ~~(e) "Proportion of children in care" means the proportion~~
440 ~~of the number of children in care receiving in-home services~~
441 ~~over the most recent 12-month period, the number of children~~
442 ~~whose families are receiving family support services over the~~
443 ~~most recent 12-month period, and the number of children who have~~
444 ~~entered into out-of-home care with a case management overlay~~
445 ~~during the most recent 24-month period. This subcomponent shall~~
446 ~~be weighted as follows:~~

447 ~~1. Fifteen percent shall be based on children whose~~
448 ~~families are receiving family support services.~~

449 ~~2. Fifty-five percent shall be based on children in out-of-~~
450 ~~home care.~~

451 ~~3. Thirty percent shall be based on children in in-home~~
452 ~~care.~~

453 (2) Allocation of core services funds must be based on an
454 actuarially sound, tiered payment model. The tiered model's
455 purpose is to achieve the overarching goals of a stable payment
456 model that adjusts to workload and incentivizes prevention,
457 family preservation, and permanency.

458 (a) Tier 1 provides operational base costs, including
459 administrative and other expenses that do not vary based on the
460 number of children and families served. Tier 1 payments may vary
461 by geographic catchment area and cost of living differences. The
462 department shall establish and annually update Tier 1 payment
463 rates to maintain cost expectations that are aligned with the
464 population served, services provided, and environment.

36-00994-24

2024536__

465 (b) Tier 2 is a per-child, per-month payment designed to
466 provide funding for lead agencies' expenses that vary based on
467 the number of children served for a particular month. The
468 payment rate blends out-of-home rates and in-home rates specific
469 to each lead agency to create a rate that provides a financial
470 incentive to lead agencies to provide services in the least
471 restrictive safe placement. The department shall establish and
472 annually update Tier 2 payment rates to maintain cost
473 expectations that are aligned with the population served,
474 services provided, and environment. Tier 2 rates must be set
475 annually.

476 (c) Tier 3 provides financial incentives that the
477 department shall establish to reward lead agencies that achieve
478 performance measures aligned with the department's goals of
479 prevention, family preservation, and permanency.

480 ~~(2) The equity allocation of core services funds shall be~~
481 ~~calculated based on the following weights:~~

482 ~~(a) Proportion of the child population shall be weighted as~~
483 ~~5 percent of the total.~~

484 ~~(b) Proportion of child abuse hotline workload shall be~~
485 ~~weighted as 35 percent of the total.~~

486 ~~(c) Proportion of children in care shall be weighted as 60~~
487 ~~percent of the total.~~

488 (3) By December 1 of each year, the department shall submit
489 a report to the Governor, the President of the Senate, and the
490 Speaker of the House of Representatives which includes each lead
491 agency's actual performance in attaining the previous fiscal
492 year's targets, recommendations for adjustments to lead agency
493 funding, and adjustments to the tiered payment model, if

36-00994-24

2024536__

494 ~~necessary~~ Beginning in the 2015-2016 state fiscal year, 100
495 percent of the recurring core services funding for each
496 community-based care lead agency shall be based on the prior
497 year recurring base of core services funds.

498 (4) Unless otherwise specified in the General
499 Appropriations Act, the department shall allocate all funding
500 for core services, based on the department's methodology any new
501 core services funds shall be allocated based on the equity
502 allocation model as follows:

503 ~~(a) Seventy percent of new funding shall be allocated among~~
504 ~~all community-based care lead agencies.~~

505 ~~(b) Thirty percent of new funding shall be allocated among~~
506 ~~community-based care lead agencies that are funded below their~~
507 ~~equitable share. Funds allocated pursuant to this paragraph~~
508 ~~shall be weighted based on each community-based care lead~~
509 ~~agency's relative proportion of the total amount of funding~~
510 ~~below the equitable share.~~

511 Section 5. Subsections (1) and (3) of section 409.992,
512 Florida Statutes, are amended to read:

513 409.992 Lead agency expenditures.—

514 (1) The procurement of commodities or contractual services
515 by lead agencies is ~~shall be~~ governed by the financial
516 guidelines developed by the department and must comply with
517 applicable state and federal law and follow good business
518 practices. Pursuant to s. 11.45, the Auditor General may provide
519 technical advice in the development of the financial guidelines.

