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1
2 An act relating to child welfare; amending s. 20.19,
3 F.S.; requiring the Secretary of Children and Families
4 to appoint an Assistant Secretary for Child Welfare;
5 providing qualifications and responsibilities;
6 amending s. 39.001, F.S.; revising the purposes of ch.
7 39, F.S.; requiring the department to provide for
8 certain services for medically complex children;
9 amending s. 39.01, F.S.; providing, revising, and
10 deleting definitions; amending s. 39.013, F.S.;
11 clarifying responsibilities of the department in
12 dependency proceedings; amending s. 39.201, F.S.;
13 requiring alleged incidents of juvenile sexual abuse
14 involving specified children to be reported to the
15 department's central abuse hotline; requiring the
16 department to provide specified information on an
17 investigation of child sexual abuse to the court;
18 creating s. 39.2015, F.S.; requiring the department to
19 conduct specified investigations using critical
20 incident rapid response teams; providing requirements
21 for such investigations and for team membership;
22 authorizing team access to specified information;
23 requiring the cooperation of specified agencies and
24 organizations; providing for reimbursement of team
25 members; requiring the team to provide an
26 investigation report; requiring the secretary to
27 develop guidelines for investigations and provide team
28 member training; requiring the secretary to appoint an
29 advisory committee; requiring the committee to submit

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30 a report to the secretary; requiring the secretary to
31 submit such report to the Governor and the Legislature
32 by a specified date; creating s. 39.2022, F.S.;
33 providing legislative intent; requiring the department
34 to publish specified information on its website
35 regarding the death of a child reported to the central
36 abuse hotline; amending s. 39.301, F.S.; requiring the
37 use of safety plans in child protection investigations
38 in cases of present or impending danger; providing
39 requirements for implementation of a safety plan;
40 requiring a parent to be referred to a local child
41 development screening program under certain
42 circumstances; providing conditions for filing a
43 petition for dependency; amending s. 39.303, F.S.;
44 requiring physician involvement when a child
45 protection team evaluates a report of medical neglect
46 of a medically complex child; creating s. 39.3068,
47 F.S.; providing requirements for investigating medical
48 neglect; providing duties of the department; amending
49 s. 39.307, F.S.; requiring the department to assist
50 the family, child, and caregiver in receiving services
51 upon a report alleging juvenile sexual abuse or
52 inappropriate sexual behavior; requiring the
53 department to maintain specified records; requiring
54 child sexual abuse to be taken into account in
55 placement consideration; requiring the department to
56 monitor the occurrence of child sexual abuse and
57 related services; amending s. 39.402, F.S.; requiring
58 the department to make a reasonable effort to keep

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59 | siblings together when they are placed in out-of-home
60 | care under certain circumstances; providing for
61 | sibling visitation under certain conditions; amending
62 | s. 39.501, F.S.; requiring compliance with a safety
63 | plan to be considered when deciding a petition for
64 | dependency; amending s. 39.504, F.S.; authorizing the
65 | court to order a person to comply with a safety plan
66 | that is implemented in an injunction; amending s.
67 | 39.5085, F.S.; revising legislative intent;
68 | authorizing placement of a child with a nonrelative
69 | caregiver and financial assistance for such
70 | nonrelative caregiver through the Relative Caregiver
71 | Program under certain circumstances; amending s.
72 | 39.604, F.S.; requiring certain children to attend a
73 | licensed early education or child care program;
74 | requiring the inclusion of attendance at a licensed
75 | early education or child care program in a child's
76 | safety plan; amending s. 39.701, F.S.; requiring the
77 | court to consider contact among siblings in judicial
78 | reviews; authorizing the court to remove specified
79 | disabilities of nonage at judicial reviews; amending
80 | s. 39.802, F.S.; removing department authorization to
81 | sign a petition for termination of parental rights;
82 | amending s. 39.806, F.S.; providing additional grounds
83 | for termination of parental rights; amending s.
84 | 63.212, F.S.; revising advertising requirements for
85 | adoption services; requiring a person who places an
86 | advertisement for adoption services to provide
87 | specified information; deleting a criminal penalty for

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88 knowingly publishing or assisting in the publication
89 of an advertisement that violates specified
90 provisions; amending s. 383.402, F.S.; requiring state
91 and local review committees to review all child deaths
92 that are reported to the department's central abuse
93 hotline; revising the membership of the State Child
94 Abuse Death Review Committee; revising the due date
95 for a report; requiring the State Child Abuse Death
96 Review Committee to provide training to local child
97 abuse death review committees; amending s. 402.40,
98 F.S.; requiring a third-party credentialing entity to
99 establish an advisory committee; authorizing the
100 department to approve certification of
101 specializations; creating s. 402.402, F.S.; providing
102 preferences for education and work experience for
103 child protection and child welfare personnel;
104 requiring specialized training for specified
105 individuals; requiring a report; providing training
106 requirements for department attorneys; creating s.
107 402.403, F.S.; establishing a tuition exemption
108 program for child protection and child welfare
109 personnel; providing eligibility requirements;
110 creating s. 402.404, F.S.; establishing a student loan
111 forgiveness program for child protection and child
112 welfare personnel; providing eligibility requirements;
113 authorizing community-based care lead agencies to
114 provide student loan forgiveness under certain
115 circumstances; amending s. 409.165, F.S.; enhancing
116 provision of care to medically complex children;

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117 amending s. 409.175, F.S.; revising licensing
118 requirements and procedures for family foster homes,
119 residential child-caring agencies, and child-placing
120 agencies; amending s. 409.967, F.S.; revising
121 standards for Medicaid managed care plan
122 accountability with respect to services for dependent
123 children; requiring the department and the Agency for
124 Health Care Administration to establish an interagency
125 agreement for data sharing; amending s. 409.972, F.S.;
126 exempting certain Medicaid recipients from mandatory
127 enrollment in managed care plans; providing a
128 directive to the Division of Law Revision and
129 Information; creating part V of ch. 409, F.S.;
130 creating s. 409.986, F.S.; providing legislative
131 findings and intent; providing child protection and
132 child welfare outcome goals; defining terms; creating
133 s. 409.987, F.S.; providing for department procurement
134 of community-based care lead agencies; providing
135 requirements for contracting as a lead agency;
136 creating s. 409.988, F.S.; providing duties of a
137 community-based care lead agency; providing licensure
138 requirements for a lead agency; specifying services
139 provided by a lead agency; providing conditions for an
140 agency or provider to act as a child's guardian;
141 creating s. 409.990, F.S.; providing general funding
142 provisions for lead agencies; providing for a matching
143 grant program and the maximum amount of funds that may
144 be awarded; requiring the department to develop and
145 implement a community-based care risk pool initiative;

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146 providing requirements for the risk pool;
147 transferring, renumbering, and amending s. 409.16713,
148 F.S.; transferring provisions relating to the
149 allocation of funds for community-based care lead
150 agencies; conforming a cross-reference; creating s.
151 409.992, F.S.; providing requirements for community-
152 based care lead agency expenditures; creating s.
153 409.993, F.S.; providing legislative findings;
154 providing for lead agency and subcontractor liability;
155 providing limitations on damages; transferring,
156 renumbering, and amending s. 409.1675, F.S.;

157 transferring provisions relating to receivership from
158 community-based providers to lead agencies; conforming
159 cross-references and terminology; creating s. 409.996,
160 F.S.; providing duties of the department relating to
161 community-based care and lead agencies; creating s.
162 409.997, F.S.; providing outcome goals for the
163 department and specified entities with respect to the
164 delivery of child welfare services; requiring the
165 department to maintain an accountability system;
166 requiring a report to the Governor and the
167 Legislature; requiring the department to establish a
168 technical advisory panel; requiring the department to
169 make the results of the accountability system public;
170 requiring a report to the Governor and the Legislature
171 by a specified date; creating s. 827.10, F.S.;

172 providing definitions; establishing the criminal
173 offense of unlawful desertion of a child; providing
174 criminal penalties; providing exceptions; amending s.

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175 985.04, F.S.; conforming terminology; creating s.
176 1004.615, F.S.; establishing the Florida Institute for
177 Child Welfare; providing purpose, duties, and
178 responsibilities of the institute; requiring the
179 institute to contract and work with specified
180 entities; providing for the administration of the
181 institute; requiring reports to the Governor and the
182 Legislature by specified dates; amending s. 1009.25,
183 F.S.; exempting specified child protective
184 investigators and child protective investigation
185 supervisors from certain tuition and fee requirements;
186 conforming a provision to changes made by the act;
187 repealing s. 402.401, F.S., relating to child welfare
188 worker student loan forgiveness; repealing s.
189 409.1671, F.S., relating to outsourcing of foster care
190 and related services; repealing s. 409.16715, F.S.,
191 relating to certain therapy for foster children;
192 repealing s. 409.16745, F.S., relating to the
193 community partnership matching grant program;
194 repealing s. 1004.61, F.S., relating to a partnership
195 between the Department of Children and Families and
196 state universities; amending ss. 39.201, 39.302,
197 39.524, 316.613, 409.1676, 409.1677, 409.1678,
198 409.906, 409.912, 409.91211, 420.628, and 960.065,
199 F.S.; conforming cross-references; providing effective
200 dates.

201
202 Be It Enacted by the Legislature of the State of Florida:
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204 Section 1. Present subsections (3) through (5) of section
205 20.19, Florida Statutes, are renumbered as subsections (4)
206 through (6), respectively, subsection (2) of that section is
207 amended, and a new subsection (3) is added to that section, to
208 read:

209 20.19 Department of Children and Families.—There is created
210 a Department of Children and Families.

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

212 (a) The head of the department is the Secretary of Children
213 and Families. The secretary is appointed by the Governor,
214 subject to confirmation by the Senate. The secretary serves at
215 the pleasure of the Governor.

216 (b) The secretary shall appoint a deputy secretary who
217 shall act in the absence of the secretary. The deputy secretary
218 is directly responsible to the secretary, performs such duties
219 as are assigned by the secretary, and serves at the pleasure of
220 the secretary.

221 (3) ASSISTANT SECRETARIES.—

222 (a) Child welfare.—

223 1. The secretary shall appoint an Assistant Secretary for
224 Child Welfare to lead the department in carrying out its duties
225 and responsibilities for child protection and child welfare. The
226 assistant secretary shall serve at the pleasure of the
227 secretary.

228 2. The assistant secretary must have at least 7 years of
229 experience working in organizations that deliver child
230 protective or child welfare services.

231 (b) Substance abuse and mental health.—

232 ~~(c)~~1. The secretary shall appoint an Assistant Secretary

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233 for Substance Abuse and Mental Health. The assistant secretary
234 shall serve at the pleasure of the secretary and must have
235 expertise in both areas of responsibility.

236 2. The secretary shall appoint a Director for Substance
237 Abuse and Mental Health who has the requisite expertise and
238 experience to head the state's Substance Abuse and Mental Health
239 Program Office.

240 Section 2. Paragraphs (b), (c), (g), and (k) of subsection
241 (1) of section 39.001, Florida Statutes, are amended, paragraphs
242 (o) and (p) are added to that subsection, present paragraphs (f)
243 through (h) of subsection (3) are redesignated as paragraphs (g)
244 through (i), respectively, a new paragraph (f) is added to that
245 subsection, present subsections (4) through (11) are renumbered
246 as subsections (5) through (12), respectively, a new subsection
247 (4) is added to that section, and paragraph (c) of present
248 subsection (8) and paragraph (b) of present subsection (10) of
249 that section are amended, to read:

250 39.001 Purposes and intent; personnel standards and
251 screening.—

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

253 (b) To recognize that most families desire to be competent
254 caregivers and providers for their children and that children
255 achieve their greatest potential when families are able to
256 support and nurture the growth and development of their
257 children. Therefore, the Legislature finds that policies and
258 procedures that provide for prevention and intervention through
259 the department's child protection system should be based on the
260 following principles:

261 1. The health and safety of the children served shall be of

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262 paramount concern.

