

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CHILDREN, FAMILIES, AND ELDER AFFAIRS**

**Senator Sobel, Chair**  
**Senator Hays, Vice Chair**

**MEETING DATE:** Tuesday, March 4, 2014  
**TIME:** 8:00 —9:30 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Sobel, Chair; Senator Hays, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Detert, Diaz de la Portilla, Grimsley, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 160</b> Bullard (Similar H 23)	Canned or Perishable Food Distributed Free of Charge; Limiting the liability of public schools with respect to canned or perishable food donated to charitable or nonprofit organizations, etc.  ED 02/04/2014 Favorable CF 03/04/2014 Favorable JU	Favorable Yeas 10 Nays 0
2	<b>SB 308</b> Brandes (Identical H 171)	Public Assistance Fraud; Authorizing the Department of Financial Services to administer oaths and affirmations and issue and serve subpoenas when conducting investigations into public assistance fraud; providing a penalty; providing for award of attorney fees and costs, etc.  CF 03/04/2014 Favorable BI	Favorable Yeas 10 Nays 0
3	<b>SB 762</b> Detert (Similar H 715)	Family Care Councils; Revising the membership of the family care council within each service area of the Agency for Persons with Disabilities, etc.  CF 03/04/2014 Favorable GO	Favorable Yeas 10 Nays 0
4	<b>SB 786</b> Latvala (Similar H 723)	Discretionary Sales Surtaxes; Revising the uses of the proceeds of the local government infrastructure surtax to include the maintenance of transportation infrastructure; authorizing a county to levy a homeless services and facilities surtax; defining "homeless services" and "homeless facilities"; requiring an ordinance, referendum, and voter approval, etc.  CF 03/04/2014 Favorable CA TR AP	Favorable Yeas 10 Nays 0
5	Review of Community-Based Care		Discussed

**COMMITTEE MEETING EXPANDED AGENDA**

Children, Families, and Elder Affairs

Tuesday, March 4, 2014, 8:00 —9:30 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 160

INTRODUCER: Senator Bullard

SUBJECT: Canned or Perishable Food Distributed Free of Charge

DATE: March 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	<b>Favorable</b>
3.	_____	_____	<u>JU</u>	_____

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**I. Summary:**

SB 160 adds public schools to the list of defined donors protected from civil and criminal liability when they donate food to charitable organizations. Current law protects most donors who give food to a charitable organization from civil and criminal liability related to injury caused by such donated food.

The bill takes effect July 1, 2014.

**II. Present Situation:**

Section 768.136, F.S., provides that a donor or gleaner of canned or perishable food apparently fit for human consumption may donate the food to charity while enjoying liability protection.<sup>1</sup> The term "donor" includes grocery stores and any place where food is regularly prepared for sale, take-out, or delivery. A "gleaner" is a person who harvests for free distribution an agricultural crop that has been donated by the owner. Where the food is apparently fit for human consumption and donated for free distribution to a bona fide charitable or nonprofit organization, the donor is not liable for an injury caused by the food unless the injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor or gleaner.<sup>2</sup> Likewise, a nonprofit or charitable organization or a representative of such organization which distributes donated food for free is protected from criminal and civil penalties under the same conditions.

Public schools in Florida participate in school lunch and breakfast programs subsidized by the federal government, but are not specifically included in the list of donors protected from liability by state law. Federal law governing the requirements for the National School Lunch Program was amended in 2011 to include: "[e]ach school and local educational agency participating in the

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<sup>1</sup> Section 768.136, F.S.

<sup>2</sup> Section 768.136(2), F.S.

school lunch program under this chapter may donate any food not consumed under such program to eligible local food banks or charitable organizations."<sup>3</sup>

### **III. Effect of Proposed Changes:**

The bill adds public schools to the list of defined donors protected from civil and criminal liability when they donate food to charitable organizations under the terms set forth in the statute.

The bill has an effective date of July 1, 2014.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

Using food that has been donated will enable charitable groups and organizations to use their revenue for purposes other than food purchases, while still providing meals and nutritional services to their designated clients.

The provision of canned and perishable food could reduce food costs for charitable groups and organizations that provide meals and nutritional services to designated clients.

#### **C. Government Sector Impact:**

None.

### **VI. Technical Deficiencies:**

None.

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<sup>3</sup> 42 U.S.C. §1758(l)(1)

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 768.136 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Bullard

39-00107-14

2014160\_\_

1 A bill to be entitled  
 2 An act relating to canned or perishable food  
 3 distributed free of charge; amending s. 768.136, F.S.;  
 4 revising the definition of the term "donor"; limiting  
 5 the liability of public schools with respect to canned  
 6 or perishable food donated to charitable or nonprofit  
 7 organizations; making grammatical changes; providing  
 8 an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Subsection (1) of section 768.136, Florida  
 13 Statutes, is reordered and amended to read:  
 14 768.136 Liability for canned or perishable food distributed  
 15 free of charge.—  
 16 (1) As used in this section, the term:  
 17 (b)(a) "Donor" means a person, business, organization, or  
 18 institution, including a public school, which owns, rents,  
 19 leases, or operates:  
 20 1. A ~~Any~~ building, vehicle, place, or structure, or a ~~any~~  
 21 room or division in a building, vehicle, place, or structure,  
 22 which ~~that~~ is maintained and operated as a place where food is  
 23 regularly prepared, served, or sold for immediate consumption on  
 24 or in the vicinity of the premises; or to be called for or taken  
 25 out by customers; or to be delivered to factories, construction  
 26 camps, airlines, locations where catered events are being held,  
 27 and other similar locations for consumption at any place;  
 28 2. A ~~Any~~ public location with vending machines dispensing  
 29 prepared meals; or

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

39-00107-14

2014160\_\_

30 3. A ~~Any~~ retail grocery store.  
 31 (c)(b) "Gleaner" means a person who harvests for free  
 32 distribution an agricultural crop that has been donated by the  
 33 owner.  
 34 (a)(e) "Canned food" means any food that ~~which~~ has been  
 35 commercially processed and prepared for human consumption and  
 36 ~~which has been~~ commercially packaged in such a manner as to  
 37 remain nonperishable without refrigeration for a reasonable  
 38 length of time.  
 39 (d) "Perishable food" means any food that may spoil or  
 40 otherwise become unfit for human consumption because of its  
 41 nature, type, or physical condition. The term "Perishable food"  
 42 includes, but is not limited to, fresh or processed meats,  
 43 poultry, seafood, dairy products, bakery products, eggs in the  
 44 shell, fresh fruits or vegetables, and foods that have been  
 45 noncommercially packaged, that have been frozen or otherwise  
 46 require refrigeration to remain nonperishable for a reasonable  
 47 length of time, or that have been prepared at a public food  
 48 service establishment licensed under chapter 509.  
 49 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

## Committee Agenda Request

**To:** Senator Eleanor Sobel, Chair  
Committee on Children, Families, and Elderly Affairs

**Subject:** Committee Agenda Request

**Date:** February 5, 2014

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I respectfully request that **Senate Bill #160**, relating to Perishable Food Distributed Free of Charge, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

  
\_\_\_\_\_  
Senator Dwight Bullard  
Florida Senate, District 39

**RECEIVED**

FEB 05 2014

Senate Committee  
Children and Families

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 308

INTRODUCER: Senator Brandes

SUBJECT: Public Assistance Fraud

DATE: March 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<b>Favorable</b>
2.	_____	_____	<u>BI</u>	_____

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**I. Summary:**

SB 308 gives new authority to the Department of Financial Services (DFS) to investigate and prosecute public assistance fraud. The department combats fraud in the major public assistance programs, such as Medicaid, Supplemental Nutritional Assistance Program, and Temporary Assistance for Needy Families.

The bill grants the authority to fraud investigators to administer oaths and affirmations. These are needed during investigations. Without this authority, investigators must become a Notary Public, which increases the costs of the program.

The bill also gives public assistance fraud investigators the power to issue subpoenas. Currently investigators cannot issue subpoenas for business and education records needed for their investigations. Investigators must ask the local state attorneys to issue the subpoena on their behalf. This change would improve the timeliness and efficiency of DFS' efforts to combat fraud. The bill would have a positive fiscal impact to the extent that fraud is reduced. The bill is effective on July 1, 2014.

**II. Present Situation:**

The state and federal government require organized efforts by states to combat public assistance fraud, both by the program recipients as well as the service providers. In 2011, the Legislature moved the Division of Public Assistance Fraud (division) from the Department of Law Enforcement to the Department of Financial Services (DFS). The division works to prevent, detect, and prosecute public assistance fraud. Other agencies combat public assistance fraud as well, such as the Agency for Health Care Administration that investigates fraud by Medicaid providers. The division however, investigates recipients, businesses and service providers for fraudulent activity in the major economic assistance programs. These programs are dually

funded by the state and federal governments, so fraud increases the costs to the tax payers. The division investigates fraud in the following programs:

- Temporary Assistance for Needy Families (TANF);
- Supplemental Nutritional Assistance Program (SNAP);
- Trafficking in SNAP benefits;
- Medicaid recipient fraud;
- Subsidized day care;
- School Readiness Program;
- Voluntary Pre-K Program;
- Emergency Financial Assistance for Housing;
- Low Income Energy Assistance;
- Disaster Assistance/Emergency SNAP benefits; and
- Cooperative Disability Investigations (Social Security Disability, SNAP, and Medicaid Eligibility).<sup>1</sup>

The division is staffed with 63 non-sworn law enforcement positions assigned to nine field offices.<sup>2</sup> Investigators get cases assigned, must review records establishing a person's eligibility, obtain and analyze other personal and business records, take sworn testimony from witnesses and suspects, and determine if there is evidence of fraud. Public assistance fraud investigators do not have authority to administer oaths and affirmations. In order to do so, they must be a Notary Public,<sup>3</sup> which costs the division approximately \$120 per investigator, and must be renewed every 4 years.<sup>4</sup>

Investigators in the Division of Public Assistance Fraud do not have statutory authority to issue subpoenas for business and education records that are frequently necessary for public assistance fraud investigations.<sup>5</sup> In order to obtain such records, the public assistance fraud investigators must request state attorneys to issue the subpoenas on their behalf.<sup>6</sup> This process is often time-consuming, particularly for the state attorneys and clerks of court.<sup>7</sup> Further, because not all investigations are criminal, the local state attorney cannot issue a subpoena for some public assistance fraud investigations.<sup>8</sup> This can lead to unsuccessful investigations and fraud cases.

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<sup>1</sup> Division of Public Assistance Fraud website, available at <http://www.myfloridacfo.com/division/PAF/#.UtRFS6NOnCs> (last visited on Feb. 28, 2014).

<sup>2</sup> *Id.*

<sup>3</sup> Department of Financial Services, *Fiscal Analysis* (Jan.13, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>4</sup> *Id.* DPAF averages 10 renewals per year at a cost to DPAF of approximately \$1,200 per year.

<sup>5</sup> Section 414.411, F.S.

<sup>6</sup> Department of Financial Services, *Fiscal Analysis* (Jan.13, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

DFS has other investigative programs under its jurisdiction with such authority. Other units within DFS with the authority to issue subpoenas include:

- The enforcement of employer workers' compensation coverage requirements (s. 440.107(3)(f), F.S.);
- Investigations under the Insurance Code (s. 624.321(1)(b), F.S.);
- State Fire Marshal investigations under ch. 633, F.S. (s. 633.112, F.S.); and
- Disposition of unclaimed property investigations (s. 717.1301, F.S.).

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 414.411, F.S., relating to public assistance fraud to allow DFS to do the following when conducting public assistance fraud investigations:

- Administer oaths and affirmations; and
- Issue and serve subpoenas for the attendance of witnesses or the production of business records, books, papers, correspondence, memoranda, and other records.

The bill allows the subpoenas to be served by representatives designated by DFS. If a person fails to obey the subpoena, the court may issue an order requiring compliance with the subpoena. Failure to obey the court order may be punished by the court as civil or criminal contempt. The person refusing the subpoena will be liable for costs incurred by DFS and reasonable attorney fees.

**Section 2** of the bill provides for an effective date of July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The aim of the bill is to improve the investigation and prosecution of public assistance fraud. To the extent that these changes reduce public assistance fraud, Florida and the federal government would see a reduction in the cost of these shared programs.

The bill will also reduce the cost to DFS to administer this program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 414.411 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Brandes

22-00467A-14

2014308\_\_

1 A bill to be entitled  
 2 An act relating to public assistance fraud; amending  
 3 s. 414.411, F.S.; authorizing the Department of  
 4 Financial Services to administer oaths and  
 5 affirmations and issue and serve subpoenas when  
 6 conducting investigations into public assistance  
 7 fraud; providing a penalty; providing for award of  
 8 attorney fees and costs; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Subsection (2) of section 414.411, Florida  
 13 Statutes, is amended to read:  
 14 414.411 Public assistance fraud.—  
 15 (2) When conducting an ~~In the conduct of such~~ investigation  
 16 pursuant to this section, the Department of Financial Services  
 17 may:  
 18 (a) Employ persons who have ~~having such~~ qualifications that  
 19 ~~as~~ are useful in the performance of this duty.  
 20 (b) Administer oaths and affirmations.  
 21 (c) Issue and serve subpoenas for the attendance of  
 22 witnesses or the production of business records, books, papers,  
 23 correspondences, memoranda, and other records. Representatives  
 24 designated by the department may serve the subpoenas. If a  
 25 person refuses to obey a subpoena, the court that has  
 26 jurisdiction in the geographical area where the inquiry is  
 27 carried out or where the person who has refused the subpoena is  
 28 found, resides, or transacts business may issue an order  
 29 requiring compliance with the subpoena. Failure to obey the

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

22-00467A-14

2014308\_\_

30 court order may be punished, civilly or criminally, by the court  
 31 as contempt. The person refusing the subpoena is liable for  
 32 costs, including reasonable attorney fees, incurred by the  
 33 department to obtain an order granting, in whole or in part, a  
 34 petition to enforce the subpoena.  
 35 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR JEFF BRANDES**  
22nd District

**COMMITTEES:**  
Transportation, *Chair*  
Agriculture  
Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Education  
Health Policy

**SELECT COMMITTEE:**  
Select Committee on Patient Protection  
and Affordable Care Act

December 31, 2013

Senator Eleanor Sobel, Chair  
Committee on Children, Families, and Elder Affairs  
410 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Chair Sobel:

Please place Senate Bill 308, Public Assistance Fraud, on the Children, Families, and Elder Affairs Committee agenda at your earliest convenience.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal flourish extending to the right.

Senator Jeff Brandes

Cc: Claude Hendon, Staff Director

**REPLY TO:**

- 3637 Fourth Street North, Suite 101, St. Petersburg, Florida 33704-1300 (727) 552-2745
- 318 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic SB 308 Bill Number SB 308  
Name Jack Heacock Amendment Barcode \_\_\_\_\_  
Job Title Director, Division of Public Assistance Fraud  
Address 400 N Monroe St Phone 850-413-2829  
Tallahassee FL 32399 E-mail Jack.Heacock@myfloridacfo.com  
City State Zip

Speaking:  For  Against  Information

Representing CFO Atwater / Division of Public Assistance Fraud

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/2014

Meeting Date

Topic SB 308 Bill Number SB 308  
Name Logan McFaddin Amendment Barcode \_\_\_\_\_  
Job Title Director legislative affairs  
Address 400 N Monroe St Phone 413-2863  
Tallahassee FL 32399 E-mail Logan.McFaddin@myfloridacfo.com  
City State Zip

Speaking:  For  Against  Information

Representing CFO Atwater

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 762

INTRODUCER: Senator Detert

SUBJECT: Family Care Councils

DATE: March 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	<b>Favorable</b>
2.			GO	

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**I. Summary:**

SB 762 amends s. 393.502, F.S., to change membership eligibility of FCCs by allowing grandparents to be members of Family Care Councils (FCCs). FCCs are local councils that advise the Agency for Persons with Disabilities on the needs of self-advocates and their families. It also clarifies that persons waiting to receive services may be members of FCCs.

The bill does not appear to have a fiscal impact on state or local government and provides for an effective date of July 1, 2014.

**II. Present Situation:**

The Agency for Persons with Disabilities (APD) was created to serve the needs of Floridians with developmental disabilities. APD works in partnership with local communities and private providers to assist people who have developmental disabilities and their families. APD serves more than 50,000 individuals with autism, cerebral palsy, spina bifida, intellectual disabilities, Down syndrome, and Prader-Willi syndrome.<sup>1</sup>

APD is unable to provide services to all individuals with developmental disabilities. Individuals who are eligible for APD services are prioritized according to need and some individuals are placed on a waiting list for services.<sup>2</sup>

In 1993, the Florida Legislature established Family Care Councils (FCCs) to advise on policy issues relevant to the community and family support system in the local area.<sup>3</sup> FCCs are located

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<sup>1</sup> Agency for Persons with Disabilities, *About Us*, available at <http://apd.myflorida.com/about/> (last visited Feb. 24, 2014).

<sup>2</sup> Agency for Persons with Disabilities, *Waiting List*, available at <http://apd.myflorida.com/customers/waitlist> (last visited Feb. 24, 2014).

<sup>3</sup> Section 393.502(7), F.S.

within each service area of APD, of which there are 15.<sup>4</sup> Examples of services provided by APD include adult day training, personal care services, and specialized therapies.<sup>5</sup>

The primary functions of the local FCCs are to:

- Assist in providing information and outreach to families;
- Review the effectiveness of services programs and make recommendations with respect to program implementation;
- Advise the agency with respect to policy issues relevant to the community and family support system in the local area; and
- Meet and share information with other local family care councils.<sup>6</sup>

Each local FCC must have between 10 and 15 members. Members of each FCC must be recommended by a majority vote of the local FCC and then appointed by the Governor. Each FCC must include the following members:

- At least three of the members of the council must be consumers.<sup>7</sup>
  - One of these members must be a consumer who received services within the four years prior to the date of recommendation, or the legal guardian of such a consumer.
- The remainder of the council members must be parents, guardians, or siblings of persons with developmental disabilities who qualify for services pursuant to ch. 393, F.S.<sup>8</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends the membership eligibility for FCCs. The bill allows grandparents of persons with developmental disabilities who qualify for services pursuant to ch. 393, F.S., to serve on FCCs. This section also clarifies that at least three members of the FCC shall be individuals receiving or waiting to receive services from APD and one such member shall be an individual who has been receiving services within the 4 years before the date of recommendation.

**Section 2** of the bill provides an effective date of July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>4</sup> Section 393.502(1), F.S.

<sup>5</sup> Section 393.006(3), F.S.

<sup>6</sup> Section 393.502(7), F.S.

<sup>7</sup> The term “consumers” is not defined in ch. 393, F.S., but is used by APD to refer to individuals eligible for APD services per ch. 393, F.S. This includes both individuals receiving services and individuals on the waitlist to receive services.

<sup>8</sup> Section 393.502(2)(a), F.S.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

None

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 393.502 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Detert

28-00942-14

2014762\_\_

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A bill to be entitled

An act relating to family care councils; amending s. 393.502, F.S.; revising the membership of the family care council within each service area of the Agency for Persons with Disabilities; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 393.502, Florida Statutes, is amended to read:

393.502 Family care councils.—

(2) MEMBERSHIP.—

(b) At least three of the members of the council ~~shall must~~ be individuals receiving or waiting to receive services from the agency consumers. One such member shall be an individual a consumer who has been receiving ~~received~~ services within the 4 years before ~~prior to~~ the date of recommendation, ~~or the legal guardian of such a consumer~~. The remainder of the council members shall be parents, grandparents, guardians, or siblings of individuals who have ~~persons with~~ developmental disabilities and who qualify for services pursuant to this chapter.

Section 2. This act shall take effect July 1, 2014.



The Florida Senate

## Committee Agenda Request

**To:** Senator Eleanor Sobel, Chair  
Committee on Children, Families, and Elder Affairs

**Subject:** Committee Agenda Request

**Date:** February 6, 2014

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I respectfully request that **Senate Bill #762**, relating to Family Care Councils, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, reading "Nancy Detert".

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Senator Nancy C. Detert  
Florida Senate, District 28

**RECEIVED**

FEB 03 2014

Senate Committee  
Children and Families

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/18

Meeting Date

Topic Family Care Councils

Bill Number SB 262  
*(if applicable)*

Name Dixie Sanson

Amendment Barcode     
*(if applicable)*

Job Title Lobbyist

Address PO Box 98

Phone 321-543-7195

Street

Cocoa

City

FL

State

32923

Zip

E-mail dixiesanson@nfl.com

Speaking:  For  Against  Information

Representing The Age of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 786

INTRODUCER: Senator Latvala

SUBJECT: Discretionary Sales Surtaxes

DATE: March 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	<b>Favorable</b>
2.			CA	
3.			TR	
4.			AP	

---

**I. Summary:**

SB 786 amends s. 212.055(2)(d), F.S., to allow a county to use the proceeds or interest accrued from a duly adopted local government infrastructure surtax for the maintenance of transportation infrastructure provided the local government ordinance authorizing such use is approved by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax.

This bill creates s. 202.055(9), F.S., which authorizes a new discretionary sales surtax of up to 0.5 percent, or one half of one percent, for homeless services and facilities within the county through the adoption of an ordinance passed by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax.

The bill would have a positive fiscal impact on those local governments that adopt the surtax.

The bill has an effective date of July 1, 2014.

**II. Present Situation:**

**Local Discretionary Sales Surtax**

A “surtax” is an “additional tax imposed on something being taxed or on the primary tax itself.”<sup>1</sup> The Florida Statutes authorize counties to charge a discretionary sales surtax if the surtax is specifically designated as a subsection of s. 212.055, F.S.<sup>2</sup>

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<sup>1</sup> BLACK’S LAW DICTIONARY 704 (3rd ed. 2006)

<sup>2</sup> Sections 212.054, 202.055, F.S.

Section 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes, which are the:

- Charter County and Regional Transportation System Surtax.
- Local Government Infrastructure Surtax.
- Small County Surtax.
- Indigent Care and Trauma Center Surtax.
- County Public Hospital Surtax.
- School Capital Outlay Surtax.
- Voter-Approved Indigent Care Surtax; and
- Emergency Fire Rescue Services and Facilities Surtax.<sup>3</sup>

Currently, the maximum surtax actually imposed is 1.5 percent in several counties.<sup>4</sup> The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered, and is levied in addition to the state tax.<sup>5</sup> The sales amount is not subject to the tax if the property or service is delivered within a county that does not impose a surtax.<sup>6</sup> Discretionary sales surtax applies to the first \$5,000 on any item of tangible personal property.<sup>7</sup> The \$5,000 cap does not apply to:

- sales of admissions,
- sales of warranties,
- sales and uses of services,
- charges for prepaid calling arrangements,
- leases, rental, and licenses to use real property or transient accommodations,
- leases or renting of parking or storage space for motor vehicles in parking lots or garages,
- docking or storage space in boat docks and marinas, and
- tie-down or storage space for aircraft.<sup>8</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 212.055(2)(d), F.S., to allow for the use of the proceeds or interest accrued from the levy of a local government infrastructure surtax for the maintenance of transportation infrastructure if the local government ordinance authorizes such use and it is approved by a referendum. Current law does not allow for proceeds and any interest to be used for the operational expenses of infrastructure except in a county that has a population of fewer than 75,000 and pursuant to certain conditions.