520 (a) Lead agencies shall competitively procure all
521 contracts, consistent with the simplified acquisition threshold
522 as specified in 2 C.F.R. part 200. Financial penalties or

36-00994-24

2024536__

523 sanctions, as established by the department and incorporated
524 into the contract, shall be imposed by the department for
525 noncompliance with applicable local, state, or federal law for
526 the procurement of commodities or contractual services.

527 (b) Notwithstanding s. 402.73, for procurement of real
528 property or professional services, lead agencies shall comply
529 with established purchasing practices, including the provisions
530 of s. 287.055, as required, for professional services, including
531 engineering or construction design. Upon termination of the lead
532 agency's contract, the department shall immediately retain all
533 rights to and ownership of real property procured.

534 (3) Notwithstanding any other provision of law, a
535 community-based care lead agency administrative employee may not
536 receive a salary, whether base pay or base pay combined with any
537 bonus or incentive payments, in excess of 150 percent of the
538 annual salary paid to the secretary of the Department of
539 Children and Families from state-appropriated funds, including
540 state-appropriated federal funds. This limitation applies
541 regardless of the number of contracts a community-based care
542 lead agency may execute with the department. Additionally, the
543 amount of federal grant funds that may be used for an executive
544 salary may not exceed the Executive Level II salary level, as
545 directed by the federal Health Resources and Services
546 Administration. This subsection does not prohibit any party from
547 providing cash that is not from appropriated state funds to a
548 community-based care lead agency administrative employee.

549 Section 6. Paragraphs (c) and (d) of subsection (1) of
550 section 409.994, Florida Statutes, are amended to read:

551 409.994 Community-based care lead agencies; receivership.-

36-00994-24

2024536__

552 (1) The Department of Children and Families may petition a
553 court of competent jurisdiction for the appointment of a
554 receiver for a community-based care lead agency established
555 pursuant to s. 409.987 if any of the following conditions exist:

556 (c) The secretary of the department determines that
557 conditions exist in the lead agency which present a ~~an imminent~~
558 danger to the health, safety, or welfare of the dependent
559 children under that agency's care or supervision. A written
560 certification of such conditions by the secretary of the
561 department constitutes prima facie evidence that this
562 requirement is satisfied. Whenever possible, the department
563 shall make a reasonable effort to facilitate the continued
564 operation of the program.

565 (d) The lead agency cannot meet, or is unlikely to meet,
566 its current financial obligations to its employees, contractors,
567 or foster parents. Issuance of bad checks or the existence of
568 delinquent obligations for payment of salaries, utilities, or
569 invoices for essential services or commodities constitutes ~~shall~~
570 ~~constitute~~ prima facie evidence that the lead agency lacks the
571 financial ability to meet its financial obligations.

572 Section 7. Paragraph (d) of subsection (1) of section
573 409.996, Florida Statutes, is amended to read:

574 409.996 Duties of the Department of Children and Families.—
575 The department shall contract for the delivery, administration,
576 or management of care for children in the child protection and
577 child welfare system. In doing so, the department retains
578 responsibility for the quality of contracted services and
579 programs and shall ensure that, at a minimum, services are
580 delivered in accordance with applicable federal and state

36-00994-24

2024536__

581 statutes and regulations and the performance standards and
582 metrics specified in the strategic plan created under s.
583 20.19(1).

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

588 (d) Provide for contractual actions ~~tiered interventions~~
589 ~~and graduated penalties~~ for failure to comply with contract
590 terms or in the event of performance deficiencies, as determined
591 appropriate by the department. Such interventions and penalties
592 must ~~shall~~ include, but are not limited to:

593 1. ~~Enhanced monitoring and reporting.~~

594 2. ~~Corrective action plans.~~

595 2.3. ~~Requirements to accept technical assistance and~~
596 ~~consultation from the department under subsection (6).~~

597 3.4. ~~Financial penalties, which shall require a lead agency~~
598 ~~to direct reallocate funds from administrative costs to the~~
599 ~~department. The department shall use the funds collected to~~
600 ~~support service delivery of quality improvement activities for~~
601 ~~children in the lead agency's care to direct care for children.~~

602 These penalties may be imposed for failure to provide timely,
603 sufficient resolution of deficiencies resulting in a corrective
604 action plan or other performance improvement plan issued by the
605 department. Financial penalties may include liquidated damages.