263 2. The prevention and intervention should engage families
264 in constructive, supportive, and nonadversarial relationships.

265 3. The prevention and intervention should intrude as little
266 as possible into the life of the family, be focused on clearly
267 defined objectives, and keep the safety of the child or children
268 as the paramount concern ~~take the most parsimonious path to~~
269 ~~remedy a family's problems.~~

270 4. The prevention and intervention should be based upon
271 outcome evaluation results that demonstrate success in
272 protecting children and supporting families.

273 (c) To provide a child protection system that reflects a
274 partnership between the department, other agencies, the courts,
275 law enforcement agencies, service providers, and local
276 communities.

277 (g) To ensure that the parent or legal custodian from whose
278 custody the child has been taken assists the department to the
279 fullest extent possible in locating relatives suitable to serve
280 as caregivers for the child and provides all medical and
281 educational information, or consent for access thereto, needed
282 to help the child.

283 (k) To make every possible effort, if ~~when~~ two or more
284 children who are in the care or under the supervision of the
285 department are siblings, to place the siblings in the same home;
286 and in the event of permanent placement of the siblings, to
287 place them in the same adoptive home or, if the siblings are
288 separated while under the care or supervision of the department
289 or in a permanent placement, to keep them in contact with each
290 other.

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

293 (p) To provide protective investigations that are conducted
294 by trained persons in a complete and fair manner, that are
295 promptly concluded, and that consider the purposes of this
296 subsection and the general protections provided by law relating
297 to child welfare.

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

301 (f) Access to sufficient supports and services for
302 medically complex children to allow them to remain in the least
303 restrictive and most nurturing environment, which includes
304 services in an amount and scope comparable to those services the
305 child would receive in out-of-home care placement.

306 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The department
307 shall maintain a program of family-centered services and
308 supports for medically complex children. The purpose of the
309 program is to prevent abuse and neglect of medically complex
310 children while enhancing the capacity of families to provide for
311 their children's needs. Program services must include outreach,
312 early intervention, and the provision of other supports and
313 services to meet the child's needs. The department shall
314 collaborate with all relevant state and local agencies to
315 provide needed services.

316 (9)~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

317 (c) The office is authorized and directed to:

318 1. Oversee the preparation and implementation of the state
319 plan established under subsection (10) ~~(9)~~ and revise and update

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320 the state plan as necessary.

321 2. Provide for or make available continuing professional
322 education and training in the prevention of child abuse and
323 neglect.

324 3. Work to secure funding in the form of appropriations,
325 gifts, and grants from the state, the Federal Government, and
326 other public and private sources in order to ensure that
327 sufficient funds are available for the promotion of adoption,
328 support of adoptive families, and child abuse prevention
329 efforts.

330 4. Make recommendations pertaining to agreements or
331 contracts for the establishment and development of:

332 a. Programs and services for the promotion of adoption,
333 support of adoptive families, and prevention of child abuse and
334 neglect.

335 b. Training programs for the prevention of child abuse and
336 neglect.

337 c. Multidisciplinary and discipline-specific training
338 programs for professionals with responsibilities affecting
339 children, young adults, and families.

340 d. Efforts to promote adoption.

341 e. Postadoptive services to support adoptive families.

342 5. Monitor, evaluate, and review the development and
343 quality of local and statewide services and programs for the
344 promotion of adoption, support of adoptive families, and
345 prevention of child abuse and neglect and shall publish and
346 distribute an annual report of its findings on or before January
347 1 of each year to the Governor, the Speaker of the House of
348 Representatives, the President of the Senate, the head of each

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349 state agency affected by the report, and the appropriate
350 substantive committees of the Legislature. The report shall
351 include:

352 a. A summary of the activities of the office.

353 b. A summary of the adoption data collected and reported to
354 the federal Adoption and Foster Care Analysis and Reporting
355 System (AFCARS) and the federal Administration for Children and
356 Families.

357 c. A summary of the child abuse prevention data collected
358 and reported to the National Child Abuse and Neglect Data System
359 (NCANDS) and the federal Administration for Children and
360 Families.

361 d. A summary detailing the timeliness of the adoption
362 process for children adopted from within the child welfare
363 system.

364 e. Recommendations, by state agency, for the further
365 development and improvement of services and programs for the
366 promotion of adoption, support of adoptive families, and
367 prevention of child abuse and neglect.

368 f. Budget requests, adoption promotion and support needs,
369 and child abuse prevention program needs by state agency.

370 6. Work with the direct-support organization established
371 under s. 39.0011 to receive financial assistance.

372 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—

373 (b) The office and the other agencies and organizations
374 listed in paragraph (10)(a) ~~(9)~~(a) shall readdress the state
375 plan and make necessary revisions every 5 years, at a minimum.
376 Such revisions shall be submitted to the Speaker of the House of
377 Representatives and the President of the Senate no later than

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378 June 30 of each year divisible by 5. At least biennially, the
379 office shall review the state plan and make any necessary
380 revisions based on changing needs and program evaluation
381 results. An annual progress report shall be submitted to update
382 the state plan in the years between the 5-year intervals. In
383 order to avoid duplication of effort, these required plans may
384 be made a part of or merged with other plans required by either
385 the state or Federal Government, so long as the portions of the
386 other state or Federal Government plan that constitute the state
387 plan for the promotion of adoption, support of adoptive
388 families, and prevention of child abuse, abandonment, and
389 neglect are clearly identified as such and are provided to the
390 Speaker of the House of Representatives and the President of the
391 Senate as required under this section ~~above~~.

392 Section 3. Present subsections (59) through (65) of section
393 39.01, Florida Statutes, are redesignated as subsections (60)
394 through (66), respectively, present subsections (67) through
395 (69) are redesignated as subsections (68) through (70),
396 respectively, present subsections (70) through (76) are
397 redesignated as subsections (72) through (78), respectively, new
398 subsections (31), (41), (59), (67), and (71) are added to that
399 section, and subsections (7), (14), (18), (22), (26), and (27)
400 and present subsections (28) through (41), (59), and (65) of
401 that section are amended, to read:

402 39.01 Definitions.—When used in this chapter, unless the
403 context otherwise requires:

404 (7) ~~“Alleged juvenile sexual offender” means:~~

405 ~~(a) A child 12 years of age or younger who is alleged to~~
406 ~~have committed a violation of chapter 794, chapter 796, chapter~~

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407 ~~800, s. 827.071, or s. 847.0133; or~~

408 ~~(b) A child who is alleged to have committed any violation~~
409 ~~of law or delinquent act involving juvenile sexual abuse.~~

410 "Juvenile sexual abuse" means any sexual behavior by a child
411 which occurs without consent, without equality, or as a result
412 of coercion. For purposes of this subsection ~~paragraph~~, the
413 following definitions apply:

414 (a)1. "Coercion" means the exploitation of authority or the
415 use of bribes, threats of force, or intimidation to gain
416 cooperation or compliance.

417 (b)2. "Equality" means two participants operating with the
418 same level of power in a relationship, neither being controlled
419 nor coerced by the other.

420 (c)3. "Consent" means an agreement, including all of the
421 following:

422 1.a. Understanding what is proposed based on age, maturity,
423 developmental level, functioning, and experience.

424 2.b. Knowledge of societal standards for what is being
425 proposed.

426 3.e. Awareness of potential consequences and alternatives.

427 4.d. Assumption that agreement or disagreement will be
428 accepted equally.

429 5.e. Voluntary decision.

430 6.f. Mental competence.

431
432 Juvenile sexual ~~offender~~ behavior ranges from noncontact sexual
433 behavior such as making obscene phone calls, exhibitionism,
434 voyeurism, and the showing or taking of lewd photographs to
435 varying degrees of direct sexual contact, such as frottage,

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436 fondling, digital penetration, rape, fellatio, sodomy, and
437 various other sexually aggressive acts.

438 (14) "Child who has exhibited inappropriate sexual
439 behavior" means a child ~~who is 12 years of age or younger and~~
440 who has been found by the department or the court to have
441 committed an inappropriate sexual act.

442 (18) "Comprehensive assessment" or "assessment" means the
443 gathering of information for the evaluation of a child's and
444 caregiver's physical, psychiatric, psychological, or mental
445 health; developmental delays or challenges; and educational,
446 vocational, and social condition and family environment as they
447 relate to the child's and caregiver's need for rehabilitative
448 and treatment services, including substance abuse treatment
449 services, mental health services, developmental services,
450 literacy services, medical services, family services, and other
451 specialized services, as appropriate.

452 (22) "Diligent efforts by a parent" means a course of
453 conduct which results in a meaningful change in the behavior of
454 a parent that reduces ~~reduction in~~ risk to the child in the
455 child's home to the extent that ~~would allow~~ the child may ~~to~~ be
456 safely placed permanently back in the home as set forth in the
457 case plan.

458 ~~(26) "District" means any one of the 15 service districts~~
459 ~~of the department established pursuant to s. 20.19.~~

460 ~~(27) "District administrator" means the chief operating~~
461 ~~officer of each service district of the department as defined in~~
462 ~~s. 20.19(5) and, where appropriate, includes any district~~
463 ~~administrator whose service district falls within the boundaries~~
464 ~~of a judicial circuit.~~

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465 (26)~~(28)~~ "Expedited termination of parental rights" means
466 proceedings wherein a case plan with the goal of reunification
467 is not being offered.

468 (27)~~(29)~~ "False report" means a report of abuse, neglect,
469 or abandonment of a child to the central abuse hotline, which
470 report is maliciously made for the purpose of:

- 471 (a) Harassing, embarrassing, or harming another person;
472 (b) Personal financial gain for the reporting person;
473 (c) Acquiring custody of a child; or
474 (d) Personal benefit for the reporting person in any other
475 private dispute involving a child.

476
477 The term "false report" does not include a report of abuse,
478 neglect, or abandonment of a child made in good faith to the
479 central abuse hotline.

480 (28)~~(30)~~ "Family" means a collective body of persons,
481 consisting of a child and a parent, legal custodian, or adult
482 relative, in which:

- 483 (a) The persons reside in the same house or living unit; or
484 (b) The parent, legal custodian, or adult relative has a
485 legal responsibility by blood, marriage, or court order to
486 support or care for the child.

487 (29)~~(31)~~ "Foster care" means care provided a child in a
488 foster family or boarding home, group home, agency boarding
489 home, child care institution, or any combination thereof.

490 (30)~~(32)~~ "Harm" to a child's health or welfare can occur
491 when any person:

- 492 (a) Inflicts or allows to be inflicted upon the child
493 physical, mental, or emotional injury. In determining whether

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494 harm has occurred, the following factors must be considered in
495 evaluating any physical, mental, or emotional injury to a child:
496 the age of the child; any prior history of injuries to the
497 child; the location of the injury on the body of the child; the
498 multiplicity of the injury; and the type of trauma inflicted.
499 Such injury includes, but is not limited to:

- 500 1. Willful acts that produce the following specific
501 injuries:
- 502 a. Sprains, dislocations, or cartilage damage.
 - 503 b. Bone or skull fractures.
 - 504 c. Brain or spinal cord damage.
 - 505 d. Intracranial hemorrhage or injury to other internal
506 organs.
 - 507 e. Asphyxiation, suffocation, or drowning.
 - 508 f. Injury resulting from the use of a deadly weapon.
 - 509 g. Burns or scalding.
 - 510 h. Cuts, lacerations, punctures, or bites.
 - 511 i. Permanent or temporary disfigurement.
 - 512 j. Permanent or temporary loss or impairment of a body part
513 or function.

514
515 As used in this subparagraph, the term "willful" refers to the
516 intent to perform an action, not to the intent to achieve a
517 result or to cause an injury.

518 2. Purposely giving a child poison, alcohol, drugs, or
519 other substances that substantially affect the child's behavior,
520 motor coordination, or judgment or that result in sickness or
521 internal injury. For the purposes of this subparagraph, the term
522 "drugs" means prescription drugs not prescribed for the child or

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523 not administered as prescribed, and controlled substances as
524 outlined in Schedule I or Schedule II of s. 893.03.