---

<sup>3</sup> Section 212.055(1)-(8), F.S.

<sup>4</sup> Florida Department of Revenue, *Discretionary Sales Surtax Information for Calendar Year 2014*, available at [http://dor.myflorida.com/dor/forms/current/dr15dss\\_1113.pdf](http://dor.myflorida.com/dor/forms/current/dr15dss_1113.pdf) (listing the following counties as having a 1.5% surtax rate in 2014: Calhoun, Escambia, Gadsden, Jackson, Leon, Liberty, Madison, Monroe, and Walton.) (last visited Feb. 26, 2014).

<sup>5</sup> Florida Department of Revenue, *Florida's Discretionary Sales Surtax*, available at <http://dor.myflorida.com/dor/forms/current/gt800019.pdf> (last visited Feb. 26, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* The surtax applies to the “sale, use, lease rental, or license to use any item of tangible personal property,” and tangible personal property is “personal property that you can see, weigh, measure, or touch or is in any manner perceptible to the senses, including electric power or energy.”

<sup>8</sup> *Id.*

The bill creates s. 212.055(9), F.S., to add a ninth discretionary sales surtax, known as the Homeless Services and Facilities Surtax, authorizing a county to levy up to 0.5 percent for homeless services and facilities within the county. The surtax requires an ordinance that must include a plan for the provision of services to qualified homeless residents and subject to the approval by a majority of county electors voting in a referendum. A statement that includes a brief description of the purposes to be funded by the surtax and conforms to the statutory requirements must be included on the ballot.

**Section 2** provides an effective date of July 1, 2014.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sales tax would increase in a county if an ordinance is approved to levy the Homeless Services and Facilities Surtax up to 0.5 percent.

C. Government Sector Impact:

The bill has not yet been reviewed by the Revenue Estimating Conference to determine the revenue impact on state and local government, if any.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 212.055 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

By Senator Latvala

20-00826-14

2014786\_\_

1 A bill to be entitled  
 2 An act relating to discretionary sales surtaxes;  
 3 amending s. 212.055, F.S.; revising the uses of the  
 4 proceeds of the local government infrastructure surtax  
 5 to include the maintenance of transportation  
 6 infrastructure; authorizing a county to levy a  
 7 homeless services and facilities surtax; defining  
 8 "homeless services" and "homeless facilities";  
 9 requiring an ordinance, referendum, and voter  
 10 approval; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14 Section 1. Paragraphs (d) and (h) of subsection (2) of  
 15 section 212.055, Florida Statutes, are amended, and subsection  
 16 (9) is added to that section, to read:

17 212.055 Discretionary sales surtaxes; legislative intent;  
 18 authorization and use of proceeds.—It is the legislative intent  
 19 that any authorization for imposition of a discretionary sales  
 20 surtax shall be published in the Florida Statutes as a  
 21 subsection of this section, irrespective of the duration of the  
 22 levy. Each enactment shall specify the types of counties  
 23 authorized to levy; the rate or rates which may be imposed; the  
 24 maximum length of time the surtax may be imposed, if any; the  
 25 procedure which must be followed to secure voter approval, if  
 26 required; the purpose for which the proceeds may be expended;  
 27 and such other requirements as the Legislature may provide.  
 28 Taxable transactions and administrative procedures shall be as  
 29 provided in s. 212.054.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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2014786\_\_

30 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—  
 31 (d) The proceeds of the surtax authorized by this  
 32 subsection and any accrued interest shall be expended by the  
 33 school district, within the county and municipalities within the  
 34 county, or, in the case of a negotiated joint county agreement,  
 35 within another county, to finance, plan, and construct  
 36 infrastructure; to acquire land for public recreation,  
 37 conservation, or protection of natural resources; to provide  
 38 loans, grants, or rebates to residential or commercial property  
 39 owners who make energy efficiency improvements to their  
 40 residential or commercial property, if a local government  
 41 ordinance authorizing such use is approved by referendum; or to  
 42 finance the closure of county-owned or municipally owned solid  
 43 waste landfills that have been closed or are required to be  
 44 closed by order of the Department of Environmental Protection.  
 45 Any use of the proceeds or interest for purposes of landfill  
 46 closure before July 1, 1993, is ratified. The proceeds and any  
 47 interest may not be used for the operational expenses of  
 48 infrastructure, except that a county may use the proceeds or  
 49 interest for the maintenance of transportation infrastructure if  
 50 the local government ordinance authorizing such use is approved  
 51 by referendum as provided in this subsection, and a county that  
 52 has a population of fewer than 75,000 and that is required to  
 53 close a landfill may use the proceeds or interest for long-term  
 54 maintenance costs associated with landfill closure. Counties, as  
 55 defined in s. 125.011, and charter counties may, in addition,  
 56 use the proceeds or interest to retire or service indebtedness  
 57 incurred for bonds issued before July 1, 1987, for  
 58 infrastructure purposes, and for bonds subsequently issued to

Page 2 of 6

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 refund such bonds. Any use of the proceeds or interest for  
60 purposes of retiring or servicing indebtedness incurred for  
61 refunding bonds before July 1, 1999, is ratified.

62 1. As used in ~~For the purposes of~~ this paragraph, the term  
63 "infrastructure" means:

64 a. ~~A Any~~ fixed capital expenditure or fixed capital outlay  
65 associated with the construction, reconstruction, or improvement  
66 of public facilities that have a life expectancy of 5 or more  
67 years and ~~any~~ related land acquisition, land improvement,  
68 design, and engineering costs.

69 b. A fire department vehicle, an emergency medical services  
70 ~~service~~ vehicle, a sheriff's office vehicle, a police department  
71 vehicle, or ~~any~~ other vehicle, and the equipment necessary to  
72 outfit the vehicle for its official use or equipment that has a  
73 life expectancy of at least 5 years.

74 c. ~~An Any~~ expenditure for the construction, lease, or  
75 maintenance of, or provision of utilities or security for,  
76 facilities, as defined in s. 29.008.

77 d. ~~A Any~~ fixed capital expenditure or fixed capital outlay  
78 associated with the improvement of private facilities that have  
79 a life expectancy of 5 or more years and that the owner agrees  
80 to make available for use on a temporary basis as needed by a  
81 local government as a public emergency shelter or a staging area  
82 for emergency response equipment during an emergency officially  
83 declared by the state or by the local government under s.  
84 252.38. Such improvements are limited to those necessary to  
85 comply with current standards for public emergency evacuation  
86 shelters. The owner must enter into a written contract with the  
87 local government providing the improvement funding to make the

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88 private facility available to the public for purposes of  
89 emergency shelter at no cost to the local government for a  
90 minimum of 10 years after completion of the improvement, which  
91 includes a ~~with the~~ provision that the obligation will transfer  
92 to ~~a any~~ subsequent owner until the end of the minimum period.

93 e. ~~A Any~~ land acquisition expenditure for a residential  
94 housing project in which at least 30 percent of the units are  
95 affordable to individuals or families whose total annual  
96 household income does not exceed 120 percent of the area median  
97 income adjusted for household size, if the land is owned by a  
98 local government or by a special district that enters into a  
99 written agreement with the local government to provide such  
100 housing. The local government or special district may enter into  
101 a ground lease with a public or private person or entity for  
102 nominal or other consideration for the construction of the  
103 residential housing project on land acquired pursuant to this  
104 sub-subparagraph.

105 2. As used in ~~For the purposes of~~ this paragraph, the term  
106 "energy efficiency improvement" means an ~~any energy conservation~~  
107 ~~and efficiency~~ improvement that reduces energy consumption  
108 through conservation or a more efficient use of electricity,  
109 natural gas, propane, or other forms of energy on the property,  
110 including, but not limited to, air sealing; installation of  
111 insulation; installation of energy-efficient heating, cooling,  
112 or ventilation systems; installation of solar panels; building  
113 modifications to increase the use of daylight or shade;  
114 replacement of windows; installation of energy controls or  
115 energy recovery systems; installation of electric vehicle  
116 charging equipment; installation of systems for natural gas fuel

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117 as defined in s. 206.9951; and installation of efficient  
118 lighting equipment.

119 3. Notwithstanding any other provision of this subsection,  
120 a local government infrastructure surtax imposed or extended  
121 after July 1, 1998, may allocate up to 15 percent of the surtax  
122 proceeds for deposit into a trust fund within the county's  
123 accounts created for the purpose of funding economic development  
124 projects having a general public purpose of improving local  
125 economies, including the funding of operational costs and  
126 incentives related to economic development. The ballot statement  
127 must indicate the intention to make an allocation under the  
128 authority of this subparagraph.

129 (h) Notwithstanding any other provision of this section, a  
130 county ~~may shall~~ not levy local option sales surtaxes authorized  
131 ~~under in~~ this subsection and subsections (3), (4), ~~and~~ (5), and  
132 (9) in excess of a combined rate of 1 percent.

133 (9) HOMELESS SERVICES AND FACILITIES SURTAX.—The governing  
134 authority of a county may, by ordinance, levy a discretionary  
135 sales surtax of up to 0.5 percent for homeless services and  
136 facilities within the county as provided in this subsection.

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

138 1. "Homeless facilities" includes, but is not limited to,  
139 the purchase and construction or renovation of sites to serve as  
140 central points of access, homeless housing, emergency housing,  
141 and supportive housing.

142 2. "Homeless services" includes, but is not limited to,  
143 outreach, intake, assessment, case management, homeless  
144 prevention, emergency and supportive housing, temporary medical  
145 respite, housing vouchers, transportation assistance, job

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146 readiness, job coaching, job development and placement, and  
147 homeless data management.

148 (b) The ordinance adopted by the governing authority  
149 providing for the imposition of the surtax must also include a  
150 plan for providing services to qualified homeless residents.

151 (c) Upon the adoption of the ordinance, the levy of the  
152 surtax shall be placed on the ballot of a regularly scheduled  
153 election by the governing authority enacting the ordinance. A  
154 statement that includes a brief description of the purposes to  
155 be funded by the surtax and conforms to the requirements of s.  
156 101.161 must be included in the ballot. The ordinance shall take  
157 effect if approved by a majority of the electors of the county  
158 voting in a referendum held for such purpose.

159 Section 2. This act shall take effect July 1, 2014.

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:  
Ethics and Elections, *Chair*  
Budget - Subcommittee on General Government  
Appropriations  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Community Affairs  
Environmental Preservation and Conservation  
Rules  
Judiciary  
Appropriations  
Select Committee on Gaming

**SENATOR JACK LATVALA**  
20th District

February 6, 2014

The Honorable Senator Eleanor Sobel, Chair  
Senate Committee on Children, Families, and Elder Affairs  
520 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Sobel:

I respectfully request that Senate Bill 786/Discretionary Sales Surtaxes be placed on the agenda of the Senate Committee on Children, Families, and Elder Affairs at your earliest convenience.

The purpose of this bill is to add a ninth type of local discretionary sales surtax to fund homeless services, providing for local residents to vote on use and amount needed by their county. While the need for assistance for the homeless has risen, the ability to fund and access resources to serve these most vulnerable Floridians has steadily declined.

If you have any questions regarding this legislation, please contact me. Thank you for your consideration.

Sincerely,



Jack Latvala  
State Senator  
District 20

Cc: Claude Hendon, Staff Director; Lynn Wells Administrative Assistant

REPLY TO:

- 26133 U.S. Highway 19 North, Suite 201 Clearwater, FL 33763 (727) 793-2797
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

Don Gaetz  
President of the Senate

Garrett Richter  
President Pro Tempore

RECEIVED

FEB 07 2014

Senate Committee  
Children and Families

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



2/4/14

Meeting Date

Topic DISCRETIONARY SALES SURTAXES

Bill Number 786  
(if applicable)

Name TODD BONLARRON

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title LEGISLATIVE AFFAIRS DIRECTOR

Address 3016 N. OCEAN AVE

Phone SGI 310-7832

Street

WEST PALM BEACH FL 33401

City

State

Zip

E-mail tbonlarr@pflaga.com

Speaking:  For  Against  Information

Representing PALM BEACH COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/14

Meeting Date

Topic Homelessness / transportation surtax

Bill Number SB 786  
(if applicable)

Name DAVIN SEGGS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title SR. LEG ADV

Address 100 S. MONROE STREET

Phone 850.320.2635

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FL. ASSOC. OF COUNTIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03-08-14  
Meeting Date

Topic Discretionary Surcharge Bill Number 786 (if applicable)  
Name Lauren Jackson Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Associate lobbyist for ECI  
Address 205 S Adams St Phone 931-265-8999  
*Street* Tallahassee FL 32301 E-mail lauren.andyj@gmail.com  
*City* *State* *Zip*

Speaking:  For  Against  Information

Representing Broward County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

586-01010B-14

1                                   A bill to be entitled  
2       An act relating to persons providing child welfare  
3       services; amending s. 402.40, F.S.; revising  
4       legislative intent; providing requirements for persons  
5       providing child welfare services; providing an  
6       exception; creating s. 402.402, F.S.; providing  
7       education requirements for child protective  
8       investigators and child protective investigation  
9       supervisors; providing a timeline for implementation  
10      of such requirements; providing for exemptions;  
11      requiring a report to the Governor and the Legislature  
12      by a specified date; creating s. 402.403, F.S.;  
13      establishing a tuition exemption program for child  
14      protective investigators; providing eligibility  
15      requirements; creating s. 402.404, F.S.; establishing  
16      a student loan forgiveness program for child  
17      protective investigators; providing eligibility  
18      requirements; providing requirements for the program;  
19      authorizing the department to adopt rules; creating s.  
20      1004.615, F.S.; establishing the Florida Institute for  
21      Child Safety in the Department of Children and  
22      Families; providing the purpose of the institute;  
23      requiring the institute to contract and work with  
24      specified entities; providing duties and  
25      responsibilities of the institute; providing for the  
26      administration of the institute; requiring a report to  
27      the Governor and the Legislature by a specified date;  
28      amending s. 1009.25, F.S.; exempting tuition and fees  
29      for specified child protective investigators and child

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30 protection investigation supervisors; repealing s.  
31 402.401, F.S., relating to the Florida Child Welfare  
32 Student Loan Forgiveness Program; repealing s.  
33 1004.61, F.S., relating to partnerships to develop  
34 child protection workers; providing an effective date.  
35

36 Be It Enacted by the Legislature of the State of Florida:  
37

38 Section 1. Section 402.40, Florida Statutes, is amended to  
39 read:

40 402.40 Child welfare training and certification.—

41 (1) LEGISLATIVE INTENT.—In order to enable the state to  
42 provide a systematic approach to staff development and training  
43 for persons providing child welfare services which ~~that~~ will  
44 meet the needs of such staff in their discharge of duties, it is  
45 the intent of the Legislature that the Department of Children  
46 and Families ~~Family Services~~ work in collaboration with the  
47 child welfare stakeholder community, including department-  
48 approved third-party credentialing entities, to ensure that  
49 staff have the knowledge, skills, and abilities necessary to  
50 competently provide child welfare services. ~~It is the intent of~~  
51 ~~the Legislature that each person providing child welfare~~  
52 ~~services in this state earns and maintains a professional~~  
53 ~~certification from a professional credentialing entity that is~~  
54 ~~approved by the Department of Children and Family Services.~~ The  
55 Legislature further intends that certification and training  
56 programs will aid in the reduction of poor staff morale and of  
57 staff turnover, will positively impact on the quality of  
58 decisions made regarding children and families who require

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59 assistance from programs providing child welfare services, and  
60 will afford better quality care of children who must be removed  
61 from their families.

62 (2) REQUIREMENTS FOR PERSONS PROVIDING CHILD WELFARE  
63 SERVICES; EXCEPTIONS.-

64 (a) Each person providing child welfare services who is  
65 employed by a community-based care lead agency or subcontractor  
66 is required to earn and maintain a professional certification  
67 from a professional credentialing entity that is approved by the  
68 department.

69 (b) Each person who is employed by the department or a  
70 sheriff's office as a child protective investigator or a child  
71 protection investigation supervisor who has a bachelor's or  
72 master's degree in social work from a college or university  
73 social work program accredited by the Council on Social Work  
74 Education is exempt from the certification requirements of this  
75 section.

76 (3)-~~(2)~~ DEFINITIONS.-As used in this section, the term:

77 (a) "Child welfare certification" means a professional  
78 credential awarded by a department-approved third-party  
79 credentialing entity to individuals demonstrating core  
80 competency in any child welfare practice area.

81 (b) "Child welfare services" means any intake, protective  
82 investigations, preprotective services, protective services,  
83 foster care, shelter and group care, and adoption and related  
84 services program, including supportive services and supervision  
85 provided to children who are alleged to have been abused,  
86 abandoned, or neglected or who are at risk of becoming, are  
87 alleged to be, or have been found dependent pursuant to chapter

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88 39.

89 (c) "Core competency" means the minimum knowledge, skills,  
90 and abilities necessary to carry out work responsibilities.

91 (d) "Person providing child welfare services" means a  
92 person who has a responsibility for supervisory, direct care, or  
93 support-related work in the provision of child welfare services  
94 pursuant to chapter 39.

95 (e) "Preservice curriculum" means the minimum statewide  
96 training content based upon the core competencies which is made  
97 available to all persons providing child welfare services.

98 (f) "Third-party credentialing entity" means a department-  
99 approved nonprofit organization that has met nationally  
100 recognized standards for developing and administering  
101 professional certification programs.

102 (4)~~(3)~~ THIRD-PARTY CREDENTIALING ENTITIES.—The department  
103 shall approve one or more third-party credentialing entities for  
104 the purpose of developing and administering child welfare  
105 certification programs for persons who provide child welfare  
106 services. A third-party credentialing entity shall request such  
107 approval in writing from the department. In order to obtain  
108 approval, the third-party credentialing entity must:

109 (a) Establish professional requirements and standards that  
110 applicants must achieve in order to obtain a child welfare  
111 certification and to maintain such certification.

112 (b) Develop and apply core competencies and examination  
113 instruments according to nationally recognized certification and  
114 psychometric standards.

115 (c) Maintain a professional code of ethics and a  
116 disciplinary process that apply to all persons holding child

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117 welfare certification.

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

121 (e) Require annual continuing education for persons holding  
122 child welfare certification.

123 (f) Administer a continuing education provider program to  
124 ensure that only qualified providers offer continuing education  
125 opportunities for certificateholders.

126 (5)~~(4)~~ CHILD WELFARE TRAINING TRUST FUND.—

127 (a) There is created within the State Treasury a Child  
128 Welfare Training Trust Fund to be used by the department ~~of~~  
129 ~~Children and Family Services~~ for the purpose of funding the  
130 professional development of persons providing child welfare  
131 services.

132 (b) One dollar from every noncriminal traffic infraction  
133 collected pursuant to s. 318.14(10)(b) or s. 318.18 shall be  
134 deposited into the Child Welfare Training Trust Fund.

135 (c) In addition to the funds generated by paragraph (b),  
136 the trust fund shall receive funds generated from an additional  
137 fee on birth certificates and dissolution of marriage filings,  
138 as specified in ss. 382.0255 and 28.101, respectively, and may  
139 receive funds from any other public or private source.

140 (d) Funds that are not expended by the end of the budget  
141 cycle or through a supplemental budget approved by the  
142 department shall revert to the trust fund.

143 (6)~~(5)~~ CORE COMPETENCIES.—

144 (a) The department ~~of Children and Family Services~~ shall  
145 approve the core competencies and related preservice curricula

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146 that ensures that each person delivering child welfare services  
147 obtains the knowledge, skills, and abilities to competently  
148 carry out his or her work responsibilities.

149 (b) The identification of these core competencies and  
150 development of preservice curricula shall be a collaborative  
151 effort that includes professionals who have expertise in child  
152 welfare services, department-approved third-party credentialing  
153 entities, and providers that will be affected by the curriculum,  
154 including, but not limited to, representatives from the  
155 community-based care lead agencies, sheriffs' offices conducting  
156 child protection investigations, and child welfare legal  
157 services providers.

158 (c) Community-based care agencies, sheriffs' offices, and  
159 the department may contract for the delivery of preservice and  
160 any additional training for persons delivering child welfare  
161 services if the curriculum satisfies the department-approved  
162 core competencies.

163 (d) Department-approved credentialing entities shall, for a  
164 period of at least 12 months after implementation of the third-  
165 party child welfare certification programs, grant reciprocity  
166 and award a child welfare certification to individuals who hold  
167 current department-issued child welfare certification in good  
168 standing, at no cost to the department or the certificateholder.

169 (7)~~(6)~~ ADOPTION OF RULES.—The department ~~of Children and~~  
170 ~~Family Services~~ shall adopt rules ~~necessary to~~ administer ~~carry~~  
171 ~~out the provisions of~~ this section.

172 Section 2. Section 402.402, Florida Statutes, is created to  
173 read:

174 402.402 Child protective investigators; child protection

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175 investigation supervisors.-

176 (1) CHILD PROTECTIVE INVESTIGATION STAFF REQUIREMENTS.-

177 (a) Child protective investigators and child protective  
178 investigation supervisors hired on or after July 1, 2014, by the  
179 department or a sheriff's office must have a bachelor's degree  
180 or a master's degree in social work from a college or university  
181 social work program accredited by the Council on Social Work  
182 Education. Child protective investigators and child protective  
183 investigation supervisors employed by the department or a  
184 sheriff's office before July 1, 2014, who do not have the  
185 required bachelor's or master's degree are subject to the  
186 staffing requirements provided in paragraph (b) and may apply  
187 for an exemption under paragraph (c).

188 (b) The staffing requirements in this subsection shall be  
189 phased in over a 4-year period. At the end of the 2014-2015  
190 fiscal year, at least 25 percent of the department's child  
191 protective investigators and child protective investigation  
192 supervisors and a sheriff's child protective investigators and  
193 child protective investigation supervisors must meet the  
194 requirements of this subsection. At the end of the 2015-2016  
195 fiscal year, at least 50 percent of the department's child  
196 protective investigators and child protective investigation  
197 supervisors and a sheriff's child protective investigators and  
198 child protective investigation supervisors must meet the  
199 requirements of this subsection. At the end of the 2016-2017  
200 fiscal year, at least 75 percent of the department's child  
201 protective investigators and child protective investigation  
202 supervisors and a sheriff's child protective investigators and  
203 child protective investigation supervisors must meet the

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204 requirements of this subsection. At the end of the 2017-2018  
205 fiscal year, 100 percent of the department's child protective  
206 investigators and child protective investigation supervisors and  
207 a sheriff's child protective investigators and child protective  
208 investigation supervisors must meet the requirements of this  
209 subsection.