606 4. The department shall include in each lead agency
607 contract executed a provision that requires payment to the
608 department of sanctions or disincentives for failure to comply
609 with contractual obligations. The department shall establish a

36-00994-24

2024536__

610 schedule of daily monetary sanctions or disincentives for lead
611 agencies, which schedule shall be incorporated by reference into
612 the contract. Contracts must, at a minimum, include sanctions or
613 disincentives for failure to comply with the following:

614 (I) A corrective action plan;

615 (II) A child placement agreement that includes all required
616 safety and care precautions and behavior management plans needed
617 to keep the children and others safe;

618 (III) State and federal law requirements for the
619 procurement of commodities or contractual services;

620 (IV) State and federal law requirements for related parties
621 which address conflicts of interest;

622 (V) Disclosure or reporting of any conflict of interest to
623 the department;

624 (VI) Provision of timely data and information as requested
625 by the department or its contracted vendors; and

626 (VII) Maintenance of an adequate network of placement
627 arrangements based on the needs of the children in the lead
628 agency's care, including placement locations that are licensed
629 or that provide an authorized setting or stable nightly
630 placements.

631

632 The department is solely responsible for determining the
633 monetary value of liquidated damages.

634 5. Early termination of contracts, as provided in s.
635 402.1705(3) (f).

636 Section 8. Paragraph (g) of subsection (2) of section
637 409.997, Florida Statutes, is amended to read:

638 409.997 Child welfare results-oriented accountability

36-00994-24

2024536__

639 program.—

640 (2) The purpose of the results-oriented accountability
641 program is to monitor and measure the use of resources, the
642 quality and amount of services provided, and child and family
643 outcomes. The program includes data analysis, research review,
644 and evaluation. The program shall produce an assessment of
645 individual entities' performance, as well as the performance of
646 groups of entities working together on a local, judicial
647 circuit, regional, and statewide basis to provide an integrated
648 system of care. Data analyzed and communicated through the
649 accountability program shall inform the department's development
650 and maintenance of an inclusive, interactive, and evidence-
651 supported program of quality improvement which promotes
652 individual skill building as well as organizational learning.
653 The department may use data generated by the program regarding
654 performance drivers, process improvements, short-term and long-
655 term outcomes, and quality improvement efforts to determine
656 contract compliance and as the basis for payment of performance
657 incentives if funds for such payments are made available through
658 the General Appropriations Act. The information compiled and
659 utilized in the accountability program must incorporate, at a
660 minimum:

661 ~~(g) An annual performance report that is provided to~~
662 ~~interested parties including the dependency judge or judges in~~
663 ~~the community-based care service area. The report shall be~~
664 ~~submitted to the Governor, the President of the Senate, and the~~
665 ~~Speaker of the House of Representatives by November 15 of each~~
666 ~~year.~~

667 Section 9. Paragraph (n) of subsection (1) of section

36-00994-24

2024536__

668 409.988, Florida Statutes, is amended to read:

669 409.988 Community-based care lead agency duties; general
670 provisions.—

671 (1) DUTIES.—A lead agency:

672 (n) Shall ensure that it is addressing the unique needs of
673 the fathers of children who are served by the lead agency.

674 1. The lead agency shall:

675 a. Conduct an initial assessment of its engagement with
676 such fathers and provision of and referral to father-oriented
677 services.

678 b. Create an action plan to address any gaps identified
679 through the assessment and implement the action plan.

680 c. Employ a father-engagement specialist to, at a minimum,
681 build relationships with fathers, help identify their needs,
682 assist them in accessing services, and communicate with the lead
683 agency about the challenges faced by these fathers and how to
684 appropriately meet their unique needs. The lead agency shall
685 prioritize individuals who have faced experiences similar to the
686 fathers who are being served by the lead agency for selection as
687 a father-engagement specialist.

688 2. The department shall annually review how the lead agency
689 is meeting the needs of fathers, including, at a minimum, how
690 the lead agency is helping fathers establish positive, stable
691 relationships with their children and assisting fathers in
692 receiving needed services. The lead agency shall provide any
693 relevant information on how it is meeting the needs of these
694 fathers to the department, ~~which must be included in the report~~
695 ~~required under s. 409.997.~~

696 Section 10. This act shall take effect July 1, 2024.