525 3. Leaving a child without adult supervision or arrangement
526 appropriate for the child's age or mental or physical condition,
527 so that the child is unable to care for the child's own needs or
528 another's basic needs or is unable to exercise good judgment in
529 responding to any kind of physical or emotional crisis.

530 4. Inappropriate or excessively harsh disciplinary action
531 that is likely to result in physical injury, mental injury as
532 defined in this section, or emotional injury. The significance
533 of any injury must be evaluated in light of the following
534 factors: the age of the child; any prior history of injuries to
535 the child; the location of the injury on the body of the child;
536 the multiplicity of the injury; and the type of trauma
537 inflicted. Corporal discipline may be considered excessive or
538 abusive when it results in any of the following or other similar
539 injuries:

- 540 a. Sprains, dislocations, or cartilage damage.
541 b. Bone or skull fractures.
542 c. Brain or spinal cord damage.
543 d. Intracranial hemorrhage or injury to other internal
544 organs.
545 e. Asphyxiation, suffocation, or drowning.
546 f. Injury resulting from the use of a deadly weapon.
547 g. Burns or scalding.
548 h. Cuts, lacerations, punctures, or bites.
549 i. Permanent or temporary disfigurement.
550 j. Permanent or temporary loss or impairment of a body part
551 or function.

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552 k. Significant bruises or welts.

553 (b) Commits, or allows to be committed, sexual battery, as
554 defined in chapter 794, or lewd or lascivious acts, as defined
555 in chapter 800, against the child.

556 (c) Allows, encourages, or forces the sexual exploitation
557 of a child, which includes allowing, encouraging, or forcing a
558 child to:

559 1. Solicit for or engage in prostitution; or

560 2. Engage in a sexual performance, as defined by chapter
561 827.

562 (d) Exploits a child, or allows a child to be exploited, as
563 provided in s. 450.151.

564 (e) Abandons the child. Within the context of the
565 definition of "harm," the term "abandoned the child" or
566 "abandonment of the child" means a situation in which the parent
567 or legal custodian of a child or, in the absence of a parent or
568 legal custodian, the caregiver, while being able, has made no
569 significant contribution to the child's care and maintenance or
570 has failed to establish or maintain a substantial and positive
571 relationship with the child, or both. For purposes of this
572 paragraph, "establish or maintain a substantial and positive
573 relationship" includes, but is not limited to, frequent and
574 regular contact with the child through frequent and regular
575 visitation or frequent and regular communication to or with the
576 child, and the exercise of parental rights and responsibilities.
577 Marginal efforts and incidental or token visits or
578 communications are not sufficient to establish or maintain a
579 substantial and positive relationship with a child. The term
580 "abandoned" does not include a surrendered newborn infant as

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581 described in s. 383.50, a child in need of services as defined
582 in chapter 984, or a family in need of services as defined in
583 chapter 984. The incarceration, repeated incarceration, or
584 extended incarceration of a parent, legal custodian, or
585 caregiver responsible for a child's welfare may support a
586 finding of abandonment.

587 (f) Neglects the child. Within the context of the
588 definition of "harm," the term "neglects the child" means that
589 the parent or other person responsible for the child's welfare
590 fails to supply the child with adequate food, clothing, shelter,
591 or health care, although financially able to do so or although
592 offered financial or other means to do so. However, a parent or
593 legal custodian who, by reason of the legitimate practice of
594 religious beliefs, does not provide specified medical treatment
595 for a child may not be considered abusive or neglectful for that
596 reason alone, but such an exception does not:

597 1. Eliminate the requirement that such a case be reported
598 to the department;

599 2. Prevent the department from investigating such a case;
600 or

601 3. Preclude a court from ordering, when the health of the
602 child requires it, the provision of medical services by a
603 physician, as defined in this section, or treatment by a duly
604 accredited practitioner who relies solely on spiritual means for
605 healing in accordance with the tenets and practices of a well-
606 recognized church or religious organization.

607 (g) Exposes a child to a controlled substance or alcohol.
608 Exposure to a controlled substance or alcohol is established by:

609 1. A test, administered at birth, which indicated that the

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610 child's blood, urine, or meconium contained any amount of
611 alcohol or a controlled substance or metabolites of such
612 substances, the presence of which was not the result of medical
613 treatment administered to the mother or the newborn infant; or

614 2. Evidence of extensive, abusive, and chronic use of a
615 controlled substance or alcohol by a parent when the child is
616 demonstrably adversely affected by such usage.

617
618 As used in this paragraph, the term "controlled substance" means
619 prescription drugs not prescribed for the parent or not
620 administered as prescribed and controlled substances as outlined
621 in Schedule I or Schedule II of s. 893.03.

622 (h) Uses mechanical devices, unreasonable restraints, or
623 extended periods of isolation to control a child.

624 (i) Engages in violent behavior that demonstrates a wanton
625 disregard for the presence of a child and could reasonably
626 result in serious injury to the child.

627 (j) Negligently fails to protect a child in his or her care
628 from inflicted physical, mental, or sexual injury caused by the
629 acts of another.

630 (k) Has allowed a child's sibling to die as a result of
631 abuse, abandonment, or neglect.

632 (l) Makes the child unavailable for the purpose of impeding
633 or avoiding a protective investigation unless the court
634 determines that the parent, legal custodian, or caregiver was
635 fleeing from a situation involving domestic violence.

636 (31) "Impending danger" means a situation in which family
637 behaviors, attitudes, motives, emotions, or situations pose a
638 threat that may not be currently active but that can be

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639 anticipated to become active and to have severe effects on a
640 child at any time.

641 (32)~~(33)~~ "Institutional child abuse or neglect" means
642 situations of known or suspected child abuse or neglect in which
643 the person allegedly perpetrating the child abuse or neglect is
644 an employee of a private school, public or private day care
645 center, residential home, institution, facility, or agency or
646 any other person at such institution responsible for the child's
647 care as defined in subsection (47).

648 (33)~~(34)~~ "Judge" means the circuit judge exercising
649 jurisdiction pursuant to this chapter.

650 (34)~~(35)~~ "Legal custody" means a legal status created by a
651 court which vests in a custodian of the person or guardian,
652 whether an agency or an individual, the right to have physical
653 custody of the child and the right and duty to protect, nurture,
654 guide, and discipline the child and to provide him or her with
655 food, shelter, education, and ordinary medical, dental,
656 psychiatric, and psychological care.

657 (35)~~(36)~~ "Licensed child-caring agency" means a person,
658 society, association, or agency licensed by the department to
659 care for, receive, and board children.

660 (36)~~(37)~~ "Licensed child-placing agency" means a person,
661 society, association, or institution licensed by the department
662 to care for, receive, or board children and to place children in
663 a licensed child-caring institution or a foster or adoptive
664 home.

665 (37)~~(38)~~ "Licensed health care professional" means a
666 physician licensed under chapter 458, an osteopathic physician
667 licensed under chapter 459, a nurse licensed under part I of

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668 chapter 464, a physician assistant licensed under chapter 458 or
669 chapter 459, or a dentist licensed under chapter 466.

670 ~~(38)~~~~(39)~~ "Likely to injure oneself" means that, as
671 evidenced by violent or other actively self-destructive
672 behavior, it is more likely than not that within a 24-hour
673 period the child will attempt to commit suicide or inflict
674 serious bodily harm on himself or herself.

675 ~~(39)~~~~(40)~~ "Likely to injure others" means that it is more
676 likely than not that within a 24-hour period the child will
677 inflict serious and unjustified bodily harm on another person.

678 ~~(40)~~~~(41)~~ "Mediation" means a process whereby a neutral
679 third person called a mediator acts to encourage and facilitate
680 the resolution of a dispute between two or more parties. It is
681 an informal and nonadversarial process with the objective of
682 helping the disputing parties reach a mutually acceptable and
683 voluntary agreement. The role of the mediator includes, but is
684 not limited to, assisting the parties in identifying issues,
685 fostering joint problem solving, and exploring settlement
686 alternatives.

687 (41) "Medical neglect" means the failure to provide or the
688 failure to allow needed care as recommended by a health care
689 practitioner for a physical injury, illness, medical condition,
690 or impairment, or the failure to seek timely and appropriate
691 medical care for a serious health problem that a reasonable
692 person would have recognized as requiring professional medical
693 attention. Medical neglect does not occur if the parent or legal
694 guardian of the child has made reasonable attempts to obtain
695 necessary health care services or the immediate health condition
696 giving rise to the allegation of neglect is a known and expected

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697 complication of the child's diagnosis or treatment and:

698 (a) The recommended care offers limited net benefit to the
699 child and the morbidity or other side effects of the treatment
700 may be considered to be greater than the anticipated benefit; or

701 (b) The parent or legal guardian received conflicting
702 medical recommendations for treatment from multiple
703 practitioners and did not follow all recommendations.

704 (59) "Present danger" means a significant and clearly
705 observable family condition that is occurring at the current
706 moment and is already endangering or threatening to endanger the
707 child. Present danger threats are conspicuous and require that
708 an immediate protective action be taken to ensure the child's
709 safety.

710 (60)~~(59)~~ "Preventive services" means social services and
711 other supportive and rehabilitative services provided to the
712 parent or legal custodian of the child and to the child for the
713 purpose of averting the removal of the child from the home or
714 disruption of a family which will or could result in the
715 placement of a child in foster care. Social services and other
716 supportive and rehabilitative services shall promote the child's
717 developmental needs and need for physical, mental, and emotional
718 health and a safe, stable, living environment;i~~r~~ shall promote
719 family autonomy;i~~r~~ and shall strengthen family life, whenever
720 possible.

721 (66)~~(65)~~ "Reunification services" means social services and
722 other supportive and rehabilitative services provided to the
723 parent of the child, to the child, and, where appropriate, to
724 the relative placement, nonrelative placement, or foster parents
725 of the child, for the purpose of enabling a child who has been

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726 placed in out-of-home care to safely return to his or her parent
727 at the earliest possible time. The health and safety of the
728 child shall be the paramount goal of social services and other
729 supportive and rehabilitative services. The services shall
730 promote the child's need for physical, developmental, mental,
731 and emotional health and a safe, stable, living environment;
732 shall promote family autonomy; and shall strengthen family
733 life, whenever possible.

734 (67) "Safety plan" means a plan created to control present
735 or impending danger using the least intrusive means appropriate
736 to protect a child when a parent, caregiver, or legal custodian
737 is unavailable, unwilling, or unable to do so.

738 (71) "Sibling" means:

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

741 (b) A child who has lived together in a family with one or
742 more other children whom he or she identifies as siblings.

743 Section 4. Subsection (12) is added to section 39.013,
744 Florida Statutes, to read:

745 39.013 Procedures and jurisdiction; right to counsel.—

746 (12) The department shall be represented by counsel in each
747 dependency proceeding. Through its attorneys, the department
748 shall make recommendations to the court on issues before the
749 court and may support its recommendations through testimony and
750 other evidence by its own employees, employees of sheriff's
751 offices providing child protection services, employees of its
752 contractors, employees of its contractor's subcontractors, or
753 from any other relevant source.

754 Section 5. Paragraph (c) of subsection (2) of section

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755 39.201, Florida Statutes, is amended to read:

756 39.201 Mandatory reports of child abuse, abandonment, or
757 neglect; mandatory reports of death; central abuse hotline.—

758 (2)

759 (c) Reports involving ~~a known or suspected~~ juvenile sexual
760 abuse offender or a child who has exhibited inappropriate sexual
761 behavior shall be made and received by the department. An
762 alleged incident of juvenile sexual abuse involving a child who
763 is in the custody of or protective supervision of the department
764 shall be reported to the department's central abuse hotline.

765 1. ~~The department shall determine the age of the alleged~~
766 ~~offender, if known.~~

767 2. ~~If the alleged offender is 12 years of age or younger,~~
768 The central abuse hotline shall immediately electronically
769 transfer the report or call to the county sheriff's office. The
770 department shall conduct an assessment and assist the family in
771 receiving appropriate services pursuant to s. 39.307, and send a
772 written report of the allegation to the appropriate county
773 sheriff's office within 48 hours after the initial report is
774 made to the central abuse hotline.