210 (c) The secretary of the department and the sheriff may  
211 exempt an individual child protective investigator or child  
212 protective investigation supervisor from the requirements in  
213 paragraphs (a) and (b) on a case-by-case basis. The secretary of  
214 the department and the sheriff must specify in writing the  
215 individual employee and state the reasons that it is in the best  
216 interest of the state for the individual to be exempt from the  
217 requirements of this subsection.

218 (2) REPORT.—By August 1, 2014, and annually thereafter, the  
219 secretary of the department shall report to the Governor, the  
220 President of the Senate, and the Speaker of the House of  
221 Representatives compliance with the requirements of subsection  
222 (1) as well as the number and location of employees exempted  
223 from the requirements. A sheriff who provides child protection  
224 services shall report information to the secretary of the  
225 department regarding the progress of his or her office in  
226 meeting the requirements of subsection (1).

227 (3) EXEMPTION.—A child protective investigator or child  
228 protection investigation supervisor employed by the department  
229 or a sheriff's office who meets the requirements of subsection  
230 (1) is exempt from s. 402.40.

231 Section 3. Section 402.403, Florida Statutes, is created to  
232 read:

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233 402.403 Child Protective Investigator Tuition Exemption  
234 Program.—

235 (1) There is established within the department the Child  
236 Protective Investigator Tuition Exemption Program for the  
237 purpose of retaining high-performing individuals who are  
238 employed as child protective investigators or child protection  
239 investigation supervisors with the department or sheriff's  
240 office and who do not have a bachelor's degree or master's  
241 degree in social work. The department or sheriff's office may  
242 exempt tuition and fees to a state university for an applicant  
243 who is:

244 (a) Employed as a child protective investigator or child  
245 protection investigation supervisor by the department or  
246 sheriff's office and who receives personnel evaluations  
247 indicating a high level of performance; or

248 (b) Enrolled in an upper-division undergraduate or graduate  
249 level college or university social work program accredited by  
250 the Council on Social Work Education which leads to either a  
251 bachelor's degree or a master's degree in social work.

252 (2) To the greatest extent possible, the college or  
253 university social work program shall consider the training  
254 completed and experience of the child protective investigator or  
255 child protection investigation supervisor in granting credit  
256 towards the degree.

257 Section 4. Section 402.404, Florida Statutes, is created to  
258 read:

259 402.404 Child Protective Investigator Student Loan  
260 Forgiveness Program.—

261 (1) There is established within the department the Florida

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262 Child Protective Investigator Student Loan Forgiveness Program.  
263 The purpose of the program is to increase employment and  
264 retention of high-performing individuals who have either a  
265 bachelor's degree or a master's degree in social work as child  
266 protective investigators or child protection investigation  
267 supervisors with the department or sheriff's office by making  
268 payments toward loans received by students from federal or state  
269 programs or commercial lending institutions for the support of  
270 postsecondary study in accredited social work programs.

271 (2) In order to be eligible for the program, a candidate  
272 must be employed as a child protective investigator or child  
273 protection investigation supervisor by the department or a  
274 sheriff's office, must receive a personnel evaluation indicating  
275 a high level of performance, and must have graduated from an  
276 accredited social work program with either a bachelor's degree  
277 or a master's degree in social work.

278 (3) Only loans to pay the costs of tuition, books, and  
279 living expenses shall be covered.

280 (4) The department may make loan payments of up to \$3,000  
281 each year for up to 4 years on behalf of selected graduates of  
282 an accredited social work program from the funds appropriated  
283 for this purpose. All payments are contingent upon continued  
284 proof of employment as a child protective investigator or a  
285 child protection investigation supervisor with the department or  
286 sheriff's office and made directly to the holder of the loan.

287 (5) A student who receives a tuition exemption pursuant to  
288 s. 402.403 is not eligible to participate in the Child  
289 Protective Investigator Student Loan Forgiveness Program.

290 (6) The department may adopt rules to administer this

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291 section.

292 Section 5. Section 1004.615, Florida Statutes, is created  
293 to read:

294 1004.615 Florida Institute for Child Safety.-

295 (1) There is established the Florida Institute for Child  
296 Safety in the Department of Children and Families. The purpose  
297 of the institute is to advance the well-being of children and  
298 families by improving the performance of child protection and  
299 child welfare services through research, policy analysis,  
300 evaluation, and leadership development. The institute shall  
301 consist of a consortium of public and private universities  
302 offering degrees in social work and shall be housed within the  
303 College of Social Work of the Florida State University.

304 (2) Using such resources as authorized in the General  
305 Appropriations Act, the Department of Children and Families  
306 shall contract with the institute for performance of the duties  
307 described in subsection (4).

308 (3) The institute shall work with the department, sheriffs,  
309 community-based care lead agencies, community-based care  
310 provider organizations, and other partners who contribute to and  
311 participate in providing child protection and child welfare  
312 services.

313 (4) The duties and responsibilities of the institute  
314 include the following:

315 (a) Maintain a program of research that contributes to  
316 scientific knowledge and informs both policy and practice  
317 related to child safety, permanency, and child and family well-  
318 being.

319 (b) Advise the department and other organizations

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320 participating in the child protection and child welfare process  
321 regarding scientific evidence on policy and practice related to  
322 child safety, permanency, and child and family well-being.

323 (c) Assess the performance of child protection and child  
324 welfare services based on specific outcome measures.

325 (d) Evaluate the scope and effectiveness of preservice and  
326 inservice training for child protection and child welfare  
327 workers.

328 (e) Advise and assist the department in efforts to improve  
329 preservice and inservice training for child protection and child  
330 welfare workers.

331 (f) Assess the readiness of social work graduates to assume  
332 job responsibilities in the child protection and child welfare  
333 system and identify gaps in education that can be addressed  
334 through the modification of curricula or the establishment of  
335 industry certifications.

336 (g) Develop and maintain a program of professional support  
337 including training courses and consulting services that assist  
338 both individuals and organizations in implementing adaptive and  
339 resilient responses to workplace stress.

340 (h) Participate in the department's critical incident  
341 response team and assist in the preparation of reports about  
342 such incidents.

343 (i) Identify effective policies and best practices,  
344 including innovations in management of human service  
345 organizations and communicate these findings to the department  
346 and other organizations participating in the child protection  
347 and child welfare process.

348 (5) The institute shall be administered by a director who

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349 is appointed by the President of the Florida State University.  
350 The director's office shall be located at the Florida State  
351 University. Other universities participating in the consortium  
352 shall also provide facilities, staff, and other resources to the  
353 institute to establish statewide access to institute programs  
354 and services. The director must be a child welfare professional  
355 and must hold a faculty appointment in the College of Social  
356 Work. The director is responsible for overall management of the  
357 institute and for developing and executing the work plan  
358 consistent with the responsibilities in subsection (4).

359 (6) By January 15 of each year, the institute shall provide  
360 a written report to the Governor, the President of the Senate,  
361 and the Speaker of the House of Representatives which outlines  
362 its activities in the preceding year, reports significant  
363 research findings as well as results of other programs, and  
364 provides specific recommendations for improving child protection  
365 and child welfare services.

366 Section 6. Paragraph (h) is added to subsection (1) of  
367 section 1009.25, Florida Statutes, to read:

368 1009.25 Fee exemptions.—

369 (1) The following students are exempt from the payment of  
370 tuition and fees, including lab fees, at a school district that  
371 provides workforce education programs, Florida College System  
372 institution, or state university:

373 (h) A child protective investigator or a child protection  
374 investigation supervisor employed by the Department of Children  
375 and Families or a sheriff's office who is enrolled in an  
376 accredited bachelor's degree or master's degree in social work  
377 program pursuant to s. 402.403.

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- 378           Section 7. Section 402.401, Florida Statutes, is repealed.  
379           Section 8. Section 1004.61, Florida Statutes, is repealed.  
380           Section 9. This act shall take effect July 1, 2014.

DRAFT

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1                   A bill to be entitled  
2       An act relating to child welfare; amending s. 20.19,  
3       F.S.; requiring the secretary of the department to  
4       appoint an Assistant Secretary for Child Welfare;  
5       providing requirements for such position; amending s.  
6       39.01, F.S.; defining the term "sibling"; conforming a  
7       cross-reference; creating s. 39.2015, F.S.; requiring  
8       the department to conduct specified investigations  
9       using critical incident rapid response teams;  
10      providing requirements for such investigations;  
11      providing requirements for the team; authorizing the  
12      team to access specified information; requiring the  
13      cooperation of specified agencies and organizations;  
14      providing for reimbursement of team members; requiring  
15      a report; requiring the secretary to develop specified  
16      guidelines for investigations; requiring the secretary  
17      to appoint an advisory committee; amending s. 39.202,  
18      F.S.; authorizing access to specified records in the  
19      event of the death of a child which was reported to  
20      the department's child abuse hotline; creating s.  
21      39.2022, F.S.; providing legislative intent; requiring  
22      the department to publish specified information on its  
23      website if the death of a child is reported to the  
24      child abuse hotline; prohibiting specified information  
25      from being released; providing requirements for the  
26      release of information in the child's records;  
27      prohibiting release of information that identifies the  
28      person who reports an incident to the child abuse  
29      hotline; amending s. 39.402, F.S.; requiring the

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30 department to make a reasonable effort to keep  
31 siblings together when they are placed in out-of-home  
32 care under certain circumstances; providing for  
33 sibling visitation under certain circumstances;  
34 amending s. 39.701, F.S.; requiring the court to  
35 consider contact among siblings in judicial reviews;  
36 authorizing the court to remove specified disabilities  
37 of nonage at judicial reviews; amending s. 39.802,  
38 F.S.; requiring a petition for the termination of  
39 parental rights to be signed under oath stating the  
40 petitioner's good faith in filing the petition;  
41 amending s. 383.402, F.S.; requiring the review of all  
42 deaths of children which occur in the state and are  
43 reported to the department's child abuse hotline;  
44 revising the due date for a report; providing a  
45 directive to the Division of Law Revision and  
46 Information; creating part V of ch. 409, F.S.;

47 creating s. 409.986, F.S.; providing legislative  
48 findings and intent; defining terms; creating s.  
49 409.987, F.S.; providing for the procurement of  
50 community-based care lead agencies; providing  
51 requirements for contracting as a lead agency;  
52 creating s. 409.988, F.S.; providing the duties of a  
53 community-based care lead agency; providing licensure  
54 requirements for a lead agency; creating s. 409.990,  
55 F.S.; providing for the allocation of funds for  
56 community-based lead care agencies; transferring,  
57 renumbering, and amending s. 409.16713, F.S.;

58 conforming a cross-reference; creating s. 409.992,

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59 F.S.; providing requirements for community-based care  
60 lead agency expenditures; creating s. 409.993, F.S.;  
61 providing findings; providing for lead agency and  
62 subcontractor liability; providing limitations on  
63 damages; transferring, renumbering, and amending s.  
64 409.1675, F.S.; conforming cross-references and  
65 terminology; creating s. 409.996, F.S.; providing  
66 duties of the department relating to community-based  
67 care; creating s. 409.997, F.S.; providing goals for  
68 the department and specified entities; requiring the  
69 department to maintain a comprehensive, results-  
70 oriented accountability system; providing  
71 requirements; requiring the department to establish a  
72 technical advisory panel; providing requirements for  
73 the panel; requiring the department to make the  
74 results of the system public; requiring a report to  
75 the Governor and the Legislature; creating s. 409.998,  
76 F.S.; requiring the department to establish community-  
77 based care alliances; specifying responsibilities of  
78 the alliances; providing for membership of the  
79 alliance; providing for compensation of and  
80 requirements for alliance members; repealing s.  
81 20.19(4), F.S., relating to community alliances;  
82 repealing ss. 409.1671, 409.16715, and 409.16745,  
83 F.S., relating to foster care and related services,  
84 therapy treatments, and the community partnership  
85 matching grant program, respectively; amending ss.  
86 39.201, 409.1676, 409.1677, 409.906, 409.912,  
87 409.91211, and 420.628, F.S.; conforming cross-

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88 references; providing an effective date.

89

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

91

92 Section 1. Present subsections (3) through (5) of section  
93 20.19, Florida Statutes, are redesignated as subsections (4)  
94 through (6), respectively, a new subsection (3) is added to that  
95 section, and subsection (2) of that section is amended, to read:

96 20.19 Department of Children and Families.—There is created  
97 a Department of Children and Families.

98 (2) SECRETARY OF CHILDREN AND FAMILIES; DEPUTY SECRETARY.—

99 (a) The head of the department is the Secretary of Children  
100 and Families. The secretary is appointed by the Governor,  
101 subject to confirmation by the Senate. The secretary serves at  
102 the pleasure of the Governor.

103 (b) The secretary shall appoint a deputy secretary who  
104 shall act in the absence of the secretary. The deputy secretary  
105 is directly responsible to the secretary, performs such duties  
106 as are assigned by the secretary, and serves at the pleasure of  
107 the secretary.

108 (3) ASSISTANT SECRETARIES.—

109 (a) Child Welfare.—

110 1. The secretary shall appoint an Assistant Secretary for  
111 Child Welfare to lead the department in carrying out its duties  
112 and responsibilities for child protection and child welfare. The  
113 individual appointed to this position shall serve at the  
114 pleasure of the secretary.

115 2. The assistant secretary must have an advanced degree in  
116 social work and at least 7 years of experience working in

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117 organizations delivering child protective or child welfare  
118 services.

119 (b) Substance Abuse and Mental Health.—

120 ~~(e)~~1. The secretary shall appoint an Assistant Secretary  
121 for Substance Abuse and Mental Health. The assistant secretary  
122 shall serve at the pleasure of the secretary and must have  
123 expertise in both areas of responsibility.

124 2. The secretary shall appoint a Director for Substance  
125 Abuse and Mental Health who has the requisite expertise and  
126 experience to head the state's Substance Abuse and Mental Health  
127 Program Office.

128 Section 2. Present subsections (70) through (76) of section  
129 39.01, Florida Statutes, are redesignated as subsections (71)  
130 through (77), respectively, a new subsection (70) is added to  
131 that section, and subsection (27) is amended, to read:

132 39.01 Definitions.—When used in this chapter, unless the  
133 context otherwise requires:

134 (27) "District administrator" means the chief operating  
135 officer of each service district of the department as defined in  
136 s. 20.19~~(5)~~ and, where appropriate, includes any district  
137 administrator whose service district falls within the boundaries  
138 of a judicial circuit.

139 (70) "Sibling" means:

140 (a) A child who shares a birth parent or legal parent with  
141 one or more other children; or

142 (b) Children who have lived together in a family and  
143 identify themselves as siblings.

144 Section 3. Section 39.2015, Florida Statutes, is created to  
145 read:

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146 39.2015 Critical incident rapid response team.-

147 (1) The department shall conduct an immediate investigation  
148 of fatalities or other serious incidents involving children  
149 using critical incident rapid response teams as provided in  
150 subsection (2). The purpose of such investigation is to identify  
151 root causes and rapidly determine the need to change policies  
152 and practices related to child protection and child welfare.

153 (2) An immediate onsite investigation conducted by a  
154 critical incident rapid response team is required for all child  
155 fatalities reported to the department if the child or another  
156 child in his or her family was the subject of a verified report  
157 of suspected abuse or neglect in the previous 12 months. The  
158 secretary of the department may also direct an immediate  
159 investigation for other cases involving serious injury to a  
160 child.

161 (3) Each investigation shall be conducted by a team of at  
162 least five qualified and experienced professionals selected from  
163 employees of the department, community-based care lead agencies,  
164 other provider organizations, faculty from the institute created  
165 pursuant to s. 1004.615, or any other persons with expertise in  
166 child protection. The secretary shall appoint a team leader for  
167 each group assigned to an investigation.

168 (4) An investigation shall be initiated as soon as  
169 possible, but not later than 2 business days after the case is  
170 reported to the department. A preliminary report on each case  
171 shall be provided to the secretary no later than 30 days after  
172 the investigation begins.

173 (5) Each member of the team is authorized to access all  
174 information in the case file.

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175       (6) All employees of the department or other state agencies  
176 and all personnel from contracted provider organizations are  
177 required to cooperate with the investigation by participating in  
178 interviews and timely responding to any requests for  
179 information.

180       (7) The secretary shall develop cooperative agreements with  
181 other entities and organizations as may be necessary to  
182 facilitate the work of the team.

183       (8) The members of the team may be reimbursed by the  
184 department for per diem, mileage, and other reasonable expenses  
185 as provided in s. 112.061.

186       (9) Upon completion of the investigation, a final report  
187 shall be made available to organizations involved in the child  
188 welfare system and to the public through the department's  
189 website.

190       (10) The secretary, in conjunction with the institute  
191 established pursuant to s. 1004.615, shall develop guidelines  
192 for investigations conducted by critical incident rapid response  
193 teams. Such guidelines must direct the teams in the conduct of a  
194 root-cause analysis that identifies, classifies, and attributes  
195 responsibility for both direct and latent causes for the death  
196 or other incident, including organizational factors,  
197 preconditions, and specific acts or omissions resulting from  
198 either error or a violation of procedures.

199       (11) The secretary shall appoint an advisory committee to  
200 review investigative reports from the critical incident rapid  
201 response teams and make recommendations to improve policies and  
202 practices related to child protection services and child welfare  
203 services.

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204 Section 4. Paragraph (o) of subsection (2) of section  
205 39.202, Florida Statutes, is amended to read:

206 39.202 Confidentiality of reports and records in cases of  
207 child abuse or neglect.—

208 (2) Except as provided in subsection (4), access to such  
209 records, excluding the name of the reporter which shall be  
210 released only as provided in subsection (5), shall be granted  
211 only to the following persons, officials, and agencies:

212 (o) Any person, in the event of the death of a child  
213 reported to the child abuse hotline ~~determined to be a result of~~  
214 ~~abuse, abandonment, or neglect.~~ Information identifying the  
215 person reporting abuse, abandonment, or neglect may ~~shall~~ not be  
216 released. Any information otherwise made confidential or exempt  
217 by law may ~~shall~~ not be released pursuant to this paragraph. The  
218 information released pursuant to this paragraph must meet the  
219 requirements of s. 39.2022.

220 Section 5. Section 39.2022, Florida Statutes, is created to  
221 read:

222 39.2022 Public disclosure of child deaths reported to the  
223 child abuse hotline.—

224 (1) It is the intent of the Legislature to provide prompt  
225 disclosure of the basic facts of all deaths of children from  
226 birth through 18 years of age which occur in this state and  
227 which are reported to the department's child abuse hotline.  
228 Disclosure shall be posted on the department's public website.  
229 This section does not limit the public access to records under  
230 any other provision of law.

231 (2) If a child death is reported to the child abuse  
232 hotline, the department shall post on its website all of the

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233 following:

234 (a) Name of the child.

235 (b) Date of birth, race, and gender of the child.

236 (c) Date of the child's death.

237 (d) Allegations of the cause of death or the preliminary  
238 cause of death.

239 (e) County and placement of the child at the time of the  
240 incident leading to the child's death, if applicable.

241 (f) Name of the community-based care lead agency, case  
242 management agency, or out-of-home licensing agency responsible  
243 for the child, family, or licensed caregiver, if applicable.

244 (g) The relationship of any alleged offender to the child.

245 (h) The agency conducting the investigation into the death  
246 of the child.

247 (i) Whether the child has been the subject of any prior  
248 verified reports to the department's child abuse hotline.

249 (3) The department may not release the following  
250 information concerning a death of a child:

251 (a) Information about the siblings of the child.

252 (b) Attorney-client communications.

253 (c) Any information if the release of such information  
254 would jeopardize a criminal investigation.

255 (d) Any information that is confidential or exempt under  
256 state or federal law.

257 (4) If the death of a child is determined to be the result  
258 of abuse, neglect, or abandonment, the department may release  
259 information in the child's record to any person. Information  
260 identifying the person reporting abuse, abandonment, or neglect  
261 may not be released. Any information otherwise made confidential

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262 or exempt by law may not be released pursuant to this  
263 subsection.

264 Section 6. Paragraph (h) of subsection (8) and subsection  
265 (9) of section 39.402, Florida Statutes, are amended to read:  
266 39.402 Placement in a shelter.-

267 (8)

268 (h) The order for placement of a child in shelter care must  
269 identify the parties present at the hearing and must contain  
270 written findings:

271 1. That placement in shelter care is necessary based on the  
272 criteria in subsections (1) and (2).

273 2. That placement in shelter care is in the best interest  
274 of the child.

275 3. That continuation of the child in the home is contrary  
276 to the welfare of the child because the home situation presents  
277 a substantial and immediate danger to the child's physical,  
278 mental, or emotional health or safety which cannot be mitigated  
279 by the provision of preventive services.

280 4. That based upon the allegations of the petition for  
281 placement in shelter care, there is probable cause to believe  
282 that the child is dependent or that the court needs additional  
283 time, which may not exceed 72 hours, in which to obtain and  
284 review documents pertaining to the family in order to  
285 appropriately determine the risk to the child.

286 5. That the department has made reasonable efforts to  
287 prevent or eliminate the need for removal of the child from the  
288 home. A finding of reasonable effort by the department to  
289 prevent or eliminate the need for removal may be made and the  
290 department is deemed to have made reasonable efforts to prevent

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291 or eliminate the need for removal if:

292 a. The first contact of the department with the family  
293 occurs during an emergency;

294 b. The appraisal of the home situation by the department  
295 indicates that the home situation presents a substantial and  
296 immediate danger to the child's physical, mental, or emotional  
297 health or safety which cannot be mitigated by the provision of  
298 preventive services;

299 c. The child cannot safely remain at home, either because  
300 there are no preventive services that can ensure the health and  
301 safety of the child or because, even with appropriate and  
302 available services being provided, the health and safety of the  
303 child cannot be ensured; or

304 d. The parent or legal custodian is alleged to have  
305 committed any of the acts listed as grounds for expedited  
306 termination of parental rights in s. 39.806(1)(f)-(i).

307 6. That the department has made reasonable efforts to keep  
308 siblings together if they are removed and placed in out-of-home  
309 care unless such a placement is not in the best interest of each  
310 child. The department shall report to the court its efforts to  
311 place siblings together unless the court finds that such  
312 placement is not in the best interest of a child or his or her  
313 sibling.

314 ~~7.6.~~ That the court notified the parents, relatives that  
315 are providing out-of-home care for the child, or legal  
316 custodians of the time, date, and location of the next  
317 dependency hearing and of the importance of the active  
318 participation of the parents, relatives that are providing out-  
319 of-home care for the child, or legal custodians in all

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320 proceedings and hearings.

321 ~~8.7.~~ That the court notified the parents or legal  
322 custodians of their right to counsel to represent them at the  
323 shelter hearing and at each subsequent hearing or proceeding,  
324 and the right of the parents to appointed counsel, pursuant to  
325 the procedures set forth in s. 39.013.

326 ~~9.8.~~ That the court notified relatives who are providing  
327 out-of-home care for a child as a result of the shelter petition  
328 being granted that they have the right to attend all subsequent  
329 hearings, to submit reports to the court, and to speak to the  
330 court regarding the child, if they so desire.