775 2. The department shall ensure that the facts and results
776 of any investigation of child sexual abuse involving a child in
777 the custody of or under the protective supervision of the
778 department are made known to the court at the next hearing or
779 included in the next report to the court concerning the child.

780 3. ~~If the alleged offender is 13 years of age or older, the~~
781 ~~central abuse hotline shall immediately electronically transfer~~
782 ~~the report or call to the appropriate county sheriff's office~~
783 ~~and send a written report to the appropriate county sheriff's~~

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784 ~~office within 48 hours after the initial report to the central~~
785 ~~abuse hotline.~~

786 Section 6. Effective January 1, 2015, section 39.2015,
787 Florida Statutes, is created to read:

788 39.2015 Critical incident rapid response team.-

789 (1) As part of the department's quality assurance program,
790 the department shall provide an immediate multiagency
791 investigation of certain child deaths or other serious
792 incidents. The purpose of such investigation is to identify root
793 causes and rapidly determine the need to change policies and
794 practices related to child protection and child welfare.

795 (2) An immediate onsite investigation conducted by a
796 critical incident rapid response team is required for all child
797 deaths reported to the department if the child or another child
798 in his or her family was the subject of a verified report of
799 suspected abuse or neglect during the previous 12 months. The
800 secretary may direct an immediate investigation for other cases
801 involving serious injury to a child.

802 (3) Each investigation shall be conducted by a multiagency
803 team of at least five professionals with expertise in child
804 protection, child welfare, and organizational management. The
805 team may consist of employees of the department, community-based
806 care lead agencies, Children's Medical Services, and community-
807 based care provider organizations; faculty from the institute
808 consisting of public and private universities offering degrees
809 in social work established pursuant to s. 1004.615; or any other
810 person with the required expertise. The majority of the team
811 must reside in judicial circuits outside the location of the
812 incident. The secretary shall appoint a team leader for each

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813 group assigned to an investigation.

814 (4) An investigation shall be initiated as soon as
815 possible, but not later than 2 business days after the case is
816 reported to the department. A preliminary report on each case
817 shall be provided to the secretary no later than 30 days after
818 the investigation begins.

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

821 (6) All employees of the department or other state agencies
822 and all personnel from community-based care lead agencies and
823 community-based care lead agency subcontractors must cooperate
824 with the investigation by participating in interviews and timely
825 responding to any requests for information. The members of the
826 team may only access the records and information of contracted
827 provider organizations which are available to the department by
828 law.

829 (7) The secretary shall develop cooperative agreements with
830 other entities and organizations as necessary to facilitate the
831 work of the team.

832 (8) The members of the team may be reimbursed by the
833 department for per diem, mileage, and other reasonable expenses
834 as provided in s. 112.061. The department may also reimburse the
835 team member's employer for the associated salary and benefits
836 during the time the team member is fulfilling the duties
837 required under this section.

838 (9) Upon completion of the investigation, the department
839 shall make the team's final report, excluding any confidential
840 information, available on its website.

841 (10) The secretary, in conjunction with the institute

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842 established pursuant to s. 1004.615, shall develop guidelines
843 for investigations conducted by critical incident rapid response
844 teams and provide training to team members. Such guidelines must
845 direct the teams in the conduct of a root-cause analysis that
846 identifies, classifies, and attributes responsibility for both
847 direct and latent causes for the death or other incident,
848 including organizational factors, preconditions, and specific
849 acts or omissions resulting from either error or a violation of
850 procedures. The department shall ensure that each team member
851 receives training on the guidelines before conducting an
852 investigation.

853 (11) The secretary shall appoint an advisory committee made
854 up of experts in child protection and child welfare, including
855 the Statewide Medical Director for Child Protection under the
856 Department of Health, a representative from the institute
857 established pursuant to s. 1004.615, an expert in organizational
858 management, and an attorney with experience in child welfare, to
859 conduct an independent review of investigative reports from the
860 critical incident rapid response teams and to make
861 recommendations to improve policies and practices related to
862 child protection and child welfare services. By October 1 of
863 each year, the advisory committee shall submit a report to the
864 secretary which includes findings and recommendations. The
865 secretary shall submit the report to the Governor, the President
866 of the Senate, and the Speaker of the House of Representatives.

867 Section 7. Section 39.2022, Florida Statutes, is created to
868 read:

869 39.2022 Public disclosure of reported child deaths.—

870 (1) It is the intent of the Legislature to provide prompt

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871 disclosure of the basic facts of all deaths of children from
872 birth through 18 years of age which occur in this state and
873 which are reported to the department's central abuse hotline.
874 Disclosure shall be posted on the department's public website.
875 This section does not limit the public access to records under
876 any other provision of law.

877 (2) Notwithstanding s. 39.202, if a child death is reported
878 to the central abuse hotline, the department shall post on its
879 website all of the following:

880 (a) The date of the child's death.

881 (b) Any allegations of the cause of death or the
882 preliminary cause of death, and the verified cause of death, if
883 known.

884 (c) The county where the child resided.

885 (d) The name of the community-based care lead agency, case
886 management agency, or out-of-home licensing agency involved with
887 the child, family, or licensed caregiver, if applicable.

888 (e) Whether the child has been the subject of any prior
889 verified reports to the department's central abuse hotline.

890 (f) Whether the child was younger than 5 years of age at
891 the time of his or her death.

892 Section 8. Subsections (9) and (14) of section 39.301,
893 Florida Statutes, are amended to read:

894 39.301 Initiation of protective investigations.—

895 (9) (a) For each report received from the central abuse
896 hotline and accepted for investigation, the department or the
897 sheriff providing child protective investigative services under
898 s. 39.3065, shall perform the following child protective
899 investigation activities to determine child safety:

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900 1. Conduct a review of all relevant, available information
901 specific to the child and family and alleged maltreatment;
902 family child welfare history; local, state, and federal criminal
903 records checks; and requests for law enforcement assistance
904 provided by the abuse hotline. Based on a review of available
905 information, including the allegations in the current report, a
906 determination shall be made as to whether immediate consultation
907 should occur with law enforcement, the child protection team, a
908 domestic violence shelter or advocate, or a substance abuse or
909 mental health professional. Such consultations should include
910 discussion as to whether a joint response is necessary and
911 feasible. A determination shall be made as to whether the person
912 making the report should be contacted before the face-to-face
913 interviews with the child and family members.

914 2. Conduct face-to-face interviews with the child; other
915 siblings, if any; and the parents, legal custodians, or
916 caregivers.

917 3. Assess the child's residence, including a determination
918 of the composition of the family and household, including the
919 name, address, date of birth, social security number, sex, and
920 race of each child named in the report; any siblings or other
921 children in the same household or in the care of the same
922 adults; the parents, legal custodians, or caregivers; and any
923 other adults in the same household.

924 4. Determine whether there is any indication that any child
925 in the family or household has been abused, abandoned, or
926 neglected; the nature and extent of present or prior injuries,
927 abuse, or neglect, and any evidence thereof; and a determination
928 as to the person or persons apparently responsible for the

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929 abuse, abandonment, or neglect, including the name, address,
930 date of birth, social security number, sex, and race of each
931 such person.

932 5. Complete assessment of immediate child safety for each
933 child based on available records, interviews, and observations
934 with all persons named in subparagraph 2. and appropriate
935 collateral contacts, which may include other professionals. The
936 department's child protection investigators are hereby
937 designated a criminal justice agency for the purpose of
938 accessing criminal justice information to be used for enforcing
939 this state's laws concerning the crimes of child abuse,
940 abandonment, and neglect. This information shall be used solely
941 for purposes supporting the detection, apprehension,
942 prosecution, pretrial release, posttrial release, or
943 rehabilitation of criminal offenders or persons accused of the
944 crimes of child abuse, abandonment, or neglect and may not be
945 further disseminated or used for any other purpose.

946 6. Document the present and impending dangers to each child
947 based on the identification of inadequate protective capacity
948 through utilization of a standardized safety assessment
949 instrument. If present or impending danger is identified, the
950 child protective investigator must implement a safety plan or
951 take the child into custody. If present danger is identified and
952 the child is not removed, the child protective investigator
953 shall create and implement a safety plan before leaving the home
954 or the location where there is present danger. If impending
955 danger is identified, the child protective investigator shall
956 create and implement a safety plan as soon as necessary to
957 protect the safety of the child. The child protective

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958 investigator may modify the safety plan if he or she identifies
959 additional impending danger.

960 a. If the child protective investigator implements a safety
961 plan, the plan must be specific, sufficient, feasible, and
962 sustainable in response to the realities of the present or
963 impending danger. A safety plan may be an in-home plan or an
964 out-of-home plan, or a combination of both. A safety plan may
965 include tasks or responsibilities for a parent, caregiver, or
966 legal custodian. However, a safety plan may not rely on
967 promissory commitments by the parent, caregiver, or legal
968 custodian who is currently not able to protect the child or on
969 services that are not available or will not result in the safety
970 of the child. A safety plan may not be implemented if for any
971 reason the parents, guardian, or legal custodian lacks the
972 capacity or ability to comply with the plan. If the department
973 is not able to develop a plan that is specific, sufficient,
974 feasible, and sustainable, the department shall file a shelter
975 petition. A child protective investigator shall implement
976 separate safety plans for the perpetrator of domestic violence
977 and the parent who is a victim of domestic violence as defined
978 in s. 741.28. If the perpetrator of domestic violence is not the
979 parent, guardian, or legal custodian of the child, the child
980 protective investigator shall seek issuance of an injunction
981 authorized by s. 39.504 to implement a safety plan for the
982 perpetrator and impose any other conditions to protect the
983 child. The safety plan for the parent who is a victim of
984 domestic violence may not be shared with the perpetrator. If any
985 party to a safety plan fails to comply with the safety plan
986 resulting in the child being unsafe, the department shall file a

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987 shelter petition.

988 b. The child protective investigator shall collaborate with
989 the community-based care lead agency in the development of the
990 safety plan as necessary to ensure that the safety plan is
991 specific, sufficient, feasible, and sustainable. The child
992 protective investigator shall identify services necessary for
993 the successful implementation of the safety plan. The child
994 protective investigator and the community-based care lead agency
995 shall mobilize service resources to assist all parties in
996 complying with the safety plan. The community-based care lead
997 agency shall prioritize safety plan services to families who
998 have multiple risk factors, including, but not limited to, two
999 or more of the following:

1000 (I) The parent or legal custodian is of young age;

1001 (II) The parent or legal custodian, or an adult currently
1002 living in or frequently visiting the home, has a history of
1003 substance abuse, mental illness, or domestic violence;

1004 (III) The parent or legal custodian, or an adult currently
1005 living in or frequently visiting the home, has been previously
1006 found to have physically or sexually abused a child;

1007 (IV) The parent or legal custodian or an adult currently
1008 living in or frequently visiting the home has been the subject
1009 of multiple allegations by reputable reports of abuse or
1010 neglect;

1011 (V) The child is physically or developmentally disabled; or

1012 (VI) The child is 3 years of age or younger.

1013 c. The child protective investigator shall monitor the
1014 implementation of the plan to ensure the child's safety until
1015 the case is transferred to the lead agency at which time the

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1016 lead agency shall monitor the implementation.

1017 ~~(b) Upon completion of the immediate safety assessment, the~~
1018 ~~department shall determine the additional activities necessary~~
1019 ~~to assess impending dangers, if any, and close the~~
1020 ~~investigation.~~

1021 (b)(e) For each report received from the central abuse
1022 hotline, the department or the sheriff providing child
1023 protective investigative services under s. 39.3065, shall
1024 determine the protective, treatment, and ameliorative services
1025 necessary to safeguard and ensure the child's safety and well-
1026 being and development, and cause the delivery of those services
1027 through the early intervention of the department or its agent.
1028 Whenever a delay or disability of the child is suspected, the
1029 parent must be referred to a local child developmental screening
1030 program, such as the Child Find program of the Florida
1031 Diagnostic and Learning Resource System, for screening of the
1032 child. As applicable, child protective investigators must inform
1033 parents and caregivers how and when to use the injunction
1034 process under s. 741.30 to remove a perpetrator of domestic
1035 violence from the home as an intervention to protect the child.

1036 1. If the department or the sheriff providing child
1037 protective investigative services determines that the interests
1038 of the child and the public will be best served by providing the
1039 child care or other treatment voluntarily accepted by the child
1040 and the parents or legal custodians, the parent or legal
1041 custodian and child may be referred for such care, case
1042 management, or other community resources.

1043 2. If the department or the sheriff providing child
1044 protective investigative services determines that the child is

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1045 in need of protection and supervision, the department may file a
1046 petition for dependency.

1047 3. If a petition for dependency is not being filed by the
1048 department, the person or agency originating the report shall be
1049 advised of the right to file a petition pursuant to this part.

1050 4. At the close of an investigation, the department or the
1051 sheriff providing child protective services shall provide to the
1052 person who is alleged to have caused the abuse, neglect, or
1053 abandonment and the parent or legal custodian a summary of
1054 findings from the investigation and provide information about
1055 their right to access confidential reports in accordance with s.
1056 39.202.

1057 (14) (a) If the department or its agent determines that a
1058 child requires immediate or long-term protection through:

1059 ~~1. medical or other health care;~~ or

1060 ~~2. homemaker care, day care, protective supervision, or~~
1061 other services to stabilize the home environment, including
1062 intensive family preservation services through the Intensive
1063 Crisis Counseling Program, such services shall first be offered
1064 for voluntary acceptance unless:

1065 1. There are high-risk factors that may impact the ability
1066 of the parents or legal custodians to exercise judgment. Such
1067 factors may include the parents' or legal custodians' young age
1068 or history of substance abuse, mental illness, or domestic
1069 violence; or

1070 2. There is a high likelihood of lack of compliance with
1071 voluntary services, and such noncompliance would result in the
1072 child being unsafe.

1073 (b) The parents or legal custodians shall be informed of

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1074 the right to refuse services, as well as the responsibility of
1075 the department to protect the child regardless of the acceptance
1076 or refusal of services. If the services are refused, a
1077 collateral contact shall include a relative, if the protective
1078 investigator has knowledge of and the ability to contact a
1079 relative. If the services are refused and the department deems
1080 that the child's need for protection ~~se~~ requires services, the
1081 department shall take the child into protective custody or
1082 petition the court as provided in this chapter. At any time
1083 after the commencement of a protective investigation, a relative
1084 may submit in writing to the protective investigator or case
1085 manager a request to receive notification of all proceedings and
1086 hearings in accordance with s. 39.502. The request shall include
1087 the relative's name, address, and phone number and the
1088 relative's relationship to the child. The protective
1089 investigator or case manager shall forward such request to the
1090 attorney for the department. The failure to provide notice to
1091 either a relative who requests it pursuant to this subsection or
1092 to a relative who is providing out-of-home care for a child may
1093 not result in any previous action of the court at any stage or
1094 proceeding in dependency or termination of parental rights under
1095 any part of this chapter being set aside, reversed, modified, or
1096 in any way changed absent a finding by the court that a change
1097 is required in the child's best interests.

1098 (c) The department, in consultation with the judiciary,
1099 shall adopt by rule:

1100 1. Criteria that are factors requiring that the department
1101 take the child into custody, petition the court as provided in
1102 this chapter, or, if the child is not taken into custody or a

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1103 petition is not filed with the court, conduct an administrative
1104 review. Such factors must include, but are not limited to,
1105 noncompliance with a safety plan or the case plan developed by
1106 the department, and the family under this chapter, and prior
1107 abuse reports with findings that involve the child, the child's
1108 sibling, or the child's caregiver.

1109 2. Requirements that if after an administrative review the
1110 department determines not to take the child into custody or
1111 petition the court, the department shall document the reason for
1112 its decision in writing and include it in the investigative
1113 file. For all cases that were accepted by the local law
1114 enforcement agency for criminal investigation pursuant to
1115 subsection (2), the department must include in the file written
1116 documentation that the administrative review included input from
1117 law enforcement. In addition, for all cases that must be
1118 referred to child protection teams pursuant to s. 39.303(2) and
1119 (3), the file must include written documentation that the
1120 administrative review included the results of the team's
1121 evaluation. ~~Factors that must be included in the development of~~
1122 ~~the rule include noncompliance with the case plan developed by~~
1123 ~~the department, or its agent, and the family under this chapter~~
1124 ~~and prior abuse reports with findings that involve the child or~~
1125 ~~caregiver.~~

1126 Section 9. Section 39.303, Florida Statutes, is amended to
1127 read:

1128 39.303 Child protection teams; services; eligible cases.—
1129 The Children's Medical Services Program in the Department of
1130 Health shall develop, maintain, and coordinate the services of
1131 one or more multidisciplinary child protection teams in each of

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1132 the service districts of the Department of Children and Families
1133 ~~Family Services~~. Such teams may be composed of appropriate
1134 representatives of school districts and appropriate health,
1135 mental health, social service, legal service, and law
1136 enforcement agencies. ~~The Legislature finds that optimal~~
1137 ~~coordination of child protection teams and sexual abuse~~
1138 ~~treatment programs requires collaboration between~~ The Department
1139 of Health and the Department of Children and Families ~~Family~~
1140 ~~Services~~. ~~The two departments~~ shall maintain an interagency
1141 agreement that establishes protocols for oversight and
1142 operations of child protection teams and sexual abuse treatment
1143 programs. The State Surgeon General and the Deputy Secretary for
1144 Children's Medical Services, in consultation with the Secretary
1145 of Children and Families ~~Family Services~~, shall maintain the
1146 responsibility for the screening, employment, and, if necessary,
1147 the termination of child protection team medical directors, at
1148 headquarters and in the 15 districts. Child protection team
1149 medical directors shall be responsible for oversight of the
1150 teams in the districts.

1151 (1) The Department of Health shall use ~~utilize~~ and convene
1152 the teams to supplement the assessment and protective
1153 supervision activities of the family safety and preservation
1154 program of the Department of Children and Families ~~Family~~
1155 ~~Services~~. ~~Nothing in This section~~ does not ~~shall be construed to~~
1156 remove or reduce the duty and responsibility of any person to
1157 report pursuant to this chapter all suspected or actual cases of
1158 child abuse, abandonment, or neglect or sexual abuse of a child.
1159 The role of the teams shall be to support activities of the
1160 program and to provide services deemed by the teams to be

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1161 necessary and appropriate to abused, abandoned, and neglected
1162 children upon referral. The specialized diagnostic assessment,
1163 evaluation, coordination, consultation, and other supportive
1164 services that a child protection team shall be capable of
1165 providing include, but are not limited to, the following:

1166 (a) Medical diagnosis and evaluation services, including
1167 provision or interpretation of X rays and laboratory tests, and
1168 related services, as needed, and documentation of related
1169 findings ~~relative thereto~~.

1170 (b) Telephone consultation services in emergencies and in
1171 other situations.

1172 (c) Medical evaluation related to abuse, abandonment, or
1173 neglect, as defined by policy or rule of the Department of
1174 Health.

1175 (d) Such psychological and psychiatric diagnosis and
1176 evaluation services for the child or the child's parent or
1177 parents, legal custodian or custodians, or other caregivers, or
1178 any other individual involved in a child abuse, abandonment, or
1179 neglect case, as the team may determine to be needed.

1180 (e) Expert medical, psychological, and related professional
1181 testimony in court cases.

1182 (f) Case staffings to develop treatment plans for children
1183 whose cases have been referred to the team. A child protection
1184 team may provide consultation with respect to a child who is
1185 alleged or is shown to be abused, abandoned, or neglected, which
1186 consultation shall be provided at the request of a
1187 representative of the family safety and preservation program or
1188 at the request of any other professional involved with a child
1189 or the child's parent or parents, legal custodian or custodians,

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1190 or other caregivers. In every such child protection team case
1191 staffing, consultation, or staff activity involving a child, a
1192 family safety and preservation program representative shall
1193 attend and participate.

1194 (g) Case service coordination and assistance, including the
1195 location of services available from other public and private
1196 agencies in the community.

1197 (h) Such training services for program and other employees
1198 of the Department of Children and Families ~~Family Services~~,
1199 employees of the Department of Health, and other medical
1200 professionals as is deemed appropriate to enable them to develop
1201 and maintain their professional skills and abilities in handling
1202 child abuse, abandonment, and neglect cases.

1203 (i) Educational and community awareness campaigns on child
1204 abuse, abandonment, and neglect in an effort to enable citizens
1205 more successfully to prevent, identify, and treat child abuse,
1206 abandonment, and neglect in the community.

1207 (j) Child protection team assessments that include, as
1208 appropriate, medical evaluations, medical consultations, family
1209 psychosocial interviews, specialized clinical interviews, or
1210 forensic interviews.

1211
1212 All medical personnel participating on a child protection team
1213 must successfully complete the required child protection team
1214 training curriculum as set forth in protocols determined by the
1215 Deputy Secretary for Children's Medical Services and the
1216 Statewide Medical Director for Child Protection. A child
1217 protection team that is evaluating a report of medical neglect
1218 and assessing the health care needs of a medically complex child

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1219 shall consult with a physician who has experience in treating
1220 children with the same condition.

1221 (2) The child abuse, abandonment, and neglect reports that
1222 must be referred by the department to child protection teams of
1223 the Department of Health for an assessment and other appropriate
1224 available support services as set forth in subsection (1) must
1225 include cases involving:

1226 (a) Injuries to the head, bruises to the neck or head,
1227 burns, or fractures in a child of any age.

1228 (b) Bruises anywhere on a child 5 years of age or under.

1229 (c) Any report alleging sexual abuse of a child.

1230 (d) Any sexually transmitted disease in a prepubescent
1231 child.

1232 (e) Reported malnutrition of a child and failure of a child
1233 to thrive.

1234 (f) Reported medical neglect of a child.

1235 (g) Any family in which one or more children have been
1236 pronounced dead on arrival at a hospital or other health care
1237 facility, or have been injured and later died, as a result of
1238 suspected abuse, abandonment, or neglect, when any sibling or
1239 other child remains in the home.

1240 (h) Symptoms of serious emotional problems in a child when
1241 emotional or other abuse, abandonment, or neglect is suspected.

1242 (3) All abuse and neglect cases transmitted for
1243 investigation to a district by the hotline must be
1244 simultaneously transmitted to the Department of Health child
1245 protection team for review. For the purpose of determining
1246 whether face-to-face medical evaluation by a child protection
1247 team is necessary, all cases transmitted to the child protection

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1248 team which meet the criteria in subsection (2) must be timely
1249 reviewed by:

1250 (a) A physician licensed under chapter 458 or chapter 459
1251 who holds board certification in pediatrics and is a member of a
1252 child protection team;

1253 (b) A physician licensed under chapter 458 or chapter 459
1254 who holds board certification in a specialty other than
1255 pediatrics, who may complete the review only when working under
1256 the direction of a physician licensed under chapter 458 or
1257 chapter 459 who holds board certification in pediatrics and is a
1258 member of a child protection team;

1259 (c) An advanced registered nurse practitioner licensed
1260 under chapter 464 who has a specialty ~~speciality~~ in pediatrics
1261 or family medicine and is a member of a child protection team;

1262 (d) A physician assistant licensed under chapter 458 or
1263 chapter 459, who may complete the review only when working under
1264 the supervision of a physician licensed under chapter 458 or
1265 chapter 459 who holds board certification in pediatrics and is a
1266 member of a child protection team; or

1267 (e) A registered nurse licensed under chapter 464, who may
1268 complete the review only when working under the direct
1269 supervision of a physician licensed under chapter 458 or chapter
1270 459 who holds certification in pediatrics and is a member of a
1271 child protection team.