331 (9) (a) At any shelter hearing, the department shall provide  
332 to the court a recommendation for scheduled contact between the  
333 child and parents, if appropriate. The court shall determine  
334 visitation rights absent a clear and convincing showing that  
335 visitation is not in the best interest of the child. Any order  
336 for visitation or other contact must conform to ~~the provisions~~  
337 ~~of~~ s. 39.0139. If visitation is ordered but will not commence  
338 within 72 hours of the shelter hearing, the department shall  
339 provide justification to the court.

340 (b) If siblings who are removed from the home cannot be  
341 placed together, the department shall provide to the court a  
342 recommendation for frequent visitation or other ongoing  
343 interaction between the siblings unless this interaction would  
344 be contrary to a sibling's safety or well-being. If visitation  
345 among siblings is ordered but will not commence within 72 hours  
346 of the shelter hearing, the department shall provide  
347 justification to the court for the delay.

348 Section 7. Paragraph (c) of subsection (2) and paragraph

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349 (a) of subsection (3) of section 39.701, Florida Statutes, are  
350 amended to read:

351 39.701 Judicial review.—

352 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
353 AGE.—

354 (c) *Review determinations.*—The court and any citizen review  
355 panel shall take into consideration the information contained in  
356 the social services study and investigation and all medical,  
357 psychological, and educational records that support the terms of  
358 the case plan; testimony by the social services agency, the  
359 parent, the foster parent or legal custodian, the guardian ad  
360 litem or surrogate parent for educational decisionmaking if one  
361 has been appointed for the child, and any other person deemed  
362 appropriate; and any relevant and material evidence submitted to  
363 the court, including written and oral reports to the extent of  
364 their probative value. These reports and evidence may be  
365 received by the court in its effort to determine the action to  
366 be taken with regard to the child and may be relied upon to the  
367 extent of their probative value, even though not competent in an  
368 adjudicatory hearing. In its deliberations, the court and any  
369 citizen review panel shall seek to determine:

370 1. If the parent was advised of the right to receive  
371 assistance from any person or social service agency in the  
372 preparation of the case plan.

373 2. If the parent has been advised of the right to have  
374 counsel present at the judicial review or citizen review  
375 hearings. If not so advised, the court or citizen review panel  
376 shall advise the parent of such right.

377 3. If a guardian ad litem needs to be appointed for the

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378 child in a case in which a guardian ad litem has not previously  
379 been appointed or if there is a need to continue a guardian ad  
380 litem in a case in which a guardian ad litem has been appointed.

381 4. Who holds the rights to make educational decisions for  
382 the child. If appropriate, the court may refer the child to the  
383 district school superintendent for appointment of a surrogate  
384 parent or may itself appoint a surrogate parent under the  
385 Individuals with Disabilities Education Act and s. 39.0016.

386 5. The compliance or lack of compliance of all parties with  
387 applicable items of the case plan, including the parents'  
388 compliance with child support orders.

389 6. The compliance or lack of compliance with a visitation  
390 contract between the parent and the social service agency for  
391 contact with the child, including the frequency, duration, and  
392 results of the parent-child visitation and the reason for any  
393 noncompliance.

394 7. The frequency, kind, and duration of sibling contacts  
395 among siblings who have been separated during placement, as well  
396 as any efforts undertaken to reunite separated siblings if doing  
397 so is in the best interest of the child.

398 ~~8.7.~~ The compliance or lack of compliance of the parent in  
399 meeting specified financial obligations pertaining to the care  
400 of the child, including the reason for failure to comply, if  
401 applicable such is the case.

402 ~~9.8.~~ Whether the child is receiving safe and proper care  
403 according to s. 39.6012, including, but not limited to, the  
404 appropriateness of the child's current placement, including  
405 whether the child is in a setting that is as family-like and as  
406 close to the parent's home as possible, consistent with the

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407 child's best interests and special needs, and including  
408 maintaining stability in the child's educational placement, as  
409 documented by assurances from the community-based care provider  
410 that:

411 a. The placement of the child takes into account the  
412 appropriateness of the current educational setting and the  
413 proximity to the school in which the child is enrolled at the  
414 time of placement.

415 b. The community-based care agency has coordinated with  
416 appropriate local educational agencies to ensure that the child  
417 remains in the school in which the child is enrolled at the time  
418 of placement.

419 ~~10.9.~~ A projected date likely for the child's return home  
420 or other permanent placement.

421 ~~11.10.~~ When appropriate, the basis for the unwillingness or  
422 inability of the parent to become a party to a case plan. The  
423 court and the citizen review panel shall determine if the  
424 efforts of the social service agency to secure party  
425 participation in a case plan were sufficient.

426 ~~12.11.~~ For a child who has reached 13 years of age but is  
427 not yet 18 years of age, the adequacy of the child's preparation  
428 for adulthood and independent living.

429 ~~13.12.~~ If amendments to the case plan are required.  
430 Amendments to the case plan must be made under s. 39.6013.

431 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

432 (a) In addition to the review and report required under  
433 paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
434 a judicial review hearing within 90 days after a child's 17th  
435 birthday. The court shall also issue an order, separate from the

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436 order on judicial review, that the disability of nonage of the  
437 child has been removed pursuant to ss. 743.044, 743.045, and  
438 743.046, and for any of these disabilities that the courts finds  
439 is in the child's best interest to remove. The court ~~s. 743.045~~  
440 ~~and~~ shall continue to hold timely judicial review hearings. If  
441 necessary, the court may review the status of the child more  
442 frequently during the year before the child's 18th birthday. At  
443 each review hearing held under this subsection, in addition to  
444 any information or report provided to the court by the foster  
445 parent, legal custodian, or guardian ad litem, the child shall  
446 be given the opportunity to address the court with any  
447 information relevant to the child's best interest, particularly  
448 in relation to independent living transition services. The  
449 department shall include in the social study report for judicial  
450 review written verification that the child has:

451 1. A current Medicaid card and all necessary information  
452 concerning the Medicaid program sufficient to prepare the child  
453 to apply for coverage upon reaching the age of 18, if such  
454 application is appropriate.

455 2. A certified copy of the child's birth certificate and,  
456 if the child does not have a valid driver license, a Florida  
457 identification card issued under s. 322.051.

458 3. A social security card and information relating to  
459 social security insurance benefits if the child is eligible for  
460 those benefits. If the child has received such benefits and they  
461 are being held in trust for the child, a full accounting of  
462 these funds must be provided and the child must be informed as  
463 to how to access those funds.

464 4. All relevant information related to the Road-to-

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465 Independence Program, including, but not limited to, eligibility  
466 requirements, information on participation, and assistance in  
467 gaining admission to the program. If the child is eligible for  
468 the Road-to-Independence Program, he or she must be advised that  
469 he or she may continue to reside with the licensed family home  
470 or group care provider with whom the child was residing at the  
471 time the child attained his or her 18th birthday, in another  
472 licensed family home, or with a group care provider arranged by  
473 the department.

474 5. An open bank account or the identification necessary to  
475 open a bank account and to acquire essential banking and  
476 budgeting skills.

477 6. Information on public assistance and how to apply for  
478 public assistance.

479 7. A clear understanding of where he or she will be living  
480 on his or her 18th birthday, how living expenses will be paid,  
481 and the educational program or school in which he or she will be  
482 enrolled.

483 8. Information related to the ability of the child to  
484 remain in care until he or she reaches 21 years of age under s.  
485 39.013.

486 9. A letter providing the dates that the child is under the  
487 jurisdiction of the court.

488 10. A letter stating that the child is in compliance with  
489 financial aid documentation requirements.

490 11. The child's educational records.

491 12. The child's entire health and mental health records.

492 13. The process for accessing his or her case file.

493 14. A statement encouraging the child to attend all

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494 judicial review hearings occurring after the child's 17th  
495 birthday.

496 Section 8. Subsection (2) of section 39.802, Florida  
497 Statutes, is amended to read:

498 39.802 Petition for termination of parental rights; filing;  
499 elements.—

500 (2) The form of the petition is governed by the Florida  
501 Rules of Juvenile Procedure. The petition must be in writing and  
502 signed by the petitioner under oath stating the petitioner's  
503 good faith in or, if the department is the petitioner, by an  
504 employee of the department, under oath stating the petitioner's  
505 good faith in filing the petition.

506 Section 9. Subsection (1) and paragraph (c) of subsection  
507 (3) of section 383.402, Florida Statutes, are amended to read:

508 383.402 Child abuse death review; State Child Abuse Death  
509 Review Committee; local child abuse death review committees.—

510 (1) It is the intent of the Legislature to establish a  
511 statewide multidisciplinary, multiagency child abuse death  
512 assessment and prevention system that consists of state and  
513 local review committees. The state and local review committees  
514 shall review the facts and circumstances of all deaths of  
515 children from birth through age 18 which occur in this state and  
516 are reported to the child abuse hotline of the Department of  
517 Children and Families as the result of verified child abuse or  
518 neglect. The purpose of the review shall be to:

519 (a) Achieve a greater understanding of the causes and  
520 contributing factors of deaths resulting from child abuse.

521 (b) Whenever possible, develop a communitywide approach to  
522 address such cases and contributing factors.

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523 (c) Identify any gaps, deficiencies, or problems in the  
524 delivery of services to children and their families by public  
525 and private agencies which may be related to deaths that are the  
526 result of child abuse.

527 (d) Make and implement recommendations for changes in law,  
528 rules, and policies, as well as develop practice standards that  
529 support the safe and healthy development of children and reduce  
530 preventable child abuse deaths.

531 (3) The State Child Abuse Death Review Committee shall:

532 (c) Prepare an annual statistical report on the incidence  
533 and causes of death resulting from reported child abuse in the  
534 state during the prior calendar year. The state committee shall  
535 submit a copy of the report by March ~~December~~ 31 of each year to  
536 the Governor, the President of the Senate, and the Speaker of  
537 the House of Representatives. The report must include  
538 recommendations for state and local action, including specific  
539 policy, procedural, regulatory, or statutory changes, and any  
540 other recommended preventive action.

541 Section 10. The Division of Law Revision and Information is  
542 directed to create part V of chapter 409, Florida Statutes,  
543 consisting of ss. 409.986-409.998, Florida Statutes, to be  
544 titled "Community-based care lead agencies."

545 Section 11. Section 409.986, Florida Statutes, is created  
546 to read:

547 409.986 Legislative findings, intent, and definitions.—

548 (1) LEGISLATIVE FINDINGS AND INTENT.—

549 (a) It is the intent of the Legislature that the Department  
550 of Children and Families provide services to dependent children  
551 through contracting with community-based care lead agencies. It

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552 is further the Legislature's intent that communities and other  
553 stakeholders in the well-being of children participate in  
554 assuring safety, permanence, and well-being for all children in  
555 the state.

556 (b) The Legislature finds that, when private entities  
557 assume responsibility for the care for dependent children,  
558 adequate oversight of the programmatic, administrative, and  
559 fiscal operation of those entities is essential. The Legislature  
560 finds that, ultimately, the appropriate care of dependent  
561 children is the responsibility of the state and outsourcing the  
562 provision of such care does not relieve the state of its burden  
563 to ensure that appropriate care is provided.

564 (2) DEFINITIONS.—As used in this part, except as otherwise  
565 specially provided, the term:

566 (a) "Child" or "children" means has the same meaning as the  
567 term "child" as defined in s. 39.01.

568 (b) "Dependent child" means a child who has been determined  
569 by the department to be in need of care due to allegations of  
570 abuse, neglect, or abandonment.

571 (c) "Care" means services of any kind which are designed to  
572 facilitate a child remaining safely in his or her own home,  
573 returning safely to his or her own home if he or she is removed,  
574 or obtaining an alternative permanent home if he or she cannot  
575 remain home or be returned home.

576 (d) "Community-based care lead agency" or "lead agency"  
577 means a single agency with which the department has a contract  
578 for the provision of care for dependent children in a community  
579 that is no larger than a judicial circuit. The secretary of the  
580 department may authorize more than one eligible lead agency

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581 within a single county if doing so will result in more effective  
582 delivery of services to dependent children.

583 (e) "Community-based care alliance" means the group of  
584 stakeholders, community leaders, client representatives, and  
585 funders of human services established to provide a focal point  
586 for community participation and governance of community-based  
587 services.

588 (f) "Outsource" means to contract with competent,  
589 community-based care lead agencies.

590 (g) "Related services" includes, but is not limited to,  
591 family preservation, independent living, emergency shelter,  
592 residential group care, foster care, therapeutic foster care,  
593 intensive residential treatment, foster care supervision, case  
594 management, postplacement supervision, permanent foster care,  
595 and family reunification.

596 Section 12. Section 409.987, Florida Statutes, is created  
597 to read:

598 409.987 Lead agency procurement.-

599 (1) Community-based care lead agencies shall be procured by  
600 the department through a competitive process as required by  
601 chapter 287 for a community that is no larger than a judicial  
602 circuit.

603 (2) The department shall produce a schedule for the  
604 procurement of community-based care lead agencies and provide  
605 the schedule to the community-based care alliances established  
606 pursuant to s. 409.998.

607 (3) In order to compete for a contract to serve as a lead  
608 agency, an entity must:

609 (a) Be organized as a Florida corporation or a governmental

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610 entity.

611 (b) Be governed by a board of directors. The membership of  
612 the board of directors must be described in the bylaws or  
613 articles of incorporation of each lead agency. At least 51  
614 percent of the membership of the board of directors must be  
615 composed of persons residing in this state. Of the state  
616 residents, at least 51 percent must also reside within the  
617 service area of the lead agency.

618 (c) Demonstrate financial responsibility through an  
619 organized plan for regular fiscal audits and the posting of a  
620 performance bond.

621 (4) The procurement of lead agencies must be done in  
622 consultation with the local community-based care alliances.

623 (5) In communities where economic or demographic  
624 constraints make it impossible or not feasible to competitively  
625 contract with a lead agency, the department shall develop an  
626 alternative plan in collaboration with the local community-based  
627 care alliance, which may include establishing innovative  
628 geographical configurations or consortia of agencies. The plan  
629 must detail how the community will continue to implement  
630 community-based care through competitively procuring either the  
631 specific components of care for dependent children and related  
632 services or comprehensive services for defined eligible  
633 populations of children and families from qualified licensed  
634 agencies as part of its efforts to develop the local capacity  
635 for a community-based system of coordinated care. The plan must  
636 ensure local control over the management and administration of  
637 the service provision in accordance with the intent of this part  
638 and may include recognized best business practices, including

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639 some form of public or private partnerships.

640 Section 13. Section 409.988, Florida Statutes, is created  
641 to read:

642 409.988 Lead agency duties; general provisions.-

643 (1) DUTIES.-A lead agency:

644 (a) Shall serve all children referred as a result of a  
645 report of abuse, neglect, or abandonment to the department's  
646 child abuse hotline regardless of the level of funding allocated  
647 to the lead agency by the state if all related funding is  
648 transferred. A lead agency must provide care for dependent  
649 children in the designated geographic area in cooperation with  
650 child protective investigations conducted by either the  
651 department or a sheriff's office.

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

655 (c) Shall be transparent in and accountable for its use of  
656 federal and state dollars. It must follow the financial  
657 guidelines developed by the department and provide for a regular  
658 independent auditing of its financial activities. Such financial  
659 information shall be provided to the community-based care  
660 alliance established under s. 409.998.

661 (d) Shall prepare all documents necessary for court  
662 hearings for dependent children, except those related to the  
663 investigation of a referral from the department's child abuse  
664 hotline, and shall provide testimony as required for dependency  
665 court proceedings.

666 (e) Shall ensure that all individuals providing care for  
667 dependent children receive appropriate training and meet the

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668 minimum employment standards established by the department.

669 (f) Shall maintain eligibility to receive all available  
670 federal child welfare funds.

671 (g) Shall maintain written agreements with Healthy Families  
672 Florida lead entities in its service area pursuant to s. 409.153  
673 to promote cooperative planning for the provision of prevention  
674 and intervention services.

675 (h) Shall comply with federal and state statutory  
676 requirements and agency rules in the provision of contractual  
677 services.

678 (i) May subcontract for the provision of services required  
679 by the contract with the lead agency and the department;  
680 however, the subcontracts must specify how the provider will  
681 contribute to the lead agency meeting the performance standards  
682 established pursuant to the child welfare results-oriented  
683 accountability system required by s. 409.997.

684 (2) LICENSURE.—

685 (a) A lead agency must be licensed as a child-caring or  
686 child-placing agency by the department under this chapter.

687 (b) Each foster home, therapeutic foster home, emergency  
688 shelter, or other placement facility operated by the lead agency  
689 must be licensed by the department under chapter 402 or this  
690 chapter.

691 (c) Substitute care providers who are licensed under s.  
692 409.175 and who have contracted with a lead agency are also  
693 authorized to provide registered or licensed family day care  
694 under s. 402.313 if such care is consistent with federal law and  
695 if the home has met the requirements of s. 402.313.

696 (d) A foster home licensed under s. 409.175 may be dually

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697 licensed as a child care home under chapter 402 and may receive  
698 a foster care maintenance payment and, to the extent permitted  
699 under federal law, school readiness funding for the same child.

700 (e) In order to eliminate or reduce the number of duplicate  
701 inspections by various program offices, the department shall  
702 coordinate inspections required for licensure of agencies under  
703 this subsection.

704 (f) The department may adopt rules to administer this  
705 subsection.

706 (3) EVIDENCE-BASED SERVICES.—A lead agency must serve  
707 dependent children through services that are evidenced-based.  
708 The agency may also provide innovative services such as family-  
709 centered, cognitive-behavioral interventions designed to  
710 mitigate out-of-home placements.

711 (4) LEAD AGENCY ACTING AS GUARDIAN.—

712 (a) If a lead agency or other provider has accepted case  
713 management responsibilities for a child who is sheltered or  
714 found to be dependent and who is assigned to the care of the  
715 lead agency or other provider, the agency or provider may act as  
716 the child's guardian for the purpose of registering the child in  
717 school if a parent or guardian of the child is unavailable and  
718 his or her whereabouts cannot reasonably be ascertained.

719 (b) The lead agency or other provider may also seek  
720 emergency medical attention for the child, but only if a parent  
721 or guardian of the child is unavailable, the parent's  
722 whereabouts cannot reasonably be ascertained, and a court order  
723 for such emergency medical services cannot be obtained because  
724 of the severity of the emergency or because it is after normal  
725 working hours.

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726 (c) A lead agency or other provider may not consent to  
727 sterilization, abortion, or termination of life support.

728 (d) If a child's parents' rights have been terminated, the  
729 lead agency shall act as guardian of the child in all  
730 circumstances.

731 Section 14. Section 409.990, Florida Statutes, is created  
732 to read:

733 409.990 Funding for lead agencies.—A contract established  
734 between the department and a lead agency must be funded by a  
735 grant of general revenue, other applicable state funds, or  
736 applicable federal funding sources.

737 (1) The method of payment for a fixed-price contract with a  
738 lead agency must provide for a 2-month advance payment at the  
739 beginning of each fiscal year and equal monthly payments  
740 thereafter.

741 (2) Notwithstanding s. 215.425, all documented federal  
742 funds earned for the current fiscal year by the department and  
743 lead agencies which exceed the amount appropriated by the  
744 Legislature shall be distributed to all entities that  
745 contributed to the excess earnings based on a schedule and  
746 methodology developed by the department and approved by the  
747 Executive Office of the Governor.

748 (a) Distribution shall be pro rata based on total earnings  
749 and shall be made only to those entities that contributed to  
750 excess earnings.

751 (b) Excess earnings of lead agencies shall be used only in  
752 the service district in which they were earned.

753 (c) Additional state funds appropriated by the Legislature  
754 for lead agencies or made available pursuant to the budgetary

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755 amendment process described in s. 216.177 shall be transferred  
756 to the lead agencies.

757 (d) The department shall amend a lead agency's contract to  
758 permit expenditure of the funds.

759 (3) Notwithstanding other provisions in this section, the  
760 amount of the annual contract for a lead agency may be increased  
761 by excess federal funds earned in accordance with s.  
762 216.181(11).

763 (4) Each contract with a lead agency shall provide for the  
764 payment by the department to the lead agency of a reasonable  
765 administrative cost in addition to funding for the provision of  
766 services.

767 (5) A lead agency may carry forward documented unexpended  
768 state funds from one fiscal year to the next; however, the  
769 cumulative amount carried forward may not exceed 8 percent of  
770 the total contract. Any unexpended state funds in excess of that  
771 percentage must be returned to the department.

772 (a) The funds carried forward may not be used in any way  
773 that would create increased recurring future obligations, and  
774 such funds may not be used for any type of program or service  
775 that is not currently authorized by the existing contract with  
776 the department.

777 (b) Expenditures of funds carried forward must be  
778 separately reported to the department.

779 (c) Any unexpended funds that remain at the end of the  
780 contract period shall be returned to the department.

781 (d) Funds carried forward may be retained through any  
782 contract renewals and any new procurements as long as the same  
783 lead agency is retained by the department.

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784       (6) It is the intent of the Legislature to improve services  
785 and local participation in community-based care initiatives by  
786 fostering community support and providing enhanced prevention  
787 and in-home services, thereby reducing the risk otherwise faced  
788 by lead agencies. There is established a community partnership  
789 matching grant program to be operated by the department for the  
790 purpose of encouraging local participation in community-based  
791 care for child welfare. A children's services council or other  
792 local government entity that makes a financial commitment to a  
793 community-based care lead agency is eligible for a grant upon  
794 proof that the children's services council or local government  
795 entity has provided the selected lead agency at least \$250,000  
796 from any local resources otherwise available to it. The total  
797 amount of the local contribution may be matched on a two-to-one  
798 basis up to a maximum amount of \$2 million per council or local  
799 government entity. Awarded matching grant funds may be used for  
800 any prevention or in-home services provided by the children's  
801 services council or other local government entity that meets  
802 temporary-assistance-for-needy-families' eligibility  
803 requirements and can be reasonably expected to reduce the number  
804 of children entering the child welfare system. Funding available  
805 for the matching grant program is subject to legislative  
806 appropriation of nonrecurring funds provided for this purpose.

807       Section 15. Section 409.16713, Florida Statutes, is  
808 transferred, renumbered as section 409.991, Florida Statutes,  
809 and paragraph (a) of subsection (1) of that section is amended,  
810 to read:

811       409.991 ~~409.16713~~ Allocation of funds for community-based  
812 care lead agencies.-

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

814 (a) "Core services funding" means all funds allocated to  
815 community-based care lead agencies operating under contract with  
816 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the  
817 following exceptions:

- 818 1. Funds appropriated for independent living;
- 819 2. Funds appropriated for maintenance adoption subsidies;
- 820 3. Funds allocated by the department for protective  
821 investigations training;
- 822 4. Nonrecurring funds;
- 823 5. Designated mental health wrap-around services funds; and
- 824 6. Funds for special projects for a designated community-  
825 based care lead agency.