1272 (4) A face-to-face medical evaluation by a child protection
1273 team is not necessary when:

1274 (a) The child was examined for the alleged abuse or neglect
1275 by a physician who is not a member of the child protection team,
1276 and a consultation between the child protection team board-

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1277 certified pediatrician, advanced registered nurse practitioner,
1278 physician assistant working under the supervision of a child
1279 protection team board-certified pediatrician, or registered
1280 nurse working under the direct supervision of a child protection
1281 team board-certified pediatrician, and the examining physician
1282 concludes that a further medical evaluation is unnecessary;

1283 (b) The child protective investigator, with supervisory
1284 approval, has determined, after conducting a child safety
1285 assessment, that there are no indications of injuries as
1286 described in paragraphs (2) (a)-(h) as reported; or

1287 (c) The child protection team board-certified pediatrician,
1288 as authorized in subsection (3), determines that a medical
1289 evaluation is not required.

1290
1291 Notwithstanding paragraphs (a), (b), and (c), a child protection
1292 team pediatrician, as authorized in subsection (3), may
1293 determine that a face-to-face medical evaluation is necessary.

1294 (5) In all instances in which a child protection team is
1295 providing certain services to abused, abandoned, or neglected
1296 children, other offices and units of the Department of Health,
1297 and offices and units of the Department of Children and Families
1298 ~~Family Services~~, shall avoid duplicating the provision of those
1299 services.

1300 (6) The Department of Health child protection team quality
1301 assurance program and the Family Safety Program Office of the
1302 Department of Children and Families ~~Family Services'~~ Family
1303 ~~Safety Program Office~~ quality assurance program shall
1304 collaborate to ensure referrals and responses to child abuse,
1305 abandonment, and neglect reports are appropriate. Each quality

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1306 assurance program shall include a review of records in which
1307 there are no findings of abuse, abandonment, or neglect, and the
1308 findings of these reviews shall be included in each department's
1309 quality assurance reports.

1310 Section 10. Section 39.3068, Florida Statutes, is created
1311 to read:

1312 39.3068 Reports of medical neglect.-

1313 (1) Upon receiving a report alleging medical neglect, the
1314 department or sheriff's office shall assign the case to a child
1315 protective investigator who has specialized training in
1316 addressing medical neglect or working with medically complex
1317 children if such investigator is available. If a child
1318 protective investigator with specialized training is not
1319 available, the child protective investigator shall consult with
1320 department staff with such expertise.

1321 (2) The child protective investigator who has interacted
1322 with the child and the child's family shall promptly contact and
1323 provide information to the child protection team. The child
1324 protection team shall assist the child protective investigator
1325 in identifying immediate responses to address the medical needs
1326 of the child with the priority of maintaining the child in the
1327 home if the parents will be able to meet the needs of the child
1328 with additional services. The child protective investigator and
1329 the child protection team must use a family-centered approach to
1330 assess the capacity of the family to meet those needs. A family-
1331 centered approach is intended to increase independence on the
1332 part of the family, accessibility to programs and services
1333 within the community, and collaboration between families and
1334 their service providers. The ethnic, cultural, economic, racial,

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1335 social, and religious diversity of families must be respected
1336 and considered in the development and provision of services.

1337 (3) The child shall be evaluated by the child protection
1338 team as soon as practicable. After receipt of the report from
1339 the child protection team, the department shall convene a case
1340 staffing which shall be attended, at a minimum, by the child
1341 protective investigator; department legal staff; and
1342 representatives from the child protection team that evaluated
1343 the child, Children's Medical Services, the Agency for Health
1344 Care Administration, the community-based care lead agency, and
1345 any providers of services to the child. However, the Agency for
1346 Health Care Administration is not required to attend the
1347 staffing if the child is not Medicaid eligible. The staffing
1348 shall consider, at a minimum, available services, given the
1349 family's eligibility for services; services that are effective
1350 in addressing conditions leading to medical neglect allegations;
1351 and services that would enable the child to safely remain at
1352 home. Any services that are available and effective shall be
1353 provided.

1354 Section 11. Section 39.307, Florida Statutes, is amended to
1355 read:

1356 39.307 Reports of child-on-child sexual abuse.—

1357 (1) Upon receiving a report alleging juvenile sexual abuse
1358 or inappropriate sexual behavior as defined in s. 39.01(7), the
1359 department shall assist the family, child, and caregiver in
1360 receiving appropriate services to address the allegations of the
1361 report.

1362 (a) The department shall ensure that information describing
1363 the child's history of child sexual abuse is included in the

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1364 child's electronic record. This record must also include
1365 information describing the services the child has received as a
1366 result of his or her involvement with child sexual abuse.

1367 (b) Placement decisions for a child who has been involved
1368 with child sexual abuse must include consideration of the needs
1369 of the child and any other children in the placement.

1370 (c) The department shall monitor the occurrence of child
1371 sexual abuse and the provision of services to children involved
1372 in child sexual abuse, juvenile sexual abuse, or who have
1373 displayed inappropriate sexual behavior.

1374 (2) The department, contracted sheriff's office providing
1375 protective investigation services, or contracted case management
1376 personnel responsible for providing services, at a minimum,
1377 shall adhere to the following procedures:

1378 (a) The purpose of the response to a report alleging
1379 juvenile sexual abuse behavior or inappropriate sexual behavior
1380 shall be explained to the caregiver.

1381 1. The purpose of the response shall be explained in a
1382 manner consistent with legislative purpose and intent provided
1383 in this chapter.

1384 2. The name and office telephone number of the person
1385 responding shall be provided to the caregiver of the alleged
1386 abuser ~~juvenile sexual offender~~ or child who has exhibited
1387 inappropriate sexual behavior and the victim's caregiver.

1388 3. The possible consequences of the department's response,
1389 including outcomes and services, shall be explained to the
1390 caregiver of the alleged abuser ~~juvenile sexual offender~~ or
1391 child who has exhibited inappropriate sexual behavior and the
1392 victim's caregiver.

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1393 (b) The caregiver of the alleged abuser ~~juvenile sexual~~
1394 ~~offender~~ or child who has exhibited inappropriate sexual
1395 behavior and the victim's caregiver shall be involved to the
1396 fullest extent possible in determining the nature of the sexual
1397 behavior concerns and the nature of any problem or risk to other
1398 children.

1399 (c) The assessment of risk and the perceived treatment
1400 needs of the alleged abuser ~~juvenile sexual offender~~ or child
1401 who has exhibited inappropriate sexual behavior, the victim, and
1402 respective caregivers shall be conducted by the district staff,
1403 the child protection team of the Department of Health, and other
1404 providers under contract with the department to provide services
1405 to the caregiver of the alleged offender, the victim, and the
1406 victim's caregiver.

1407 (d) The assessment shall be conducted in a manner that is
1408 sensitive to the social, economic, and cultural environment of
1409 the family.

1410 (e) If necessary, the child protection team of the
1411 Department of Health shall conduct a physical examination of the
1412 victim, which is sufficient to meet forensic requirements.

1413 (f) Based on the information obtained from the alleged
1414 abuser ~~juvenile sexual offender~~ or child who has exhibited
1415 inappropriate sexual behavior, his or her caregiver, the victim,
1416 and the victim's caregiver, an assessment of service and
1417 treatment needs must be completed and, if needed, a case plan
1418 developed within 30 days.

1419 (g) The department shall classify the outcome of the report
1420 as follows:

1421 1. Report closed. Services were not offered because the

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1422 department determined that there was no basis for intervention.

1423 2. Services accepted by alleged abuser ~~juvenile sexual~~
1424 ~~offender~~. Services were offered to the alleged abuser ~~juvenile~~
1425 ~~sexual offender~~ or child who has exhibited inappropriate sexual
1426 behavior and accepted by the caregiver.

1427 3. Report closed. Services were offered to the alleged
1428 abuser ~~juvenile sexual offender~~ or child who has exhibited
1429 inappropriate sexual behavior, but were rejected by the
1430 caregiver.

1431 4. Notification to law enforcement. The risk to the
1432 victim's safety and well-being cannot be reduced by the
1433 provision of services or the caregiver rejected services, and
1434 notification of the alleged delinquent act or violation of law
1435 to the appropriate law enforcement agency was initiated.

1436 5. Services accepted by victim. Services were offered to
1437 the victim and accepted by the caregiver.

1438 6. Report closed. Services were offered to the victim but
1439 were rejected by the caregiver.

1440 (3) If services have been accepted by the alleged abuser
1441 ~~juvenile sexual offender~~ or child who has exhibited
1442 inappropriate sexual behavior, the victim, and respective
1443 caregivers, the department shall designate a case manager and
1444 develop a specific case plan.

1445 (a) Upon receipt of the plan, the caregiver shall indicate
1446 its acceptance of the plan in writing.

1447 (b) The case manager shall periodically review the progress
1448 toward achieving the objectives of the plan in order to:

1449 1. Make adjustments to the plan or take additional action
1450 as provided in this part; or

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1451 2. Terminate the case if indicated by successful or
1452 substantial achievement of the objectives of the plan.

1453 (4) Services provided to the alleged abuser ~~juvenile sexual~~
1454 ~~offender~~ or child who has exhibited inappropriate sexual
1455 behavior, the victim, and respective caregivers or family must
1456 be voluntary and of necessary duration.

1457 (5) If the family or caregiver of the alleged abuser
1458 ~~juvenile sexual offender~~ or child who has exhibited
1459 inappropriate sexual behavior fails to adequately participate or
1460 allow for the adequate participation of the child in the
1461 services or treatment delineated in the case plan, the case
1462 manager may recommend that the department:

1463 (a) Close the case;

1464 (b) Refer the case to mediation or arbitration, if
1465 available; or

1466 (c) Notify the appropriate law enforcement agency of
1467 failure to comply.

1468 (6) At any time, as a result of additional information,
1469 findings of facts, or changing conditions, the department may
1470 pursue a child protective investigation as provided in this
1471 chapter.

1472 (7) The department may adopt ~~is authorized to develop~~ rules
1473 ~~and other policy directives necessary to administer~~ implement
1474 ~~the provisions of~~ this section.

1475 Section 12. Paragraph (h) of subsection (8) and subsection
1476 (9) of section 39.402, Florida Statutes, are amended to read:

1477 39.402 Placement in a shelter.—

1478 (8)

1479 (h) The order for placement of a child in shelter care must

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1480 identify the parties present at the hearing and must contain
1481 written findings:

1482 1. That placement in shelter care is necessary based on the
1483 criteria in subsections (1) and (2).

1484 2. That placement in shelter care is in the best interest
1485 of the child.

1486 3. That continuation of the child in the home is contrary
1487 to the welfare of the child because the home situation presents
1488 a substantial and immediate danger to the child's physical,
1489 mental, or emotional health or safety which cannot be mitigated
1490 by the provision of preventive services.

1491 4. That based upon the allegations of the petition for
1492 placement in shelter care, there is probable cause to believe
1493 that the child is dependent or that the court needs additional
1494 time, which may not exceed 72 hours, in which to obtain and
1495 review documents pertaining to the family in order to
1496 appropriately determine the risk to the child.

1497 5. That the department has made reasonable efforts to
1498 prevent or eliminate the need for removal of the child from the
1499 home. A finding of reasonable effort by the department to
1500 prevent or eliminate the need for removal may be made and the
1501 department is deemed to have made reasonable efforts to prevent
1502 or eliminate the need for removal if:

1503 a. The first contact of the department with the family
1504 occurs during an emergency;

1505 b. The appraisal of the home situation by the department
1506 indicates that the home situation presents a substantial and
1507 immediate danger to the child's physical, mental, or emotional
1508 health or safety which cannot be mitigated by the provision of

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1509 preventive services;

1510 c. The child cannot safely remain at home, either because
1511 there are no preventive services that can ensure the health and
1512 safety of the child or because, even with appropriate and
1513 available services being provided, the health and safety of the
1514 child cannot be ensured; or

1515 d. The parent or legal custodian is alleged to have
1516 committed any of the acts listed as grounds for expedited
1517 termination of parental rights in s. 39.806(1)(f)-(i).