826 Section 16. Section 409.992, Florida Statutes, is created  
827 to read:

828 409.992 Lead agency expenditures.—

829 (1) The procurement of commodities or contractual services  
830 by lead agencies shall be governed by the financial guidelines  
831 developed by the department in consultation with the Auditor  
832 General which follow good business practices.

833 (2) Notwithstanding any other provision of law, a  
834 community-based care lead agency may make expenditures for staff  
835 cellular telephone allowances, contracts requiring deferred  
836 payments and maintenance agreements, security deposits for  
837 office leases, related agency professional membership dues other  
838 than personal professional membership dues, promotional  
839 materials, and grant writing services. Expenditures for food and  
840 refreshments, other than those provided to clients in the care  
841 of the agency or to foster parents, adoptive parents, and

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842 caseworkers during training sessions, are not allowable.

843 (3) A lead community-based care agency and its  
844 subcontractors are exempt from state travel policies as provided  
845 in s. 112.061(3)(a) for their travel expenses incurred in order  
846 to comply with the requirements of this section.

847 Section 17. Section 409.993, Florida Statutes, is created  
848 to read:

849 409.993 Lead agencies and subcontractor liability.—

850 (1) FINDINGS.—

851 (a) The Legislature finds that the state has traditionally  
852 provided foster care services to children who have been the  
853 responsibility of the state. As such, foster children have not  
854 had the right to recover for injuries beyond the limitations  
855 specified in s. 768.28. The Legislature has determined that  
856 foster care and related services need to be outsourced pursuant  
857 to this section and that the provision of such services is of  
858 paramount importance to the state. The purpose for such  
859 outsourcing is to increase the level of safety, security, and  
860 stability of children who are or become the responsibility of  
861 the state. One of the components necessary to secure a safe and  
862 stable environment for such children is that private providers  
863 maintain liability insurance. As such, insurance needs to be  
864 available and remain available to nongovernmental foster care  
865 and related services providers without the resources of such  
866 providers being significantly reduced by the cost of maintaining  
867 such insurance.

868 (b) The Legislature further finds that, by requiring the  
869 following minimum levels of insurance, children in outsourced  
870 foster care and related services will gain increased protection

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871 and rights of recovery in the event of injury than provided for  
872 in s. 768.28.

873 (2) LEAD AGENCY LIABILITY.—

874 (a) Other than an entity to which s. 768.28 applies, an  
875 eligible community-based care lead agency, or its employees or  
876 officers, except as otherwise provided in paragraph (b), must,  
877 as a part of its contract, obtain a minimum of \$1 million per  
878 claim/\$3 million per incident in general liability insurance  
879 coverage. The eligible community-based care lead agency must  
880 also require that staff who transport client children and  
881 families in their personal automobiles in order to carry out  
882 their job responsibilities obtain minimum bodily injury  
883 liability insurance in the amount of \$100,000 per claim,  
884 \$300,000 per incident, on their personal automobiles. In lieu of  
885 personal motor vehicle insurance, the lead agency's casualty,  
886 liability, or motor vehicle insurance carrier may provide  
887 nonowned automobile liability coverage. Such insurance provides  
888 liability insurance for automobiles that the provider uses in  
889 connection with the agency's business but does not own, lease,  
890 rent, or borrow. Such coverage includes automobiles owned by the  
891 employees of the lead agency or a member of the employee's  
892 household but only while the automobiles are used in connection  
893 with the agency's business. The nonowned automobile coverage for  
894 the lead agency applies as excess coverage over any other  
895 collectible insurance. The personal automobile policy for the  
896 employee of the lead agency must be primary insurance, and the  
897 nonowned automobile coverage of the agency acts as excess  
898 insurance to the primary insurance. The lead agency shall  
899 provide a minimum limit of \$1 million in nonowned automobile

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900 coverage. In a tort action brought against such an eligible  
901 community-based care lead agency or employee, net economic  
902 damages shall be limited to \$1 million per liability claim and  
903 \$100,000 per automobile claim, including, but not limited to,  
904 past and future medical expenses, wage loss, and loss of earning  
905 capacity, offset by any collateral source payment paid or  
906 payable. In any tort action brought against such an eligible  
907 community-based care lead agency, noneconomic damages shall be  
908 limited to \$200,000 per claim. A claims bill may be brought on  
909 behalf of a claimant pursuant to s. 768.28 for any amount  
910 exceeding the limits specified in this paragraph. Any offset of  
911 collateral source payments made as of the date of the settlement  
912 or judgment shall be in accordance with s. 768.76. The  
913 community-based care lead agency is not liable in tort for the  
914 acts or omissions of its subcontractors or the officers, agents,  
915 or employees of its subcontractors.

916 (b) The liability of an eligible community-based care lead  
917 agency described in this section shall be exclusive and in place  
918 of all other liability of such lead agency. The same immunities  
919 from liability enjoyed by such lead agencies shall extend as  
920 well to each employee of the lead agency when such employee is  
921 acting in furtherance of the agency's business, including the  
922 transportation of clients served, as described in this  
923 subsection, in privately owned vehicles. Such immunities are not  
924 applicable to a lead agency or an employee who acts in a  
925 culpably negligent manner or with willful and wanton disregard  
926 or unprovoked physical aggression if such acts result in injury  
927 or death or such acts proximately cause such injury or death.  
928 Such immunities are not applicable to employees of the same lead

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929 agency when each is operating in the furtherance of the agency's  
930 business, but they are assigned primarily to unrelated work  
931 within private or public employment. The same immunity  
932 provisions enjoyed by a lead agency also apply to any sole  
933 proprietor, partner, corporate officer or director, supervisor,  
934 or other person who in the course and scope of his or her duties  
935 acts in a managerial or policymaking capacity and the conduct  
936 that caused the alleged injury arose within the course and scope  
937 of those managerial or policymaking duties. As used in this  
938 subsection and subsection (3), the term "culpable negligence"  
939 means reckless indifference or grossly careless disregard of  
940 human life.

941 (3) SUBCONTRACTOR LIABILITY.—

942 (a) A subcontractor of an eligible community-based care  
943 lead agency which is a direct provider of foster care and  
944 related services to children and families, and its employees or  
945 officers, except as otherwise provided in paragraph (b), must,  
946 as a part of its contract, obtain a minimum of \$1 million per  
947 claim/\$3 million per incident in general liability insurance  
948 coverage. The subcontractor of an eligible community-based care  
949 lead agency must also require that staff who transport client  
950 children and families in their personal automobiles in order to  
951 carry out their job responsibilities obtain minimum bodily  
952 injury liability insurance in the amount of \$100,000 per claim,  
953 \$300,000 per incident, on their personal automobiles. In lieu of  
954 personal motor vehicle insurance, the subcontractor's casualty,  
955 liability, or motor vehicle insurance carrier may provide  
956 nonowned automobile liability coverage. Such insurance provides  
957 liability insurance for automobiles that the subcontractor uses

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958 in connection with the subcontractor's business but does not  
959 own, lease, rent, or borrow. Such coverage includes automobiles  
960 owned by the employees of the subcontractor or a member of the  
961 employee's household but only while the automobiles are used in  
962 connection with the subcontractor's business. The nonowned  
963 automobile coverage for the subcontractor applies as excess  
964 coverage over any other collectible insurance. The personal  
965 automobile policy for the employee of the subcontractor shall be  
966 primary insurance, and the nonowned automobile coverage of the  
967 subcontractor acts as excess insurance to the primary insurance.  
968 The subcontractor shall provide a minimum limit of \$1 million in  
969 nonowned automobile coverage. In a tort action brought against  
970 such subcontractor or employee, net economic damages shall be  
971 limited to \$1 million per liability claim and \$100,000 per  
972 automobile claim, including, but not limited to, past and future  
973 medical expenses, wage loss, and loss of earning capacity,  
974 offset by any collateral source payment paid or payable. In a  
975 tort action brought against such subcontractor, noneconomic  
976 damages shall be limited to \$200,000 per claim. A claims bill  
977 may be brought on behalf of a claimant pursuant to s. 768.28 for  
978 any amount exceeding the limits specified in this paragraph. Any  
979 offset of collateral source payments made as of the date of the  
980 settlement or judgment shall be in accordance with s. 768.76.

981 (b) The liability of a subcontractor of an eligible  
982 community-based care lead agency that is a direct provider of  
983 foster care and related services as described in this section  
984 shall be exclusive and in place of all other liability of such  
985 lead agency. The same immunities from liability enjoyed by such  
986 subcontractor provider shall extend as well to each employee of

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987 the subcontractor when such employee is acting in furtherance of  
988 the subcontractor's business, including the transportation of  
989 clients served, as described in this subsection, in privately  
990 owned vehicles. Such immunities are not applicable to a  
991 subcontractor or an employee who acts in a culpably negligent  
992 manner or with willful and wanton disregard or unprovoked  
993 physical aggression when such acts result in injury or death or  
994 such acts proximately cause such injury or death. Such  
995 immunities are not applicable to employees of the same  
996 subcontractor when each is operating in the furtherance of the  
997 subcontractor's business, but they are assigned primarily to  
998 unrelated works within private or public employment. The same  
999 immunity provisions enjoyed by a subcontractor also apply to any  
1000 sole proprietor, partner, corporate officer or director,  
1001 supervisor, or other person who in the course and scope of his  
1002 or her duties acts in a managerial or policymaking capacity and  
1003 the conduct that caused the alleged injury arose within the  
1004 course and scope of those managerial or policymaking duties.

1005 (4) LIMITATIONS ON DAMAGES.—The Legislature is cognizant of  
1006 the increasing costs of goods and services each year and  
1007 recognizes that fixing a set amount of compensation has the  
1008 effect of a reduction in compensation each year. Accordingly,  
1009 the conditional limitations on damages in this section shall be  
1010 increased at the rate of 5 percent each year, prorated from July  
1011 1, 2014, to the date at which damages subject to such  
1012 limitations are awarded by final judgment or settlement.

1013 Section 18. Section 409.1675, Florida Statutes, is  
1014 transferred and renumbered as section 409.994, Florida Statutes,  
1015 and amended to read:

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1016 409.994 ~~409.1675~~ ~~Lead~~ Community-based care lead agencies  
1017 ~~providers~~; receivership.—

1018 (1) The Department of Children and Families ~~Family Services~~  
1019 may petition a court of competent jurisdiction for the  
1020 appointment of a receiver for a ~~lead~~ community-based care lead  
1021 agency provider established pursuant to s. 409.987 if ~~s.~~  
1022 ~~409.1671~~ when any of the following conditions exist:

1023 (a) The lead agency ~~community-based provider~~ is operating  
1024 without a license as a child-placing agency.

1025 (b) The lead agency ~~community-based provider~~ has given less  
1026 than 120 days' notice of its intent to cease operations, and  
1027 arrangements have not been made for another lead agency  
1028 ~~community-based provider~~ or for the department to continue the  
1029 uninterrupted provision of services.

1030 (c) The department determines that conditions exist in the  
1031 lead agency ~~community-based provider~~ which present an imminent  
1032 danger to the health, safety, or welfare of the dependent  
1033 children under that agency's ~~provider's~~ care or supervision.  
1034 Whenever possible, the department shall make a reasonable effort  
1035 to facilitate the continued operation of the program.

1036 (d) The lead agency ~~community-based provider~~ cannot meet  
1037 its current financial obligations to its employees, contractors,  
1038 or foster parents. Issuance of bad checks or the existence of  
1039 delinquent obligations for payment of salaries, utilities, or  
1040 invoices for essential services or commodities shall constitute  
1041 prima facie evidence that the lead agency ~~community-based~~  
1042 ~~provider~~ lacks the financial ability to meet its financial  
1043 obligations.

1044 (2) (a) The petition for receivership shall take precedence

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1045 over other court business unless the court determines that some  
1046 other pending proceeding, having statutory precedence, has  
1047 priority.

1048 (b) A hearing shall be conducted within 5 days after the  
1049 filing of the petition, at which time interested parties shall  
1050 have the opportunity to present evidence as to whether a  
1051 receiver should be appointed. The department shall give  
1052 reasonable notice of the hearing on the petition to the lead  
1053 agency ~~community-based provider~~.

1054 (c) The court shall grant the petition upon finding that  
1055 one or more of the conditions in subsection (1) exists and the  
1056 continued existence of the condition or conditions jeopardizes  
1057 the health, safety, or welfare of dependent children. A receiver  
1058 may be appointed ex parte when the court determines that one or  
1059 more of the conditions in subsection (1) exists. After such  
1060 finding, the court may appoint any person, including an employee  
1061 of the department who is qualified by education, training, or  
1062 experience to carry out the duties of the receiver pursuant to  
1063 this section, except that the court may ~~shall~~ not appoint any  
1064 member of the governing board or any officer of the lead agency  
1065 ~~community-based provider~~. The receiver may be selected from a  
1066 list of persons qualified to act as receivers which is developed  
1067 by the department and presented to the court with each petition  
1068 of receivership.

1069 (d) A receiver may be appointed for up to 90 days, and the  
1070 department may petition the court for additional 30-day  
1071 extensions. Sixty days after appointment of a receiver and every  
1072 30 days thereafter until the receivership is terminated, the  
1073 department shall submit to the court an assessment of the lead

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1074 agency's ~~community-based provider's~~ ability to ensure the  
1075 health, safety, and welfare of the dependent children under its  
1076 supervision.

1077 (3) The receiver shall take such steps as are reasonably  
1078 necessary to ensure the continued health, safety, and welfare of  
1079 the dependent children under the supervision of the lead agency  
1080 ~~community-based provider~~ and shall exercise those powers and  
1081 perform those duties set out by the court, including, but not  
1082 limited to:

1083 (a) Taking such action as is reasonably necessary to  
1084 protect or conserve the assets or property of the lead agency  
1085 ~~community-based provider~~. The receiver may use the assets and  
1086 property and any proceeds from any transfer thereof only in the  
1087 performance of the powers and duties provided ~~set forth~~ in this  
1088 section and by order of the court.

1089 (b) Using the assets of the lead agency ~~community-based~~  
1090 ~~provider~~ in the provision of care and services to dependent  
1091 children.

1092 (c) Entering into contracts and hiring agents and employees  
1093 to carry out the powers and duties of the receiver under this  
1094 section.

1095 (d) Having full power to direct, manage, hire, and  
1096 discharge employees of the lead agency ~~community-based provider~~.  
1097 The receiver shall hire and pay new employees at the rate of  
1098 compensation, including benefits, approved by the court.

1099 (e) Honoring all leases, mortgages, and contractual  
1100 obligations of the lead agency ~~community-based provider~~, but  
1101 only to the extent of payments that become due during the period  
1102 of the receivership.

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1103 (4) (a) The receiver shall deposit funds received in a  
1104 separate account and shall use this account for all  
1105 disbursements.

1106 (b) A payment to the receiver of any sum owing to the lead  
1107 agency ~~community-based provider~~ shall discharge any obligation  
1108 to the provider to the extent of the payment.

1109 (5) A receiver may petition the court for temporary relief  
1110 from obligations entered into by the lead agency ~~community-based~~  
1111 ~~provider~~ if the rent, price, or rate of interest required to be  
1112 paid under the agreement was substantially in excess of a  
1113 reasonable rent, price, or rate of interest at the time the  
1114 contract was entered into, or if any material provision of the  
1115 agreement was unreasonable when compared to contracts negotiated  
1116 under similar conditions. Any relief in this form provided by  
1117 the court shall be limited to the life of the receivership,  
1118 unless otherwise determined by the court.

1119 (6) The court shall set the compensation of the receiver,  
1120 which shall be considered a necessary expense of a receivership  
1121 and may grant to the receiver such other authority necessary to  
1122 ensure the health, safety, and welfare of the children served.

1123 (7) A receiver may be held liable in a personal capacity  
1124 only for the receiver's own gross negligence, intentional acts,  
1125 or breaches of fiduciary duty. This section may ~~shall~~ not be  
1126 interpreted to be a waiver of sovereign immunity should the  
1127 department be appointed receiver.

1128 (8) If the receiver is not the department, the court may  
1129 require a receiver to post a bond to ensure the faithful  
1130 performance of these duties.

1131 (9) The court may terminate a receivership when:

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1132 (a) The court determines that the receivership is no longer  
1133 necessary because the conditions that gave rise to the  
1134 receivership no longer exist; or

1135 (b) The department has entered into a contract with a new  
1136 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~  
1137 ~~409.1671~~, and that contractor is ready and able to assume the  
1138 duties of the previous lead agency ~~provider~~.

1139 (10) Within 30 days after the termination, unless this time  
1140 period is extended by the court, the receiver shall give the  
1141 court a complete accounting of all property of which the  
1142 receiver has taken possession, of all funds collected and  
1143 disbursed, and of the expenses of the receivership.

1144 (11) ~~Nothing in This section does not shall be construed to~~  
1145 ~~relieve any employee of the lead agency ~~community-based provider~~~~  
1146 ~~placed in receivership of any civil or criminal liability~~  
1147 ~~incurred, or any duty imposed by law, by reason of acts or~~  
1148 ~~omissions of the employee before ~~prior to~~ the appointment of a~~  
1149 ~~receiver, and; nor shall anything contained in this section does~~  
1150 ~~not be construed to suspend during the receivership any~~  
1151 ~~obligation of the employee for payment of taxes or other~~  
1152 ~~operating or maintenance expenses of the lead agency ~~community-~~~~  
1153 ~~~~based provider~~ or for the payment of mortgages or liens. The~~  
1154 ~~lead agency ~~community-based provider~~ shall retain the right to~~  
1155 ~~sell or mortgage any facility under receivership, subject to the~~  
1156 ~~prior approval of the court that ordered the receivership.~~

1157 Section 19. Section 409.996, Florida Statutes, is created  
1158 to read:

1159 409.996 Duties of the Department of Children and Families.-  
1160 The department shall contract for the delivery, administration,

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1161 or management of care for dependent children. In doing so, the  
1162 department retains responsibility for the quality of contracted  
1163 services and programs and shall ensure that services are  
1164 delivered in accordance with applicable federal and state  
1165 statutes and regulations.

1166 (1) The department shall enter into contracts with lead  
1167 agencies to perform the duties of a lead agency pursuant to s.  
1168 409.988. At a minimum, the contracts must:

1169 (a) Provide for the services needed to accomplish the  
1170 duties established in s. 409.988 and provide information to the  
1171 department which is necessary to meet the requirements for a  
1172 quality assurance program pursuant to subsection (17) and the  
1173 child welfare results-oriented accountability system pursuant to  
1174 s. 409.997.

1175 (b) Provide for graduated penalties for failure to comply  
1176 with contract terms. Such penalties may include financial  
1177 penalties, enhanced monitoring and reporting, corrective action  
1178 plans, and early termination of contracts or other appropriate  
1179 action to ensure contract compliance.

1180 (c) Ensure that the lead agency shall furnish current and  
1181 accurate information on its activities in all cases in client  
1182 case records in the state's statewide automated child welfare  
1183 information system.

1184 (d) Specify the procedures to be used by the parties to  
1185 resolve differences in interpreting the contract or to resolve  
1186 disputes as to the adequacy of the parties' compliance with  
1187 their respective obligations under the contract.

1188 (2) The department must adopt written policies and  
1189 procedures for monitoring the contract for delivery of services

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1190 by lead agencies. These policies and procedures must, at a  
1191 minimum, address the evaluation of fiscal accountability and  
1192 program operations, including provider achievement of  
1193 performance standards, provider monitoring of subcontractors,  
1194 and timely follow up of corrective actions for significant  
1195 monitoring findings related to providers and subcontractors.  
1196 These policies and procedures must also include provisions for  
1197 reducing the duplication of the department's program monitoring  
1198 activities both internally and with other agencies, to the  
1199 extent possible. The department's written procedures must ensure  
1200 that the written findings, conclusions, and recommendations from  
1201 monitoring the contract for services of lead agencies are  
1202 communicated to the director of the provider agency and the  
1203 community-based care alliance as expeditiously as possible.

1204 (3) The department shall receive federal and state funds as  
1205 appropriated for the operation of the child welfare system and  
1206 shall transmit these funds to the lead agencies as agreed. The  
1207 department retains responsibility for the appropriate spending  
1208 of these funds. The department shall monitor lead agencies to  
1209 assess compliance with the financial guidelines established  
1210 pursuant to s. 409.992 and other applicable state and federal  
1211 laws.

1212 (4) The department shall provide technical assistance and  
1213 consultation to lead agencies in the provision of care to  
1214 children in the child protection system.

1215 (5) The department retains the responsibility for the  
1216 review, approval or denial, and issuances of all foster home  
1217 licenses.

1218 (6) The department shall process all applications submitted

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1219 by lead agencies for the Interstate Compact for Placement of  
1220 Children and the Interstate Compact for Adoption and Medical  
1221 Assistance.

1222 (7) The department shall assist lead agencies with access  
1223 to and coordination with other service programs within the  
1224 department.

1225 (8) The department shall determine Medicaid eligibility for  
1226 all referred children and will coordinate services with the  
1227 Agency for Health Care Administration.

1228 (9) The department shall develop, in cooperation with the  
1229 lead agencies, a standardized competency-based curriculum for  
1230 certification training and for administering the certification  
1231 testing program for child protection staff.

1232 (10) The department shall maintain the statewide adoptions  
1233 website and provide information and training to the lead  
1234 agencies relating to the website.

1235 (11) The department shall provide training and assistance  
1236 to lead agencies regarding the responsibility of lead agencies  
1237 relating to children receiving supplemental security income,  
1238 social security, railroad retirement, or veterans' benefits.

1239 (12) With the assistance of a lead agency, the department  
1240 shall develop and implement statewide and local interagency  
1241 agreements needed to coordinate services for children and  
1242 parents involved in the child welfare system who are also  
1243 involved with the Agency for Persons with Disabilities, the  
1244 Department of Juvenile Justice, the Department of Education, the  
1245 Department of Health, and other governmental organizations that  
1246 share responsibilities for children or parents in the child  
1247 welfare system.

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1248       (13) With the assistance of a lead agency, the department  
1249 shall develop and implement a working agreement between the lead  
1250 agency and the substance abuse and mental health managing entity  
1251 to integrate services and supports for children and parents  
1252 serviced in the child welfare system.

1253       (14) The department shall work with the Agency for Health  
1254 Care Administration to provide each child the services of the  
1255 Medicaid early and periodic screening, diagnosis, and treatment  
1256 entitlement including 72-hour screening, periodic child health  
1257 checkups, and prescribed follow up for ordered services,  
1258 including medical, dental, and vision care.

1259       (15) The department shall assist lead agencies in  
1260 developing an array of services in compliance with the Title IV-  
1261 E Waiver and shall monitor the provision of those services.

1262       (16) The department shall directly or through contract  
1263 provide attorneys to prepare and present cases in dependency  
1264 court and shall ensure that the court is provided with adequate  
1265 information for informed decision-making in dependency cases.

1266       (17) The department, in consultation with lead agencies,  
1267 shall establish a quality assurance program for outsourced  
1268 services to dependent children. The quality assurance program  
1269 shall be based on standards established by federal and state law  
1270 and national accrediting organizations.

1271       (a) Each program operated under contract with a lead agency  
1272 must be evaluated at least annually by the department. These  
1273 evaluations shall cover the programmatic, operational, and  
1274 fiscal operations of the lead agency and be consistent with the  
1275 child welfare results-oriented accountability system pursuant to  
1276 s. 409.997.

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1277 (b) The department shall, to the extent possible, use  
1278 independent financial audits provided by the lead agency to  
1279 eliminate or reduce the ongoing contract and administrative  
1280 reviews conducted by the department. If the department  
1281 determines that such independent financial audits are  
1282 inadequate, other audits, as necessary, may be conducted by the  
1283 department. This paragraph does not abrogate the requirements of  
1284 s. 215.97.

1285 (c) The department may suggest additional items to be  
1286 included in such independent financial audits to meet the  
1287 department's needs.

1288 (d) The department may outsource programmatic,  
1289 administrative, or fiscal monitoring oversight of lead agencies.

1290 (e) A lead agency must assure that all subcontractors are  
1291 subject to the same quality assurance activities as the lead  
1292 agency.

1293 Section 20. Section 409.997, Florida Statutes, is created  
1294 to read:

1295 409.997 Child welfare results-oriented accountability  
1296 system.-

1297 (1) The department and its contract providers, including  
1298 lead agencies, community case based care providers, and other  
1299 community partners participating in the state's child protection  
1300 and child welfare system, share the responsibility for  
1301 completing the following outcome goals:

1302 (a) Children are first and foremost protected from abuse  
1303 and neglect.

1304 (b) Children are safely maintained in their homes if  
1305 possible and appropriate.

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1306 (c) Services are provided to protect children and prevent  
1307 removal from the home.

1308 (d) Children have permanency and stability in their living  
1309 arrangements.

1310 (e) Family relationships and connections are preserved for  
1311 children.

1312 (f) Families have enhanced capacity to provide for their  
1313 children's needs.

1314 (g) Children receive appropriate services to meet their  
1315 educational needs.

1316 (h) Children receive adequate services to meet their  
1317 physical and mental health needs.

1318 (2) In order to assess the achievement of the goals listed  
1319 in subsection (1), the department shall maintain a  
1320 comprehensive, results-oriented accountability system that  
1321 monitors the use of resources, the quality and amount of  
1322 services provided, and the child and family outcomes through  
1323 data analysis, research review, evaluation, and quality  
1324 improvement. In maintaining the accountability system, the  
1325 department shall:

1326 (a) Identify valid and reliable outcome measures for each  
1327 of the goals specified in this subsection. The outcome data set  
1328 must consist of a limited number of understandable measures  
1329 using available data to quantify outcomes as children move  
1330 through the system of care. Such measures may aggregate multiple  
1331 variables that affect the overall achievement of the outcome  
1332 goal. Valid and reliable measures must be based on adequate  
1333 sample sizes, be gathered over suitable time periods, reflect  
1334 authentic rather than spurious results, and may not be

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1335 susceptible to manipulation.

1336 (b) Implement a monitoring system to track the identified  
1337 outcome measures on a statewide, regional, and provider-specific  
1338 basis. The monitoring system must identify trends and chart  
1339 progress toward achievement of the goals specified in this  
1340 section. The requirements of the monitoring system may be  
1341 incorporated into the quality assurance system required under s.  
1342 409.996(17).

1343 (c) Develop and maintain an analytical system that builds  
1344 on the outcomes monitoring system to assess the statistical  
1345 validity of observed associations between child welfare  
1346 interventions and the measured outcomes. The analysis must use  
1347 quantitative methods to adjust for variations in demographic or  
1348 other conditions. The analysis must include longitudinal studies  
1349 to evaluate longer term outcomes such as continued safety,  
1350 family permanence, and transition to self-sufficiency. The  
1351 analysis may also include qualitative research methods to  
1352 provide insight into statistical patterns.

1353 (d) Develop and maintain a program of research review to  
1354 identify interventions that are supported by evidence as  
1355 causally linked to improved outcomes.

1356 (e) Support an ongoing process of evaluation to determine  
1357 the efficacy and effectiveness of various interventions.  
1358 Efficacy evaluation is intended to determine the validity of a  
1359 causal relationship between an intervention and an outcome.  
1360 Effectiveness evaluation is intended to determine the extent to  
1361 which the results can be generalized.

1362 (f) Develop and maintain an inclusive, interactive, and  
1363 evidence-supported program of quality improvement which promotes

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1364 individual skill building as well as organizational learning.

1365 (g) Develop and implement a method for making the results  
1366 of the accountability system transparent for all parties  
1367 involved in the child welfare system as well as policymakers and  
1368 the public. The presentation shall provide a comprehensible,  
1369 visual report card for the state and each community-based care  
1370 region, indicating the current status relative to each goal and  
1371 trends in that status over time.

1372 (3) The department shall establish a technical advisory  
1373 panel consisting of representatives from the Florida Institute  
1374 for Child Safety established pursuant to s. 1004.615, lead  
1375 agencies, community-based care providers, other contract  
1376 providers, community-based care alliances, and family  
1377 representatives. The President of the Senate and the Speaker of  
1378 the House of Representatives shall each appoint a member to  
1379 serve as a legislative liaison to the panel. The technical  
1380 advisory panel shall advise the department on meeting the  
1381 requirements of this section.

1382 (4) The accountability system may not rank or compare  
1383 performance among community-based care regions unless adequate  
1384 and specific adjustments are adopted which account for the  
1385 diversity in regions' demographics, resources, and other  
1386 relevant characteristics.

1387 (5) The results of the accountability system must provide  
1388 the basis for performance incentives if funds for such payments  
1389 are made available through the General Appropriations Act.

1390 (6) At least quarterly, the department shall make the  
1391 results of the accountability system available to the public  
1392 through publication on its website. The website must allow for

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1393 custom searches of the performance data.

1394 (7) The department shall annually report by October 1 the  
1395 statewide and community-based care service area results of the  
1396 child protection and child welfare systems as measured by the  
1397 accountability system to the Governor, the President of the  
1398 Senate, and the Speaker of the House of Representatives.

1399 Section 21. Section 409.998, Florida Statutes, is created  
1400 to read:

1401 409.998 Community-based care alliances.-

1402 (1) The department shall, in consultation with local  
1403 communities, establish an alliance in each community-based care  
1404 service area to provide a focal point for community  
1405 participation and governance of child protection and child  
1406 welfare services.

1407 (2) The primary duty of the alliance is to oversee child  
1408 welfare services and the local system of community-based care.  
1409 To perform this duty, the community alliance shall, with the  
1410 assistance of the department, perform the following activities:

1411 (a) Conduct a needs assessment and establishment of  
1412 community priorities for child protection and child welfare  
1413 services.

1414 (b) Advise the department on the programmatic or financial  
1415 performance of the lead agency.

1416 (c) Recommend a competitive procurement for the lead agency  
1417 if programmatic or financial performance is poor.

1418 (d) Recommend a contract extension for the lead agency if  
1419 programmatic or financial performance is superior.

1420 (e) Make recommendations on the development of the  
1421 procurement document. The alliance may suggest specific

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1422 requirements relating to local needs and services.

1423 (f) Make recommendations to the department on selection of  
1424 a community-based care lead agency.

1425 (g) Review the programmatic and financial performance of a  
1426 lead agency at least quarterly.

1427 (h) In partnership with the Florida Institute for Child  
1428 Safety established under s. 1004.615, develop recommendations to  
1429 the department and the community-based care lead agency to  
1430 improve child protection and child welfare policies and  
1431 practices.

1432 (i) Promote greater community involvement in community-  
1433 based care through participation in community-based care lead  
1434 agency services and activities, solicitation of local financial  
1435 and in-kind resources, recruitment and retention of community  
1436 volunteers, and public awareness efforts.

1437 (3) The membership of the community alliance shall be  
1438 composed of the following:

1439 (a) A representative from county government chosen by  
1440 mutual agreement by the county boards of commission in the  
1441 service area.

1442 (b) A representative from the school district chosen by  
1443 mutual agreement by the county school boards in the service  
1444 area.

1445 (c) A representative from the county sheriff's office  
1446 chosen by mutual agreement by the county sheriffs in the service  
1447 area.

1448 (d) A representative from the circuit court chosen by the  
1449 chief judge of the judicial circuit.

1450 (e) Three other members chosen by the secretary of the

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1451 department based on their expertise in child protection and  
1452 child welfare.

1453 (4) A member of the alliance may not receive payment for  
1454 contractual services from the department or a community-based  
1455 care lead agency.

1456 (5) Members of the community alliances shall serve without  
1457 compensation, but are entitled to receive reimbursement for per  
1458 diem and travel expenses as provided in s. 112.061. Payment may  
1459 also be authorized for preapproved child care expenses or lost  
1460 wages for members who are consumers of the department's services  
1461 and for preapproved child care expenses for other members who  
1462 demonstrate hardship.

1463 (6) Members of a community alliance are subject to part III  
1464 of chapter 112, the Code of Ethics for Public Officers and  
1465 Employees.

1466 (7) Actions taken by a community alliance must be  
1467 consistent with department policy and state and federal laws,  
1468 rules, and regulations.

1469 (8) Alliance members shall annually submit a disclosure  
1470 statement of services interests to the department's inspector  
1471 general. A member who has an interest in a matter under  
1472 consideration by the alliance must abstain from voting on that  
1473 matter.

1474 (9) All alliance meetings are open to the public pursuant  
1475 to s. 286.011 and the public records provision of s. 119.07(1).

1476 Section 22. Subsection (4) of section 20.19, Florida  
1477 Statutes, is repealed.

1478 Section 23. Sections 409.1671, 409.16715, and 409.16745,  
1479 Florida Statutes, are repealed.

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1480 Section 24. Paragraph (g) of subsection (1) of section  
1481 39.201, Florida Statutes, is amended to read:

1482 39.201 Mandatory reports of child abuse, abandonment, or  
1483 neglect; mandatory reports of death; central abuse hotline.—

1484 (1)

1485 (g) Nothing in this chapter or in the contracting with  
1486 community-based care providers for foster care and related  
1487 services as specified in s. 409.987 ~~s. 409.1671~~ shall be  
1488 construed to remove or reduce the duty and responsibility of any  
1489 person, including any employee of the community-based care  
1490 provider, to report a suspected or actual case of child abuse,  
1491 abandonment, or neglect or the sexual abuse of a child to the  
1492 department's central abuse hotline.

1493 Section 25. Subsections (1), (3), and (5) of section  
1494 409.1676, Florida Statutes, are amended to read:

1495 409.1676 Comprehensive residential group care services to  
1496 children who have extraordinary needs.—

1497 (1) It is the intent of the Legislature to provide  
1498 comprehensive residential group care services, including  
1499 residential care, case management, and other services, to  
1500 children in the child protection system who have extraordinary  
1501 needs. These services are to be provided in a residential group  
1502 care setting by a not-for-profit corporation or a local  
1503 government entity under a contract with the Department of  
1504 Children and Families ~~Family Services~~ or by a lead agency as  
1505 described in s. 409.986 ~~s. 409.1671~~. These contracts should be  
1506 designed to provide an identified number of children with access  
1507 to a full array of services for a fixed price. Further, it is  
1508 the intent of the Legislature that the Department of Children

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1509 and Families ~~Family Services~~ and the Department of Juvenile  
1510 Justice establish an interagency agreement by December 1, 2002,  
1511 which describes respective agency responsibilities for referral,  
1512 placement, service provision, and service coordination for  
1513 dependent and delinquent youth who are referred to these  
1514 residential group care facilities. The agreement must require  
1515 interagency collaboration in the development of terms,  
1516 conditions, and performance outcomes for residential group care  
1517 contracts serving the youth referred who have been adjudicated  
1518 both dependent and delinquent.

1519 (3) The department, in accordance with a specific  
1520 appropriation for this program, shall contract with a not-for-  
1521 profit corporation, a local government entity, or the lead  
1522 agency that has been established in accordance with s. 409.987  
1523 ~~s. 409.1671~~ for the performance of residential group care  
1524 services described in this section. A lead agency that is  
1525 currently providing residential care may provide this service  
1526 directly with the approval of the local community alliance. The  
1527 department or a lead agency may contract for more than one site  
1528 in a county if that is determined to be the most effective way  
1529 to achieve the goals set forth in this section.

1530 (5) The department may transfer all casework  
1531 responsibilities for children served under this program to the  
1532 entity that provides this service, including case management and  
1533 development and implementation of a case plan in accordance with  
1534 current standards for child protection services. When the  
1535 department establishes this program in a community that has a  
1536 lead agency as described in s. 409.986 ~~s. 409.1671~~, the casework  
1537 responsibilities must be transferred to the lead agency.

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1538 Section 26. Subsection (2) of section 409.1677, Florida  
1539 Statutes, is amended to read:

1540 409.1677 Model comprehensive residential services  
1541 programs.—

1542 (2) The department shall establish a model comprehensive  
1543 residential services program in Manatee and Miami-Dade Counties  
1544 through a contract with the designated lead agency established  
1545 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private  
1546 entity capable of providing residential group care and home-  
1547 based care and experienced in the delivery of a range of  
1548 services to foster children, if no lead agency exists. These  
1549 model programs are to serve that portion of eligible children  
1550 within each county which is specified in the contract, based on  
1551 funds appropriated, to include a full array of services for a  
1552 fixed price. The private entity or lead agency is responsible  
1553 for all programmatic functions necessary to carry out the intent  
1554 of this section.

1555 Section 27. Subsection (24) of section 409.906, Florida  
1556 Statutes, is amended to read:

1557 409.906 Optional Medicaid services.—Subject to specific  
1558 appropriations, the agency may make payments for services which  
1559 are optional to the state under Title XIX of the Social Security  
1560 Act and are furnished by Medicaid providers to recipients who  
1561 are determined to be eligible on the dates on which the services  
1562 were provided. Any optional service that is provided shall be  
1563 provided only when medically necessary and in accordance with  
1564 state and federal law. Optional services rendered by providers  
1565 in mobile units to Medicaid recipients may be restricted or  
1566 prohibited by the agency. Nothing in this section shall be

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1567 construed to prevent or limit the agency from adjusting fees,  
1568 reimbursement rates, lengths of stay, number of visits, or  
1569 number of services, or making any other adjustments necessary to  
1570 comply with the availability of moneys and any limitations or  
1571 directions provided for in the General Appropriations Act or  
1572 chapter 216. If necessary to safeguard the state's systems of  
1573 providing services to elderly and disabled persons and subject  
1574 to the notice and review provisions of s. 216.177, the Governor  
1575 may direct the Agency for Health Care Administration to amend  
1576 the Medicaid state plan to delete the optional Medicaid service  
1577 known as "Intermediate Care Facilities for the Developmentally  
1578 Disabled." Optional services may include:

1579 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for  
1580 Health Care Administration, in consultation with the Department  
1581 of Children and Families ~~Family Services~~, may establish a  
1582 targeted case-management project in those counties identified by  
1583 the Department of Children and Families ~~Family Services~~ and for  
1584 all counties with a community-based child welfare project, as  
1585 authorized under s. 409.987 ~~s. 409.1671~~, which have been  
1586 specifically approved by the department. The covered group of  
1587 individuals who are eligible to receive targeted case management  
1588 include children who are eligible for Medicaid; who are between  
1589 the ages of birth through 21; and who are under protective  
1590 supervision or postplacement supervision, under foster-care  
1591 supervision, or in shelter care or foster care. The number of  
1592 individuals who are eligible to receive targeted case management  
1593 is limited to the number for whom the Department of Children and  
1594 Families ~~Family Services~~ has matching funds to cover the costs.  
1595 The general revenue funds required to match the funds for

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1596 services provided by the community-based child welfare projects  
1597 are limited to funds available for services described under s.  
1598 409.990 ~~s. 409.1671~~. The Department of Children and Families  
1599 ~~Family Services~~ may transfer the general revenue matching funds  
1600 as billed by the Agency for Health Care Administration.

1601 Section 28. Paragraph (b) of subsection (4) of section  
1602 409.912, Florida Statutes, is amended to read:

1603 409.912 Cost-effective purchasing of health care.—The  
1604 agency shall purchase goods and services for Medicaid recipients  
1605 in the most cost-effective manner consistent with the delivery  
1606 of quality medical care. To ensure that medical services are  
1607 effectively utilized, the agency may, in any case, require a  
1608 confirmation or second physician's opinion of the correct  
1609 diagnosis for purposes of authorizing future services under the  
1610 Medicaid program. This section does not restrict access to  
1611 emergency services or poststabilization care services as defined  
1612 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
1613 shall be rendered in a manner approved by the agency. The agency  
1614 shall maximize the use of prepaid per capita and prepaid  
1615 aggregate fixed-sum basis services when appropriate and other  
1616 alternative service delivery and reimbursement methodologies,  
1617 including competitive bidding pursuant to s. 287.057, designed  
1618 to facilitate the cost-effective purchase of a case-managed  
1619 continuum of care. The agency shall also require providers to  
1620 minimize the exposure of recipients to the need for acute  
1621 inpatient, custodial, and other institutional care and the  
1622 inappropriate or unnecessary use of high-cost services. The  
1623 agency shall contract with a vendor to monitor and evaluate the  
1624 clinical practice patterns of providers in order to identify

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1625 trends that are outside the normal practice patterns of a  
1626 provider's professional peers or the national guidelines of a  
1627 provider's professional association. The vendor must be able to  
1628 provide information and counseling to a provider whose practice  
1629 patterns are outside the norms, in consultation with the agency,  
1630 to improve patient care and reduce inappropriate utilization.  
1631 The agency may mandate prior authorization, drug therapy  
1632 management, or disease management participation for certain  
1633 populations of Medicaid beneficiaries, certain drug classes, or  
1634 particular drugs to prevent fraud, abuse, overuse, and possible  
1635 dangerous drug interactions. The Pharmaceutical and Therapeutics  
1636 Committee shall make recommendations to the agency on drugs for  
1637 which prior authorization is required. The agency shall inform  
1638 the Pharmaceutical and Therapeutics Committee of its decisions  
1639 regarding drugs subject to prior authorization. The agency is  
1640 authorized to limit the entities it contracts with or enrolls as  
1641 Medicaid providers by developing a provider network through  
1642 provider credentialing. The agency may competitively bid single-  
1643 source-provider contracts if procurement of goods or services  
1644 results in demonstrated cost savings to the state without  
1645 limiting access to care. The agency may limit its network based  
1646 on the assessment of beneficiary access to care, provider  
1647 availability, provider quality standards, time and distance  
1648 standards for access to care, the cultural competence of the  
1649 provider network, demographic characteristics of Medicaid  
1650 beneficiaries, practice and provider-to-beneficiary standards,  
1651 appointment wait times, beneficiary use of services, provider  
1652 turnover, provider profiling, provider licensure history,  
1653 previous program integrity investigations and findings, peer

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1654 review, provider Medicaid policy and billing compliance records,  
1655 clinical and medical record audits, and other factors. Providers  
1656 are not entitled to enrollment in the Medicaid provider network.  
1657 The agency shall determine instances in which allowing Medicaid  
1658 beneficiaries to purchase durable medical equipment and other  
1659 goods is less expensive to the Medicaid program than long-term  
1660 rental of the equipment or goods. The agency may establish rules  
1661 to facilitate purchases in lieu of long-term rentals in order to  
1662 protect against fraud and abuse in the Medicaid program as  
1663 defined in s. 409.913. The agency may seek federal waivers  
1664 necessary to administer these policies.

1665 (4) The agency may contract with:

1666 (b) An entity that is providing comprehensive behavioral  
1667 health care services to certain Medicaid recipients through a  
1668 capitated, prepaid arrangement pursuant to the federal waiver  
1669 provided for by s. 409.905(5). Such entity must be licensed  
1670 under chapter 624, chapter 636, or chapter 641, or authorized  
1671 under paragraph (c) or paragraph (d), and must possess the  
1672 clinical systems and operational competence to manage risk and  
1673 provide comprehensive behavioral health care to Medicaid  
1674 recipients. As used in this paragraph, the term "comprehensive  
1675 behavioral health care services" means covered mental health and  
1676 substance abuse treatment services that are available to  
1677 Medicaid recipients. The secretary of the Department of Children  
1678 and Families ~~Family Services~~ shall approve provisions of  
1679 procurements related to children in the department's care or  
1680 custody before enrolling such children in a prepaid behavioral  
1681 health plan. Any contract awarded under this paragraph must be  
1682 competitively procured. In developing the behavioral health care

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1683 prepaid plan procurement document, the agency shall ensure that  
1684 the procurement document requires the contractor to develop and  
1685 implement a plan to ensure compliance with s. 394.4574 related  
1686 to services provided to residents of licensed assisted living  
1687 facilities that hold a limited mental health license. Except as  
1688 provided in subparagraph 5., and except in counties where the  
1689 Medicaid managed care pilot program is authorized pursuant to s.  
1690 409.91211, the agency shall seek federal approval to contract  
1691 with a single entity meeting these requirements to provide  
1692 comprehensive behavioral health care services to all Medicaid  
1693 recipients not enrolled in a Medicaid managed care plan  
1694 authorized under s. 409.91211, a provider service network  
1695 authorized under paragraph (d), or a Medicaid health maintenance  
1696 organization in an AHCA area. In an AHCA area where the Medicaid  
1697 managed care pilot program is authorized pursuant to s.  
1698 409.91211 in one or more counties, the agency may procure a  
1699 contract with a single entity to serve the remaining counties as  
1700 an AHCA area or the remaining counties may be included with an  
1701 adjacent AHCA area and are subject to this paragraph. Each  
1702 entity must offer a sufficient choice of providers in its  
1703 network to ensure recipient access to care and the opportunity  
1704 to select a provider with whom they are satisfied. The network  
1705 shall include all public mental health hospitals. To ensure  
1706 unimpaired access to behavioral health care services by Medicaid  
1707 recipients, all contracts issued pursuant to this paragraph must  
1708 require 80 percent of the capitation paid to the managed care  
1709 plan, including health maintenance organizations and capitated  
1710 provider service networks, to be expended for the provision of  
1711 behavioral health care services. If the managed care plan

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1712 expends less than 80 percent of the capitation paid for the  
1713 provision of behavioral health care services, the difference  
1714 shall be returned to the agency. The agency shall provide the  
1715 plan with a certification letter indicating the amount of  
1716 capitation paid during each calendar year for behavioral health  
1717 care services pursuant to this section. The agency may reimburse  
1718 for substance abuse treatment services on a fee-for-service  
1719 basis until the agency finds that adequate funds are available  
1720 for capitated, prepaid arrangements.

1721 1. The agency shall modify the contracts with the entities  
1722 providing comprehensive inpatient and outpatient mental health  
1723 care services to Medicaid recipients in Hillsborough, Highlands,  
1724 Hardee, Manatee, and Polk Counties, to include substance abuse  
1725 treatment services.