1518 6. That the department has made reasonable efforts to keep
1519 siblings together if they are removed and placed in out-of-home
1520 care unless such placement is not in the best interest of each
1521 child. It is preferred that siblings be kept together in a
1522 foster home, if available. Other reasonable efforts shall
1523 include short-term placement in a group home with the ability to
1524 accommodate sibling groups if such a placement is available. The
1525 department shall report to the court its efforts to place
1526 siblings together unless the court finds that such placement is
1527 not in the best interest of a child or his or her sibling.

1528 ~~7.6.~~ That the court notified the parents, relatives that
1529 are providing out-of-home care for the child, or legal
1530 custodians of the time, date, and location of the next
1531 dependency hearing and of the importance of the active
1532 participation of the parents, relatives that are providing out-
1533 of-home care for the child, or legal custodians in all
1534 proceedings and hearings.

1535 ~~8.7.~~ That the court notified the parents or legal
1536 custodians of their right to counsel to represent them at the
1537 shelter hearing and at each subsequent hearing or proceeding,

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1538 and the right of the parents to appointed counsel, pursuant to
1539 the procedures set forth in s. 39.013.

1540 ~~9.8.~~ That the court notified relatives who are providing
1541 out-of-home care for a child as a result of the shelter petition
1542 being granted that they have the right to attend all subsequent
1543 hearings, to submit reports to the court, and to speak to the
1544 court regarding the child, if they so desire.

1545 (9) (a) At any shelter hearing, the department shall provide
1546 to the court a recommendation for scheduled contact between the
1547 child and parents, if appropriate. The court shall determine
1548 visitation rights absent a clear and convincing showing that
1549 visitation is not in the best interest of the child. Any order
1550 for visitation or other contact must conform to ~~the provisions~~
1551 ~~of~~ s. 39.0139. If visitation is ordered but will not commence
1552 within 72 hours of the shelter hearing, the department shall
1553 provide justification to the court.

1554 (b) If siblings who are removed from the home cannot be
1555 placed together, the department shall provide to the court a
1556 recommendation for frequent visitation or other ongoing
1557 interaction between the siblings unless this interaction would
1558 be contrary to a sibling's safety or well-being. If visitation
1559 among siblings is ordered but will not commence within 72 hours
1560 after the shelter hearing, the department shall provide
1561 justification to the court for the delay.

1562 Section 13. Paragraph (d) of subsection (3) of section
1563 39.501, Florida Statutes, is amended to read:

1564 39.501 Petition for dependency.—

1565 (3)

1566 (d) The petitioner must state in the petition, if known,

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1567 whether:

1568 1. A parent or legal custodian named in the petition has
1569 previously unsuccessfully participated in voluntary services
1570 offered by the department;

1571 2. A parent or legal custodian named in the petition has
1572 participated in mediation and whether a mediation agreement
1573 exists;

1574 3. A parent or legal custodian has rejected the voluntary
1575 services offered by the department;

1576 4. A parent or legal custodian named in the petition has
1577 not fully complied with a safety plan; or

1578 ~~5.4.~~ The department has determined that voluntary services
1579 are not appropriate for the parent or legal custodian and the
1580 reasons for such determination.

1581
1582 If the department is the petitioner, it shall provide all safety
1583 plans as defined in s. 39.01 involving the parent or legal
1584 custodian to the court.

1585 Section 14. Paragraph (a) of subsection (4) of section
1586 39.504, Florida Statutes, is amended to read:

1587 39.504 Injunction pending disposition of petition;
1588 penalty.-

1589 (4) If an injunction is issued under this section, the
1590 primary purpose of the injunction must be to protect and promote
1591 the best interests of the child, taking the preservation of the
1592 child's immediate family into consideration.

1593 (a) The injunction applies to the alleged or actual
1594 offender in a case of child abuse or acts of domestic violence.
1595 The conditions of the injunction shall be determined by the

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1596 court, which may include ordering the alleged or actual offender
1597 to:

- 1598 1. Refrain from further abuse or acts of domestic violence.
- 1599 2. Participate in a specialized treatment program.
- 1600 3. Limit contact or communication with the child victim,
1601 other children in the home, or any other child.
- 1602 4. Refrain from contacting the child at home, school, work,
1603 or wherever the child may be found.
- 1604 5. Have limited or supervised visitation with the child.
- 1605 6. Vacate the home in which the child resides.
- 1606 7. Comply with the terms of a safety plan implemented in
1607 the injunction pursuant to s. 39.301.

1608 Section 15. Section 39.5085, Florida Statutes, is amended
1609 to read:

1610 39.5085 Relative Caregiver Program.—

1611 (1) It is the intent of the Legislature in enacting this
1612 section to:

1613 (a) Provide for the establishment of procedures and
1614 protocols that serve to advance the continued safety of children
1615 by acknowledging the valued resource uniquely available through
1616 grandparents, and relatives of children, and specified
1617 nonrelatives of children pursuant to subparagraph (2) (a)3.

1618 (b) Recognize family relationships in which a grandparent
1619 or other relative is the head of a household that includes a
1620 child otherwise at risk of foster care placement.

1621 (c) Enhance family preservation and stability by
1622 recognizing that most children in such placements with
1623 grandparents and other relatives do not need intensive
1624 supervision of the placement by the courts or by the department.

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1625 (d) Recognize that permanency in the best interests of the
1626 child can be achieved through a variety of permanency options,
1627 including permanent guardianship under s. 39.6221 if the
1628 guardian is a relative, by permanent placement with a fit and
1629 willing relative under s. 39.6231, by a relative, guardianship
1630 under chapter 744, or adoption, by providing additional
1631 placement options and incentives that will achieve permanency
1632 and stability for many children who are otherwise at risk of
1633 foster care placement because of abuse, abandonment, or neglect,
1634 but who may successfully be able to be placed by the dependency
1635 court in the care of such relatives.

1636 (e) Reserve the limited casework and supervisory resources
1637 of the courts and the department for those cases in which
1638 children do not have the option for safe, stable care within the
1639 family.

1640 (f) Recognize that a child may have a close relationship
1641 with a person who is not a blood relative or a relative by
1642 marriage and that such person should be eligible for financial
1643 assistance under this section if he or she is able and willing
1644 to care for the child and provide a safe, stable home
1645 environment.

1646 (2) (a) The Department of Children and Families ~~Family~~
1647 ~~Services~~ shall establish and operate the Relative Caregiver
1648 Program pursuant to eligibility guidelines established in this
1649 section as further implemented by rule of the department. The
1650 Relative Caregiver Program shall, within the limits of available
1651 funding, provide financial assistance to:

1652 1. Relatives who are within the fifth degree by blood or
1653 marriage to the parent or stepparent of a child and who are

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1654 caring full-time for that dependent child in the role of
1655 substitute parent as a result of a court's determination of
1656 child abuse, neglect, or abandonment and subsequent placement
1657 with the relative under this chapter.

1658 2. Relatives who are within the fifth degree by blood or
1659 marriage to the parent or stepparent of a child and who are
1660 caring full-time for that dependent child, and a dependent half-
1661 brother or half-sister of that dependent child, in the role of
1662 substitute parent as a result of a court's determination of
1663 child abuse, neglect, or abandonment and subsequent placement
1664 with the relative under this chapter.

1665 3. Nonrelatives who are willing to assume custody and care
1666 of a dependent child in the role of substitute parent as a
1667 result of a court's determination of child abuse, neglect, or
1668 abandonment and subsequent placement with the nonrelative
1669 caregiver under this chapter. The court must find that a
1670 proposed placement under this subparagraph is in the best
1671 interest of the child.

1672
1673 The placement may be court-ordered temporary legal custody to
1674 the relative or nonrelative under protective supervision of the
1675 department pursuant to s. 39.521(1)(b)3., or court-ordered
1676 placement in the home of a relative or nonrelative as a
1677 permanency option under s. 39.6221 or s. 39.6231 or under former
1678 s. 39.622 if the placement was made before July 1, 2006. The
1679 Relative Caregiver Program shall offer financial assistance to
1680 caregivers ~~who are relatives and~~ who would be unable to serve in
1681 that capacity without the ~~relative~~ caregiver payment because of
1682 financial burden, thus exposing the child to the trauma of

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1683 placement in a shelter or in foster care.

1684 (b) Caregivers ~~who are relatives and~~ who receive assistance
1685 under this section must be capable, as determined by a home
1686 study, of providing a physically safe environment and a stable,
1687 supportive home for the children under their care, and must
1688 assure that the children's well-being is met, including, but not
1689 limited to, the provision of immunizations, education, and
1690 mental health services as needed.

1691 (c) Relatives or nonrelatives who qualify for and
1692 participate in the Relative Caregiver Program are not required
1693 to meet foster care licensing requirements under s. 409.175.

1694 (d) Relatives or nonrelatives who are caring for children
1695 placed with them by the court pursuant to this chapter shall
1696 receive a special monthly ~~relative~~ caregiver benefit established
1697 by rule of the department. The amount of the special benefit
1698 payment shall be based on the child's age within a payment
1699 schedule established by rule of the department and subject to
1700 availability of funding. The statewide average monthly rate for
1701 children judicially placed with relatives or nonrelatives who
1702 are not licensed as foster homes may not exceed 82 percent of
1703 the statewide average foster care rate, and ~~nor may~~ the cost of
1704 providing the assistance described in this section to any
1705 ~~relative~~ caregiver may not exceed the cost of providing out-of-
1706 home care in emergency shelter or foster care.

1707 (e) Children receiving cash benefits under this section are
1708 not eligible to simultaneously receive WAGES cash benefits under
1709 chapter 414.

1710 (f) Within available funding, the Relative Caregiver
1711 Program shall provide ~~relative~~ caregivers with family support

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1712 and preservation services, flexible funds in accordance with s.
1713 409.165, school readiness, and other available services in order
1714 to support the child's safety, growth, and healthy development.
1715 Children living with ~~relative~~ caregivers who are receiving
1716 assistance under this section shall be eligible for Medicaid
1717 coverage.

1718 (g) The department may use appropriate available state,
1719 federal, and private funds to operate the Relative Caregiver
1720 Program. The department may develop liaison functions to be
1721 available to relatives or nonrelatives who care for children
1722 pursuant to this chapter to ensure placement stability in
1723 extended family settings.

1724 Section 16. Subsections (3) and (4) of section 39.604,
1725 Florida Statutes, are amended to read:

1726 39.604 Rilya Wilson Act; short title; legislative intent;
1727 requirements; attendance and reporting responsibilities.—

1728 (3) REQUIREMENTS.—A child from birth to the age of ~~who is~~
1729 ~~age 3 years to~~ school entry, under court-ordered ~~court-ordered~~
1730 protective supervision or in the custody of the Family Safety
1731 Program Office of the Department of Children and Families ~~Family~~
1732 ~~Services~~ or a community-based lead agency, and enrolled in a
1733 licensed early education or child care program must attend ~~be~~
1734 ~~enrolled to participate in~~ the program 5 days a week.

1735 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of
1736 Children and Families ~~Family Services~~ must notify operators of
1737 the licensed early education or child care program, subject to
1738 the reporting requirements of this act, of the enrollment of any
1739 child from birth to the age of ~~age 3 years to~~ school entry,
1740 under court-ordered ~~court-ordered~~ protective supervision or in

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1741 the custody of the Family Safety Program Office of the
1742 Department of Children and Families ~~Family Services~~ or a
1743 community-based lead agency. When a child is enrolled in an
1744 early education or child care program regulated by the
1745 department, the child's attendance in the program must be a
1746 required action in the safety plan or the case plan developed
1747 for the a child pursuant to this chapter ~~who is enrolled in a~~
1748 ~~licensed early education or child care program must contain the~~
1749 ~~participation in this program as a required action.~~ An exemption
1750 to participating in the licensed early education or child care
1751 program 5 days a week may be granted by the court.