1726 2. Except as provided in subparagraph 5., the agency and  
1727 the Department of Children and Families ~~Family Services~~ shall  
1728 contract with managed care entities in each AHCA area except  
1729 area 6 or arrange to provide comprehensive inpatient and  
1730 outpatient mental health and substance abuse services through  
1731 capitated prepaid arrangements to all Medicaid recipients who  
1732 are eligible to participate in such plans under federal law and  
1733 regulation. In AHCA areas where eligible individuals number less  
1734 than 150,000, the agency shall contract with a single managed  
1735 care plan to provide comprehensive behavioral health services to  
1736 all recipients who are not enrolled in a Medicaid health  
1737 maintenance organization, a provider service network authorized  
1738 under paragraph (d), or a Medicaid capitated managed care plan  
1739 authorized under s. 409.91211. The agency may contract with more  
1740 than one comprehensive behavioral health provider to provide

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1741 care to recipients who are not enrolled in a Medicaid capitated  
1742 managed care plan authorized under s. 409.91211, a provider  
1743 service network authorized under paragraph (d), or a Medicaid  
1744 health maintenance organization in AHCA areas where the eligible  
1745 population exceeds 150,000. In an AHCA area where the Medicaid  
1746 managed care pilot program is authorized pursuant to s.  
1747 409.91211 in one or more counties, the agency may procure a  
1748 contract with a single entity to serve the remaining counties as  
1749 an AHCA area or the remaining counties may be included with an  
1750 adjacent AHCA area and shall be subject to this paragraph.  
1751 Contracts for comprehensive behavioral health providers awarded  
1752 pursuant to this section shall be competitively procured. Both  
1753 for-profit and not-for-profit corporations are eligible to  
1754 compete. Managed care plans contracting with the agency under  
1755 subsection (3) or paragraph (d) shall provide and receive  
1756 payment for the same comprehensive behavioral health benefits as  
1757 provided in AHCA rules, including handbooks incorporated by  
1758 reference. In AHCA area 11, the agency shall contract with at  
1759 least two comprehensive behavioral health care providers to  
1760 provide behavioral health care to recipients in that area who  
1761 are enrolled in, or assigned to, the MediPass program. One of  
1762 the behavioral health care contracts must be with the existing  
1763 provider service network pilot project, as described in  
1764 paragraph (d), for the purpose of demonstrating the cost-  
1765 effectiveness of the provision of quality mental health services  
1766 through a public hospital-operated managed care model. Payment  
1767 shall be at an agreed-upon capitated rate to ensure cost  
1768 savings. Of the recipients in area 11 who are assigned to  
1769 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those

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1770 MediPass-enrolled recipients shall be assigned to the existing  
1771 provider service network in area 11 for their behavioral care.

1772 3. Children residing in a statewide inpatient psychiatric  
1773 program, or in a Department of Juvenile Justice or a Department  
1774 of Children and Families ~~Family Services~~ residential program  
1775 approved as a Medicaid behavioral health overlay services  
1776 provider may not be included in a behavioral health care prepaid  
1777 health plan or any other Medicaid managed care plan pursuant to  
1778 this paragraph.

1779 4. Traditional community mental health providers under  
1780 contract with the Department of Children and Families ~~Family~~  
1781 ~~Services~~ pursuant to part IV of chapter 394, child welfare  
1782 providers under contract with the Department of Children and  
1783 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental  
1784 health providers licensed pursuant to chapter 395 must be  
1785 offered an opportunity to accept or decline a contract to  
1786 participate in any provider network for prepaid behavioral  
1787 health services.

1788 5. All Medicaid-eligible children, except children in area  
1789 1 and children in Highlands County, Hardee County, Polk County,  
1790 or Manatee County of area 6, which ~~that~~ are open for child  
1791 welfare services in the statewide automated child welfare  
1792 information system, shall receive their behavioral health care  
1793 services through a specialty prepaid plan operated by community-  
1794 based lead agencies through a single agency or formal agreements  
1795 among several agencies. The agency shall work with the specialty  
1796 plan to develop clinically effective, evidence-based  
1797 alternatives as a downward substitution for the statewide  
1798 inpatient psychiatric program and similar residential care and

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1799 institutional services. The specialty prepaid plan must result  
1800 in savings to the state comparable to savings achieved in other  
1801 Medicaid managed care and prepaid programs. Such plan must  
1802 provide mechanisms to maximize state and local revenues. The  
1803 specialty prepaid plan shall be developed by the agency and the  
1804 Department of Children and Families ~~Family Services~~. The agency  
1805 may seek federal waivers to implement this initiative. Medicaid-  
1806 eligible children whose cases are open for child welfare  
1807 services in the statewide automated child welfare information  
1808 system and who reside in AHCA area 10 shall be enrolled in a  
1809 capitated provider service network or other capitated managed  
1810 care plan, which, in coordination with available community-based  
1811 care providers specified in s. 409.987 ~~s. 409.1671~~, shall  
1812 provide sufficient medical, developmental, and behavioral health  
1813 services to meet the needs of these children.

1814  
1815 Effective July 1, 2012, in order to ensure continuity of care,  
1816 the agency is authorized to extend or modify current contracts  
1817 based on current service areas or on a regional basis, as  
1818 determined appropriate by the agency, with comprehensive  
1819 behavioral health care providers as described in this paragraph  
1820 during the period prior to its expiration. This paragraph  
1821 expires October 1, 2014.

1822 Section 29. Paragraph (dd) of subsection (3) of section  
1823 409.91211, Florida Statutes, is amended to read:

1824 409.91211 Medicaid managed care pilot program.—

1825 (3) The agency shall have the following powers, duties, and  
1826 responsibilities with respect to the pilot program:

1827 (dd) To implement service delivery mechanisms within a

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1828 specialty plan in area 10 to provide behavioral health care  
1829 services to Medicaid-eligible children whose cases are open for  
1830 child welfare services in the HomeSafeNet system. These services  
1831 must be coordinated with community-based care providers as  
1832 specified in s. 409.986 ~~s. 409.1671~~, where available, and be  
1833 sufficient to meet the developmental, behavioral, and emotional  
1834 needs of these children. Children in area 10 who have an open  
1835 case in the HomeSafeNet system shall be enrolled into the  
1836 specialty plan. These service delivery mechanisms must be  
1837 implemented no later than July 1, 2011, in AHCA area 10 in order  
1838 for the children in AHCA area 10 to remain exempt from the  
1839 statewide plan under s. 409.912(4)(b)5. An administrative fee  
1840 may be paid to the specialty plan for the coordination of  
1841 services based on the receipt of the state share of that fee  
1842 being provided through intergovernmental transfers.

1843 Section 30. Paragraph (d) of subsection (1) of section  
1844 420.628, Florida Statutes, is amended to read:

1845 420.628 Affordable housing for children and young adults  
1846 leaving foster care; legislative findings and intent.—

1847 (1)

1848 (d) The Legislature intends that the Florida Housing  
1849 Finance Corporation, agencies within the State Housing  
1850 Initiative Partnership Program, local housing finance agencies,  
1851 public housing authorities, and their agents, and other  
1852 providers of affordable housing coordinate with the Department  
1853 of Children and Families ~~Family Services~~, their agents, and  
1854 community-based care providers who provide services under s.  
1855 409.986 ~~s. 409.1671~~ to develop and implement strategies and  
1856 procedures designed to make affordable housing available

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1857 whenever and wherever possible to young adults who leave the  
1858 child welfare system.

1859 Section 31. This act shall take effect July 1, 2014.

DRAFT

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1 A bill to be entitled  
2 An act relating to medically complex children;  
3 amending s. 39.001, F.S.; revising the purposes of ch.  
4 39, F.S.; amending s. 39.01, F.S.; defining the term  
5 "medical neglect"; conforming cross-references;  
6 amending s. 39.303, F.S.; providing requirements for a  
7 child protection team that evaluates a medically  
8 complex child; amending ss. 39.302, 39.524, 316.613,  
9 409.1678, and 960.065, F.S.; conforming cross-  
10 references; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Paragraph (o) is added to subsection (1) of  
15 section 39.001, Florida Statutes, paragraph (k) of that  
16 subsection is amended, present paragraphs (f) through (h) of  
17 subsection (3) of that section are redesignated as paragraphs  
18 (g) through (i), respectively, and a new paragraph (f) is added  
19 to that subsection, to read:

20 39.001 Purposes and intent; personnel standards and  
21 screening.—

22 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

23 (k) To make every possible effort, ~~if when~~ two or more  
24 children who are in the care or under the supervision of the  
25 department are siblings, to place the siblings in the same home;  
26 and in the event of permanent placement of the siblings, to  
27 place them in the same adoptive home or, if the siblings are  
28 separated while under the care or supervision of the department  
29 or in a permanent placement, to keep them in contact with each

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30 other.

31 (o) To preserve and strengthen families who are caring for  
32 medically complex children.

33 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
34 the Legislature that the children of this state be provided with  
35 the following protections:

36 (f) Access to sufficient home-based and community-based  
37 support for medically complex children to allow them to remain  
38 in the least restrictive and most nurturing environment. Before  
39 a child receiving child protective or child welfare services is  
40 removed from the home, he or she shall be offered the same level  
41 of health care services based on his or her eligibility for  
42 services in the home as he or she would receive in out-of-home  
43 care placement.

44 Section 2. Present subsections (42) through (76) of section  
45 39.01, Florida Statutes, are redesignated as subsections (43)  
46 through (77), respectively, a new subsection (42) is added to  
47 that section, and subsections (10) and (33) are amended, to  
48 read:

49 39.01 Definitions.—When used in this chapter, unless the  
50 context otherwise requires:

51 (10) "Caregiver" means the parent, legal custodian,  
52 permanent guardian, adult household member, or other person  
53 responsible for a child's welfare as defined in subsection (48)  
54 ~~(47)~~.

55 (33) "Institutional child abuse or neglect" means  
56 situations of known or suspected child abuse or neglect in which  
57 the person allegedly perpetrating the child abuse or neglect is  
58 an employee of a private school, public or private day care

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59 center, residential home, institution, facility, or agency or  
60 any other person at such institution responsible for the child's  
61 care as defined in subsection (48) ~~(47)~~.

62 (42) "Medical neglect" means the failure to provide or to  
63 allow needed care as recommended by a health care practitioner  
64 for a physical injury, illness, medical condition, or  
65 impairment, or the failure to seek timely and appropriate  
66 medical care for a serious health problem that a reasonable  
67 person would have recognized as requiring professional medical  
68 attention. Medical neglect does not occur if:

69 (a) The parent or legal custodian of the child has made  
70 reasonable attempts to obtain necessary health care services or  
71 the immediate health condition giving rise to the allegation of  
72 neglect is a known and expected complication of the child's  
73 diagnosis or treatment; and

74 (b) The recommended care offers limited net benefit to the  
75 child and the morbidity or other side effects of the treatment  
76 may be considered to be greater than the anticipated benefit.

77 Section 3. Subsection (1) of section 39.303, Florida  
78 Statutes, is amended to read:

79 39.303 Child protection teams; services; eligible cases.—  
80 The Children's Medical Services Program in the Department of  
81 Health shall develop, maintain, and coordinate the services of  
82 one or more multidisciplinary child protection teams in each of  
83 the service districts of the Department of Children and Family  
84 Services. Such teams may be composed of appropriate  
85 representatives of school districts and appropriate health,  
86 mental health, social service, legal service, and law  
87 enforcement agencies. The Legislature finds that optimal

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88 coordination of child protection teams and sexual abuse  
89 treatment programs requires collaboration between the Department  
90 of Health and the Department of Children and Family Services.  
91 The two departments shall maintain an interagency agreement that  
92 establishes protocols for oversight and operations of child  
93 protection teams and sexual abuse treatment programs. The State  
94 Surgeon General and the Deputy Secretary for Children's Medical  
95 Services, in consultation with the Secretary of Children and  
96 Family Services, shall maintain the responsibility for the  
97 screening, employment, and, if necessary, the termination of  
98 child protection team medical directors, at headquarters and in  
99 the 15 districts. Child protection team medical directors shall  
100 be responsible for oversight of the teams in the districts.

101 (1) The Department of Health shall use ~~utilize~~ and convene  
102 the teams to supplement the assessment and protective  
103 supervision activities of the family safety and preservation  
104 program of the Department of Children and Families ~~Family~~  
105 ~~Services~~. ~~Nothing in This section~~ does not ~~shall be construed to~~  
106 remove or reduce the duty and responsibility of any person to  
107 report pursuant to this chapter all suspected or actual cases of  
108 child abuse, abandonment, or neglect or sexual abuse of a child.  
109 The role of the teams shall be to support activities of the  
110 program and to provide services deemed by the teams to be  
111 necessary and appropriate to abused, abandoned, and neglected  
112 children upon referral. The specialized diagnostic assessment,  
113 evaluation, coordination, consultation, and other supportive  
114 services that a child protection team shall be capable of  
115 providing include, but are not limited to, the following:

116 (a) Medical diagnosis and evaluation services, including

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117 provision or interpretation of X rays and laboratory tests, and  
118 related services, as needed, and documentation of related  
119 findings ~~relative thereto~~.

120 (b) Telephone consultation services in emergencies and in  
121 other situations.

122 (c) Medical evaluation related to abuse, abandonment, or  
123 neglect, as defined by policy or rule of the Department of  
124 Health.

125 (d) Such psychological and psychiatric diagnosis and  
126 evaluation services for the child or the child's parent or  
127 parents, legal custodian or custodians, or other caregivers, or  
128 any other individual involved in a child abuse, abandonment, or  
129 neglect case, as the team may determine to be needed.

130 (e) Expert medical, psychological, and related professional  
131 testimony in court cases.

132 (f) Case staffings to develop treatment plans for children  
133 whose cases have been referred to the team. A child protection  
134 team may provide consultation with respect to a child who is  
135 alleged or is shown to be abused, abandoned, or neglected. The  
136 ~~which~~ consultation shall be provided at the request of a  
137 representative of the family safety and preservation program or  
138 at the request of any other professional involved with a child  
139 or the child's parent or parents, legal custodian or custodians,  
140 or other caregivers. In every such child protection team case  
141 staffing, consultation, or staff activity involving a child, a  
142 family safety and preservation program representative shall  
143 attend and participate.

144 (g) Case service coordination and assistance, including the  
145 location of services available from other public and private

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146 agencies in the community.

147 (h) Such training services for program and other employees  
148 of the Department of Children and Families ~~Family Services~~,  
149 employees of the Department of Health, and other medical  
150 professionals as is deemed appropriate to enable them to develop  
151 and maintain their professional skills and abilities in handling  
152 child abuse, abandonment, and neglect cases.

153 (i) Educational and community awareness campaigns on child  
154 abuse, abandonment, and neglect in an effort to enable citizens  
155 more successfully to prevent, identify, and treat child abuse,  
156 abandonment, and neglect in the community.

157 (j) Child protection team assessments that include, as  
158 appropriate, medical evaluations, medical consultations, family  
159 psychosocial interviews, specialized clinical interviews, or  
160 forensic interviews.

161  
162 All medical personnel participating on a child protection team  
163 must successfully complete the required child protection team  
164 training curriculum as set forth in protocols determined by the  
165 Deputy Secretary for Children's Medical Services and the  
166 Statewide Medical Director for Child Protection. A child  
167 protective team that is evaluating a medically complex child  
168 must consult with a physician specialist who has experience in  
169 treating children with the same condition.

170 Section 4. Subsection (1) of section 39.302, Florida  
171 Statutes, is amended to read:

172 39.302 Protective investigations of institutional child  
173 abuse, abandonment, or neglect.—

174 (1) The department shall conduct a child protective

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175 investigation of each report of institutional child abuse,  
176 abandonment, or neglect. Upon receipt of a report that alleges  
177 that an employee or agent of the department, or any other entity  
178 or person covered by s. 39.01(33) or (48) ~~(47)~~, acting in an  
179 official capacity, has committed an act of child abuse,  
180 abandonment, or neglect, the department shall initiate a child  
181 protective investigation within the timeframe established under  
182 s. 39.201(5) and notify the appropriate state attorney, law  
183 enforcement agency, and licensing agency, which shall  
184 immediately conduct a joint investigation, unless independent  
185 investigations are more feasible. When conducting investigations  
186 or having face-to-face interviews with the child, investigation  
187 visits shall be unannounced unless it is determined by the  
188 department or its agent that unannounced visits threaten the  
189 safety of the child. If a facility is exempt from licensing, the  
190 department shall inform the owner or operator of the facility of  
191 the report. Each agency conducting a joint investigation is  
192 entitled to full access to the information gathered by the  
193 department in the course of the investigation. A protective  
194 investigation must include an interview with the child's parent  
195 or legal guardian. The department shall make a full written  
196 report to the state attorney within 3 working days after making  
197 the oral report. A criminal investigation shall be coordinated,  
198 whenever possible, with the child protective investigation of  
199 the department. Any interested person who has information  
200 regarding the offenses described in this subsection may forward  
201 a statement to the state attorney as to whether prosecution is  
202 warranted and appropriate. Within 15 days after the completion  
203 of the investigation, the state attorney shall report the

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204 findings to the department and shall include in the report a  
205 determination of whether or not prosecution is justified and  
206 appropriate in view of the circumstances of the specific case.

207 Section 5. Subsection (1) of section 39.524, Florida  
208 Statutes, is amended to read:

209 39.524 Safe-harbor placement.—

210 (1) Except as provided in s. 39.407 or s. 985.801, a  
211 dependent child 6 years of age or older who has been found to be  
212 a victim of sexual exploitation as defined in s. 39.01(68)(g) ~~s.~~  
213 ~~39.01(67)(g)~~ must be assessed for placement in a safe house as  
214 provided in s. 409.1678. The assessment shall be conducted by  
215 the department or its agent and shall incorporate and address  
216 current and historical information from any law enforcement  
217 reports; psychological testing or evaluation that has occurred;  
218 current and historical information from the guardian ad litem,  
219 if one has been assigned; current and historical information  
220 from any current therapist, teacher, or other professional who  
221 has knowledge of the child and has worked with the child; and  
222 any other information concerning the availability and  
223 suitability of safe-house placement. If such placement is  
224 determined to be appropriate as a result of this assessment, the  
225 child may be placed in a safe house, if one is available. As  
226 used in this section, the term "available" as it relates to a  
227 placement means a placement that is located within the circuit  
228 or otherwise reasonably accessible.

229 Section 6. Subsection (6) of section 316.613, Florida  
230 Statutes, is amended to read:

231 316.613 Child restraint requirements.—

232 (6) The child restraint requirements imposed by this

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233 section do not apply to a chauffeur-driven taxi, limousine,  
234 sedan, van, bus, motor coach, or other passenger vehicle if the  
235 operator and the motor vehicle are hired and used for the  
236 transportation of persons for compensation. It is the obligation  
237 and responsibility of the parent, guardian, or other person  
238 responsible for a child's welfare, ~~as defined in s. 39.01(47),~~  
239 to comply with the requirements of this section.

240 Section 7. Paragraph (d) of subsection (1) of section  
241 409.1678, Florida Statutes, is amended to read:

242 409.1678 Safe harbor for children who are victims of sexual  
243 exploitation.—

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

245 (d) "Sexually exploited child" means a dependent child who  
246 has suffered sexual exploitation as defined in s. 39.01(68)(g)  
247 ~~s. 39.01(67)(g)~~ and is ineligible for relief and benefits under  
248 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.  
249 7101 et seq.

250 Section 8. Subsection (5) of section 960.065, Florida  
251 Statutes, is amended to read:

252 960.065 Eligibility for awards.—

253 (5) A person is not ineligible for an award pursuant to  
254 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
255 person is a victim of sexual exploitation of a child as defined  
256 in s. 39.01(68)(g) ~~s. 39.01(67)(g)~~.

257 Section 9. This act shall take effect July 1, 2014.



# Florida Coalition *for* Children

Senate Children, Families and Elder Affairs Committee Presentation

March 4, 2014 8:00 a.m.

37 Senate Office Building

Glen Casel, CEO  
CBC of Central Florida  
[Glen.Casel@cbccfl.org](mailto:Glen.Casel@cbccfl.org)

# How It All Started

## *Before Florida's Community-Based Care Model*

Prior to 1999, the Department of Children and Families was responsible for providing care for Florida's vulnerable children.

- Abused;
- Abandoned;
- Neglected;
- At-risk children.

# How It All Started

*Before Florida's Community-Based Care Model*

Under this system the state's child welfare community experienced:

- Leadership turnover;
- Exorbitantly high caseload ratios;
- Financial crisis;
- Record numbers of children reported missing from the system.

“Abused children are spending nights in social workers’ offices or being shipped out [of the county].” *Rita Elkins, Florida Today, June 12, 1999.*

“Staffing is such a problem that the state Department of Children and Families temporarily shut down its children’s protective services office in Titusville last month.”  
*Marilyn Meyer, Florida Today, June 1, 1999.*

## The New York Times

Expect the World®

“The previous director, Kathleen A. Kearney, resigned on Tuesday, after months of embarrassments, starting with the agency's admission in April that it had lost a child in its care, 4-year-old Rilya Wilson, without noticing for more than a year.” *New York Times, New Child Welfare Head in Florida Drawing Fire, August 17, 2002.*

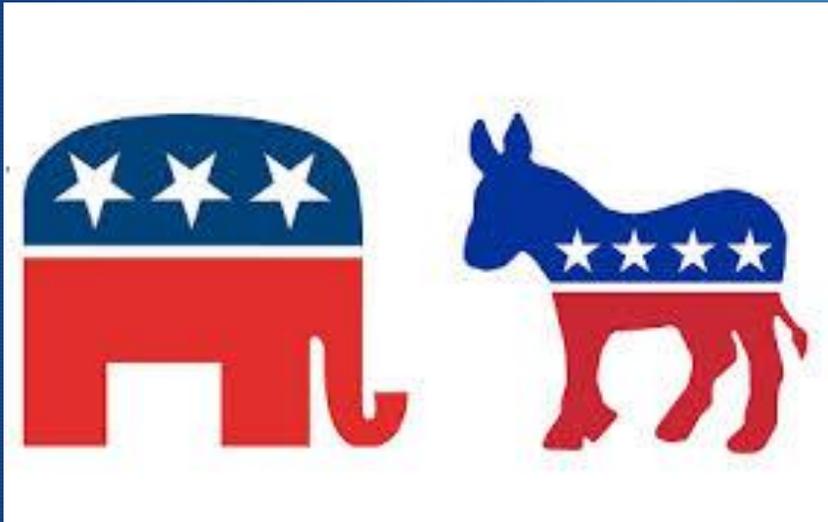
# The Environment

## Pre-CBC Era

An average of one Case Manager per 55 cases (1:55)



# Why Change



In response, in a bipartisan effort, lawmakers created a unique public-private partnership.

“My belief was if business and community leaders would view these precious children as their own, there would be a more innovative response. received strong bi-partisan support in the Florida legislature and a doubling of state funding in four years, by 2005 ours was the first state to fully transition it public foster care system to a network of homegrown, “community based” agencies in partnership with government.”

*-- Jeb Bush, “Keep ‘community’ in community-based care to protect children from abuse,” Miami Herald, February 18, 2012*

# The Transition

F.S. 409.1671: It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured.

1999 Legislative Session, Florida lawmakers passed legislation requiring DCF to contract with community-based lead agencies.



Following statute changes community-based lead agencies take responsibility for local child welfare services.



The Department remains responsible for program oversight and direct service provision:

- Abuse hotline,
- Child Protective Investigations,
- Child welfare legal services.

The non-profit organizations that provide child welfare services in Florida have grown from small start-ups to mature agencies responsible for thousands of lives, millions of state funds and a wide array of services.

Each has succeeded by nurturing its own local ecosystem of foster parents, service providers and professional staff tailored to meet the unique needs of their community.

Working together to maximize the resources toward safely reunite children, preventing entry and re-entry into foster care. Florida child welfare agencies partner with:

- ◆ Department of Children and Families
- ◆ Guardian Ad Litem
- ◆ Community Alliances
- ◆ Local Stakeholders
- ◆ Local Judicial System
- ◆ National, state and local philanthropic grants and organizations

# Legislatively Mandated Responsibilities

## DCF Oversight

### DCF Child Welfare Responsibilities

Hotline

Protective Investigations\*

Child Welfare Legal Services\*

### Community-Based Care Responsibilities

Prevention

Diversion

Family Support

Case Management

Service Coordination

Foster Care

Adoption

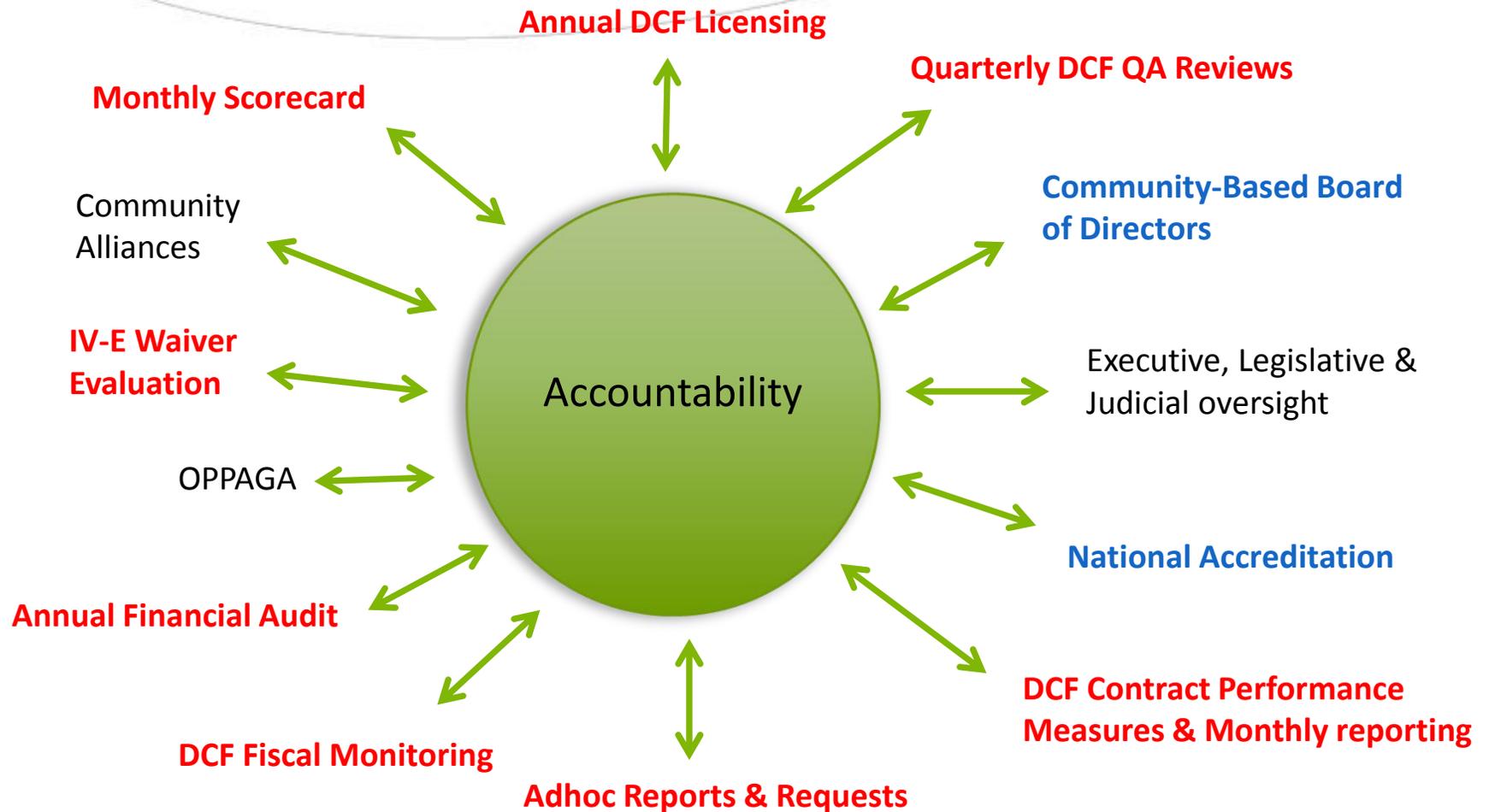
Independent Living

\* Select County Sherriff Offices are Responsible for protective investigations.

\* Much like the protective investigations, some CLS services are contracted with state attorneys or the AGs.

# Is There Accountability

*Community-Based Care is Highly Monitored, Accountable and Transparent*



# Is There Fiscal Accountability

CBC Child Welfare funding for core services



2005: \$616 million

2011: \$ 611 million

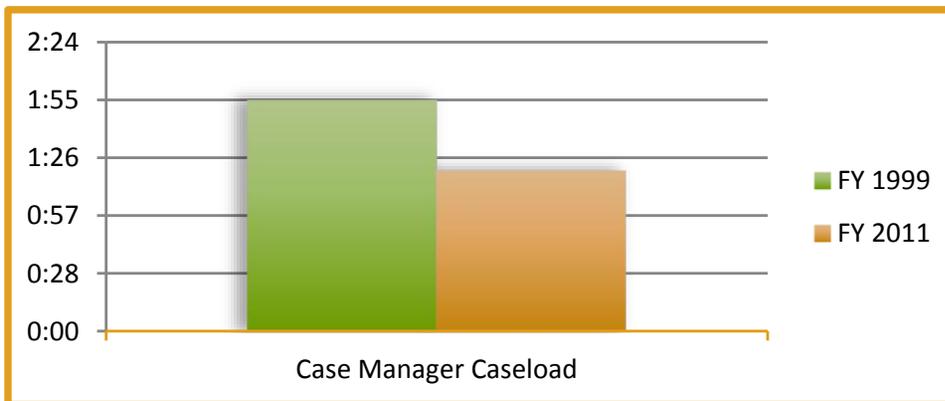
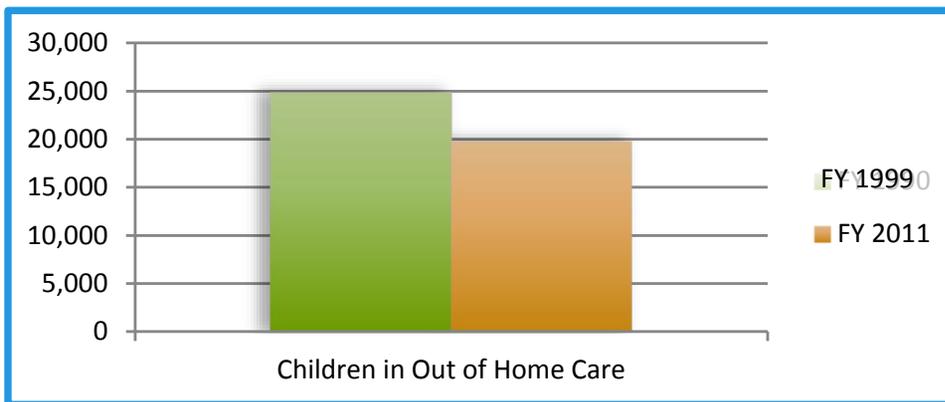
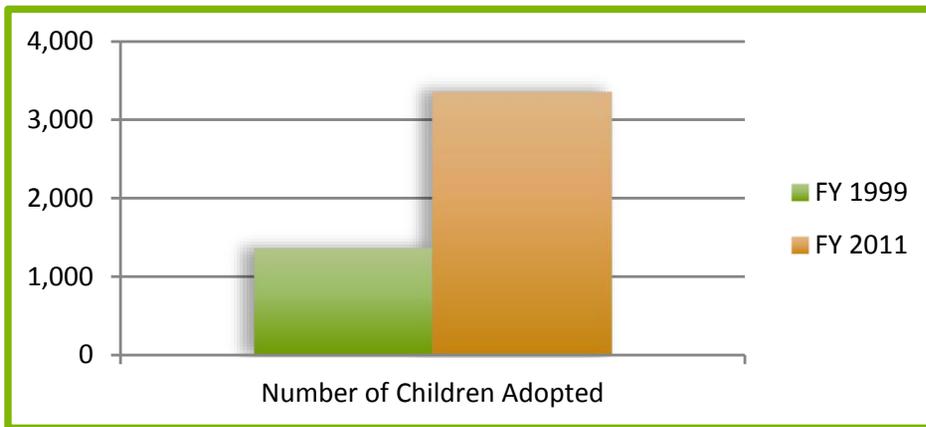
Pass through obligations



Reduced available funding for core services.

**Example:** When Florida's child welfare privatization began in 1996, DCF retained funds for administration. Providers received no funds for administration and were forced to absorb those costs. When DCF later implemented the "zone" concept, saving \$20 million in administrative costs, the intention was to allocate the savings to services. Instead, those funds were diverted to reduce the Medicaid deficit.

# Results and Improving Outcomes



# Continuously Improving Outcomes Cont.

- ◆ Florida is among the lowest funded child welfare systems in the nation.
- ◆ Florida has the shortest length of stay in foster care when compared to the “Big Five” states.
- ◆ Florida is one of only 12 states to visit children monthly.
- ◆ Florida has received the title IV-E Waiver every year since 2006, when CBC’s, Provider agencies and DCF worked collaboratively to become the 1<sup>st</sup> and only statewide implementation in the nation. This waiver has allowed the community-based foster care system in Florida to lead the nation in adoption and dramatically increase the number of intact families served by not categorically restricting the funds to out-of-home care.
- ◆ Florida child welfare is a cost reimbursement model -- it is not a case rate model.

We Can Continuously Improve

# Mike Watkins

CEO, Big Bend Community Based Care  
[mwatkins@bigbendcbc.org](mailto:mwatkins@bigbendcbc.org)

# Child Protection and Child Welfare Services System

## Discussion of Proposed Committee Bill:

Florida's community-based-care provider and lead agencies applaud lawmakers examination of our child welfare system and support proposed policy enabling enterprise accountability, organization and a 360 degree view of the system.

# Community Oversight

Community Alliances should have an active role in advising DCF on what is most needed at the local level.

The role of community representatives is critical to engaging community & local stakeholders.

# Standards of Excellence

Nationally notable Council Of Accreditation – COA accreditation

- State, Agency & Program Accreditation
- IL and other states Child Welfare Agencies are COA accredited.
- COA accreditation outcomes....

✓ EVERY FL CBC Lead Agency is Accredited

✓ FL CBC's seek and earn Florida Sterling Distinction Awards

Florida is a not-for-profit model of reinvestment – Working together, DCF and local agencies effectively utilize resources to safely reunite children, while preventing entry/re-entry into foster care. The efficiencies are continuously re-invested into local systems of care that provide a frontline of defense for at-risk children.

# University Partnership

Florida child welfare agencies support Independent Third Party Oversight

*Recommendation: A non-party participant contract administrator i.e., DMS. This will allow a third party to review Florida's child welfare system as a complete enterprise and independently.*

- ✓ Comprehensive systems approach
- ✓ Consistent best practices
- ✓ Removes any conflict of interest
- ✓ All data reviewed by 3<sup>rd</sup> party
- ✓ Increases system transparency

# Technical Advisory Council

CBCs are avid proponents for a statewide child welfare stakeholder council determining how, why, and what data, accountability measures, improvements, gaps and solutions must be in place to support and cross-interact throughout the system as a whole.

The CBC model, a child welfare community-based framework, is an example of such council that allows for the following:

- ✓ Understanding impact of process/policy change
- ✓ Best practices, innovations & evidence-based practices;
- ✓ Leverage of local resources and community leaders;
- ✓ Increase impacts and reduce duplication of services;
- ✓ Develop performance measures and standards of care.

“Florida’s community-based care system has succeeded by nurturing it's own local ecosystem of foster parents, service providers and professional staff tailored to meet the unique needs of their community.” *Miami Herald, Keep Community in community-based care, February 18, 2012.*

# Dedicated Expertise

## Proposed Agency Deputy Secretary of Community-Based Care

Creating a position within DCF to serve as a single point of contact and subject matter expert to provide:

- ✓ Technical assistance,
- ✓ Direct consultation;
- ✓ Lead joint initiatives to advance the practices;
- ✓ Create institutional knowledge/capacity;
- ✓ Advocates collaterally with executive branch agencies.

# Empowered and Enabled

The state and its child welfare agencies have shared financial risk. Florida's unique model works because of this, it ensures that the agencies contracted with the state are fiscally responsible.

The CBC's want to work with lawmakers to ensure our system of care is adequately resourced throughout the state. To do this the state's child welfare agencies recommend the following:

## **Risk Pool**

Funding for the community-based care risk pool was established in the statute that created the system, 409.1671 to allow CBC agencies to access emergency funds. The risk pool hasn't been funded since FY 2009-'10.

When there is a need for an agency to access emergency funds to provide for our most vulnerable children, there are protocols in place to verify the legitimacy of the need but also mechanisms in place to identify strategies necessary for the requesting agency to ensure long-term resolution. A strict protocol exists for how agencies can request and access risk pool funds. This includes:

- ✓ Peer Review Committee
- ✓ Application process;
- ✓ Notice of intent.

Collectively leveraged federal state, local and private resources can result in improved outcomes and increased safety for children in care.

# Questions

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/14  
Meeting Date

Topic \_\_\_\_\_ Bill Number \_\_\_\_\_ (if applicable)  
Name Nancy A. Wilkov Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title General Magistrate - 8th Judicial Circuit  
Address 201 E. University Ave., Room 207 Phone 352-384-3099  
Gaineville FL 32601 E-mail wilkov@circuit8.org  
City State Zip  
Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/14  
Meeting Date

Topic CBC Bill Number \_\_\_\_\_ (if applicable)  
Name Glen Case Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title CEO  
Address 4001 Peloe St. Suite 200 Phone 321 441 2060  
OM FL 32817 E-mail \_\_\_\_\_  
City State Zip  
Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-14

Meeting Date

Topic CBC Presentation Bill Number N/A
Name Mike Watkins Amendment Barcode N/A
Job Title CEO Big Bend Community Preschools
Address 525 N. MARTIN LUTHER KING BLVD Phone 850-410-1020
City State Zip

Speaking: For Against Information

Representing Big Bend CBC

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-14

Meeting Date

Topic Child Welfare Legislation Bill Number
Name Jim Akin Amendment Barcode
Job Title Executive Director
Address 1931 Delwood Drive Phone 850-224-2400
City Tallahassee FL 32303 E-mail jim@naswel.org

Speaking: For Against Information

Representing National Assn. of Social Workers

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

# CourtSmart Tag Report

Room: LL 37

Case:

Caption: Senate Children, Families, and Elder Affairs

Type:

Judge:

Started: 3/4/2014 8:03:03 AM

Ends: 3/4/2014 9:26:09 AM Length: 01:23:07

8:03:05 AM Meeting Called to Order  
8:04:22 AM Chair Sobel makes opening comments  
8:04:29 AM Roll Call  
8:05:04 AM (Tab 1) SB 160 - Canned or Perishable Food Distributed Free of Charge  
8:05:14 AM Tyrell Hall, Senator Bullard's aide, explains bill  
8:05:31 AM Sen. Detert makes comment  
8:05:46 AM Sen. Hays makes comment  
8:06:01 AM Chair Sobel asks for testimony/comments/debate  
8:06:21 AM Mr. Hall waives close  
8:06:27 AM Roll Call on SB 160  
8:06:43 AM SB 160 passes  
8:06:47 AM (Tab 2) SB 308 - Public Assistance Fraud  
8:06:56 AM Caitlin Murray, Sen. Brandes' aide, explains bill  
8:07:36 AM Chair Sobel asks for questions  
8:07:41 AM Sen. Thompson asks question  
8:08:07 AM Caitlin Murray, Sen. Brandes' aide, responds  
8:08:39 AM Testimony by Jack Heacock, Director, Division of Public Assistance Fraud  
8:08:59 AM Sen. Thompson asks question  
8:09:09 AM Mr. Heacock responds  
8:09:32 AM Sen. Thompson asks follow-up question  
8:09:39 AM Mr. Heacock responds  
8:09:43 AM Chair Sobel asks for other questions  
8:09:48 AM Chair Sobel asks question  
8:10:00 AM Mr. Heacock responds  
8:10:45 AM Chair Sobel asks follow-up question  
8:10:51 AM Mr. Heacock responds  
8:11:19 AM Chair Sobel asks question  
8:11:32 AM Mr. Heacock responds  
8:12:14 AM Chair Sobel asks for further questions  
8:12:48 AM Sen. Clemens' makes comment  
8:13:13 AM Ms. Murray waives close  
8:13:22 AM Roll Call on SB 308  
8:13:38 AM SB 308 passes  
8:13:42 AM (Tab 4) SB 786 - Discretionary Sales Surtaxes  
8:14:00 AM Tracy Caddell, Sen. Latvala's aide, explains bill  
8:15:58 AM Chair Sobel asks for questions  
8:16:14 AM Testimony by Todd Bonlarron, Legislative Affairs Director, Palm Beach County  
8:18:12 AM Chair Sobel asks question  
8:18:22 AM Mr. Bonlarron responds  
8:19:05 AM Davin Suggs, Senior Legislative Adv., Florida Association of Counties, waives in support  
8:19:12 AM Lauren Jackson, Broward county, waives in support  
8:19:24 AM Chair Sobel remarks  
8:19:51 AM Tracy Caddell waives close  
8:19:56 AM Roll call on SB 786  
8:20:12 AM SB 786 passes  
8:20:18 AM (Tab 3) SB 762 - Family Care Councils  
8:20:31 AM Sen. Detert explains bill  
8:20:50 AM Chair Sobel asks for questions/testimony  
8:21:03 AM Testimony Dixie Sansom, Arc of Florida, waives in support  
8:21:14 AM Sen. Detert waives close  
8:21:21 AM Roll Call on SB 762  
8:21:39 AM SB 762 passes

8:21:41 AM (Tab 5) - Review of Community-Based Care  
8:22:29 AM Testimony by Nancy Wilkov, General Magistrate, 8th Judicial Circuit  
8:25:19 AM Chair Sobel asks question  
8:25:39 AM General Magistrate Wilkov responds  
8:27:41 AM Sen. Hays' asks question  
8:28:28 AM General Magistrate Wilkov responds  
8:31:16 AM Chair Sobel makes remarks  
8:31:33 AM General Magistrate Wilkov responds  
8:32:49 AM Chair Sobel makes comment  
8:34:00 AM General Magistrate Wilkov responds  
8:35:43 AM Chair Sobel makes comment  
8:36:00 AM General Magistrate Wilkov responds  
8:36:56 AM Chair Sobel makes comment  
8:37:05 AM General Magistrate Wilkov responds  
8:37:14 AM Chair Sobel asks follow-up comment  
8:37:19 AM General Magistrate Wilkov responds  
8:37:31 AM Chair Sobel's continued remarks  
8:38:36 AM General Magistrate Wilkov responds  
8:42:00 AM Chair Sobel asks for questions  
8:42:02 AM Sen. Thompson asks question  
8:42:32 AM General Magistrate Wilkov responds  
8:44:42 AM Sen. Hays' makes comment  
8:44:57 AM General Magistrate Wilkov responds  
8:45:03 AM Sen. Hays' responds  
8:46:09 AM General Magistrate Wilkov responds  
8:47:25 AM Sen. Braynon asks question  
8:47:36 AM Sen. Hays' response  
8:47:55 AM Chair Sobel makes remarks  
8:48:55 AM General Magistrate Wilkov responds  
8:49:19 AM Chair Sobel remarks  
8:50:23 AM Sen. Dean's motion to vote favorably on SB 160, SB 308, SB 762, and SB 786  
8:50:42 AM Sen. Grimsley's motion to vote favorably on SB 160, SB 308, SB 762, and SB 786  
8:50:55 AM Presentation by Glen Casel, CEO, CBC of Central Florida  
8:56:27 AM Sen. Detert makes comment  
8:57:00 AM Mr. Casel responds and continues presentation  
8:57:03 AM Sen. Detert continued remarks  
8:57:15 AM Mr. Casel responds  
8:57:23 AM Chair Sobel asks question  
8:57:36 AM Mr. Casel responds  
8:59:24 AM Chair Sobel asks follow-up question  
8:59:32 AM Mr. Casel responds  
8:59:42 AM Sen. Detert asks question  
9:01:01 AM Mr. Casel responds  
9:04:19 AM Chair Sobel makes comment  
9:05:29 AM Mr. Casel responds  
9:05:42 AM Chair Sobel makes comment  
9:05:55 AM Mr. Casel responds and Chair Sobel's remarks  
9:06:11 AM Mr. Casel responds  
9:06:58 AM Sen. Detert asks question  
9:07:02 AM Mr. Casel responds  
9:07:07 AM Chair Sobel asks follow-up question  
9:07:12 AM Mr. Casel responds  
9:07:22 AM Sen. Hays' asks question  
9:07:49 AM Mr. Casel's closing remarks  
9:08:59 AM Presentation by Mike Watkins, CEO, Big Bend Community Based Care  
9:14:02 AM Chair Sobel asks question  
9:14:08 AM Mr. Watkins responds  
9:14:26 AM Chair Sobel makes comment  
9:14:37 AM Mr. Watkins responds  
9:15:11 AM Chair Sobel makes follow-up comment  
9:15:17 AM Mr. Watkins responds  
9:16:59 AM Chair Sobel asks question

**9:17:06 AM** Mr. Watkins responds  
**9:19:15 AM** Sen. Hays' asks question  
**9:19:38 AM** Mr. Watkins responds  
**9:25:39 AM** Chair Sobel asks for questions  
**9:25:48 AM** Jim Akin, Executive Director, National Association of Social Workers, waives in support  
**9:26:01 AM** Motion to Adjourn