1752 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1753 (a) A child enrolled in a licensed early education or child
1754 care program who meets the requirements of subsection (3) may
1755 not be withdrawn from the program without the prior written
1756 approval of the Family Safety Program Office of the Department
1757 of Children and Families ~~Family Services~~ or the community-based
1758 lead agency.

1759 (b)1. If a child covered by this section is absent from the
1760 program on a day when he or she is supposed to be present, the
1761 person with whom the child resides must report the absence to
1762 the program by the end of the business day. If the person with
1763 whom the child resides, whether the parent or caregiver, fails
1764 to timely report the absence, the absence is considered to be
1765 unexcused. The program shall report any unexcused absence or
1766 seven consecutive excused absences of a child who is enrolled in
1767 the program and covered by this act to the local designated
1768 staff of the Family Safety Program Office of the Department of
1769 Children and Families ~~Family Services~~ or the community-based

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1770 lead agency by the end of the business day following the
1771 unexcused absence or seventh consecutive excused absence.

1772 2. The department or community-based lead agency shall
1773 conduct a site visit to the residence of the child upon
1774 receiving a report of two consecutive unexcused absences or
1775 seven consecutive excused absences.

1776 3. If the site visit results in a determination that the
1777 child is missing, the department or community-based lead agency
1778 shall report the child as missing to a law enforcement agency
1779 and proceed with the necessary actions to locate the child
1780 pursuant to procedures for locating missing children.

1781 4. If the site visit results in a determination that the
1782 child is not missing, the parent or caregiver shall be notified
1783 that failure to ensure that the child attends the licensed early
1784 education or child care program is a violation of the safety
1785 plan or the case plan. If more than two site visits are
1786 conducted pursuant to this subsection, staff shall initiate
1787 action to notify the court of the parent or caregiver's
1788 noncompliance with the case plan.

1789 Section 17. Paragraph (c) of subsection (2) and paragraph
1790 (a) of subsection (3) of section 39.701, Florida Statutes, are
1791 amended to read:

1792 39.701 Judicial review.—

1793 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
1794 AGE.—

1795 (c) *Review determinations.*—The court and any citizen review
1796 panel shall take into consideration the information contained in
1797 the social services study and investigation and all medical,
1798 psychological, and educational records that support the terms of

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1799 the case plan; testimony by the social services agency, the
1800 parent, the foster parent or legal custodian, the guardian ad
1801 litem or surrogate parent for educational decisionmaking if one
1802 has been appointed for the child, and any other person deemed
1803 appropriate; and any relevant and material evidence submitted to
1804 the court, including written and oral reports to the extent of
1805 their probative value. These reports and evidence may be
1806 received by the court in its effort to determine the action to
1807 be taken with regard to the child and may be relied upon to the
1808 extent of their probative value, even though not competent in an
1809 adjudicatory hearing. In its deliberations, the court and any
1810 citizen review panel shall seek to determine:

1811 1. If the parent was advised of the right to receive
1812 assistance from any person or social service agency in the
1813 preparation of the case plan.

1814 2. If the parent has been advised of the right to have
1815 counsel present at the judicial review or citizen review
1816 hearings. If not so advised, the court or citizen review panel
1817 shall advise the parent of such right.

1818 3. If a guardian ad litem needs to be appointed for the
1819 child in a case in which a guardian ad litem has not previously
1820 been appointed or if there is a need to continue a guardian ad
1821 litem in a case in which a guardian ad litem has been appointed.

1822 4. Who holds the rights to make educational decisions for
1823 the child. If appropriate, the court may refer the child to the
1824 district school superintendent for appointment of a surrogate
1825 parent or may itself appoint a surrogate parent under the
1826 Individuals with Disabilities Education Act and s. 39.0016.

1827 5. The compliance or lack of compliance of all parties with

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1828 applicable items of the case plan, including the parents'
1829 compliance with child support orders.

1830 6. The compliance or lack of compliance with a visitation
1831 contract between the parent and the social service agency for
1832 contact with the child, including the frequency, duration, and
1833 results of the parent-child visitation and the reason for any
1834 noncompliance.

1835 7. The frequency, kind, and duration of contacts among
1836 siblings who have been separated during placement, as well as
1837 any efforts undertaken to reunite separated siblings if doing so
1838 is in the best interest of the child.

1839 ~~8.7.~~ The compliance or lack of compliance of the parent in
1840 meeting specified financial obligations pertaining to the care
1841 of the child, including the reason for failure to comply, if
1842 applicable ~~such is the case.~~

1843 ~~9.8.~~ Whether the child is receiving safe and proper care
1844 according to s. 39.6012, including, but not limited to, the
1845 appropriateness of the child's current placement, including
1846 whether the child is in a setting that is as family-like and as
1847 close to the parent's home as possible, consistent with the
1848 child's best interests and special needs, and including
1849 maintaining stability in the child's educational placement, as
1850 documented by assurances from the community-based care provider
1851 that:

1852 a. The placement of the child takes into account the
1853 appropriateness of the current educational setting and the
1854 proximity to the school in which the child is enrolled at the
1855 time of placement.

1856 b. The community-based care agency has coordinated with

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1857 appropriate local educational agencies to ensure that the child
1858 remains in the school in which the child is enrolled at the time
1859 of placement.

1860 ~~10.9.~~ A projected date likely for the child's return home
1861 or other permanent placement.

1862 ~~11.10.~~ When appropriate, the basis for the unwillingness or
1863 inability of the parent to become a party to a case plan. The
1864 court and the citizen review panel shall determine if the
1865 efforts of the social service agency to secure party
1866 participation in a case plan were sufficient.

1867 ~~12.11.~~ For a child who has reached 13 years of age but is
1868 not yet 18 years of age, the adequacy of the child's preparation
1869 for adulthood and independent living.

1870 ~~13.12.~~ If amendments to the case plan are required.
1871 Amendments to the case plan must be made under s. 39.6013.

1872 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1873 (a) In addition to the review and report required under
1874 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
1875 a judicial review hearing within 90 days after a child's 17th
1876 birthday. The court shall also issue an order, separate from the
1877 order on judicial review, that the disability of nonage of the
1878 child has been removed pursuant to ss. 743.044, 743.045, and
1879 743.046, and for any of these disabilities that the court finds
1880 is in the child's best interest to remove. The court s. 743.045
1881 ~~and~~ shall continue to hold timely judicial review hearings. If
1882 necessary, the court may review the status of the child more
1883 frequently during the year before the child's 18th birthday. At
1884 each review hearing held under this subsection, in addition to
1885 any information or report provided to the court by the foster

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1886 parent, legal custodian, or guardian ad litem, the child shall
1887 be given the opportunity to address the court with any
1888 information relevant to the child's best interest, particularly
1889 in relation to independent living transition services. The
1890 department shall include in the social study report for judicial
1891 review written verification that the child has:

1892 1. A current Medicaid card and all necessary information
1893 concerning the Medicaid program sufficient to prepare the child
1894 to apply for coverage upon reaching the age of 18, if such
1895 application is appropriate.

1896 2. A certified copy of the child's birth certificate and,
1897 if the child does not have a valid driver license, a Florida
1898 identification card issued under s. 322.051.

1899 3. A social security card and information relating to
1900 social security insurance benefits if the child is eligible for
1901 those benefits. If the child has received such benefits and they
1902 are being held in trust for the child, a full accounting of
1903 these funds must be provided and the child must be informed as
1904 to how to access those funds.

1905 4. All relevant information related to the Road-to-
1906 Independence Program, including, but not limited to, eligibility
1907 requirements, information on participation, and assistance in
1908 gaining admission to the program. If the child is eligible for
1909 the Road-to-Independence Program, he or she must be advised that
1910 he or she may continue to reside with the licensed family home
1911 or group care provider with whom the child was residing at the
1912 time the child attained his or her 18th birthday, in another
1913 licensed family home, or with a group care provider arranged by
1914 the department.

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1915 5. An open bank account or the identification necessary to
1916 open a bank account and to acquire essential banking and
1917 budgeting skills.

1918 6. Information on public assistance and how to apply for
1919 public assistance.

1920 7. A clear understanding of where he or she will be living
1921 on his or her 18th birthday, how living expenses will be paid,
1922 and the educational program or school in which he or she will be
1923 enrolled.

1924 8. Information related to the ability of the child to
1925 remain in care until he or she reaches 21 years of age under s.
1926 39.013.

1927 9. A letter providing the dates that the child is under the
1928 jurisdiction of the court.

1929 10. A letter stating that the child is in compliance with
1930 financial aid documentation requirements.

1931 11. The child's educational records.

1932 12. The child's entire health and mental health records.

1933 13. The process for accessing his or her case file.

1934 14. A statement encouraging the child to attend all
1935 judicial review hearings occurring after the child's 17th
1936 birthday.

1937 Section 18. Subsection (2) of section 39.802, Florida
1938 Statutes, is amended to read:

1939 39.802 Petition for termination of parental rights; filing;
1940 elements.—

1941 (2) The form of the petition is governed by the Florida
1942 Rules of Juvenile Procedure. The petition must be in writing and
1943 signed by the petitioner ~~or, if the department is the~~

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1944 ~~petitioner, by an employee of the department,~~ under oath stating
1945 the petitioner's good faith in filing the petition.

1946 Section 19. Paragraphs (e), (f), and (h) of subsection (1)
1947 of section 39.806, Florida Statutes, are amended, and paragraph
1948 (n) is added to that subsection, to read:

1949 39.806 Grounds for termination of parental rights.—

1950 (1) Grounds for the termination of parental rights may be
1951 established under any of the following circumstances:

1952 (e) When a child has been adjudicated dependent, a case
1953 plan has been filed with the court, and:

1954 1. The child continues to be abused, neglected, or
1955 abandoned by the parent or parents. The failure of the parent or
1956 parents to substantially comply with the case plan for a period
1957 of 12 months after an adjudication of the child as a dependent
1958 child or the child's placement into shelter care, whichever
1959 occurs first, constitutes evidence of continuing abuse, neglect,
1960 or abandonment unless the failure to substantially comply with
1961 the case plan was due to the parent's lack of financial
1962 resources or to the failure of the department to make reasonable
1963 efforts to reunify the parent and child. The 12-month period
1964 begins to run only after the child's placement into shelter care
1965 or the entry of a disposition order placing the custody of the
1966 child with the department or a person other than the parent and
1967 the court's approval of a case plan having the goal of
1968 reunification with the parent, whichever occurs first; or

1969 2. The parent or parents have materially breached the case
1970 plan. Time is of the essence for permanency of children in the
1971 dependency system. In order to prove the parent or parents have
1972 materially breached the case plan, the court must find by clear

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1973 and convincing evidence that the parent or parents are unlikely
1974 or unable to substantially comply with the case plan before time
1975 to comply with the case plan expires.

1976 3. The child has been in care for any 12 of the last 22
1977 months and the parents have not substantially complied with the
1978 case plan so as to permit reunification under s. 39.522(2)
1979 unless the failure to substantially comply with the case plan
1980 was due to the parent's lack of financial resources or to the
1981 failure of the department to make reasonable efforts to reunify
1982 the parent and child.

1983 (f) The parent or parents engaged in egregious conduct or
1984 had the opportunity and capability to prevent and knowingly
1985 failed to prevent egregious conduct that threatens the life,
1986 safety, or physical, mental, or emotional health of the child or
1987 the child's sibling. Proof of a nexus between egregious conduct
1988 to a child and the potential harm to the child's sibling is not
1989 required.

1990 1. As used in this subsection, the term "sibling" means
1991 another child who resides with or is cared for by the parent or
1992 parents regardless of whether the child is related legally or by
1993 consanguinity.

1994 2. As used in this subsection, the term "egregious conduct"
1995 means abuse, abandonment, neglect, or any other conduct that is
1996 deplorable, flagrant, or outrageous by a normal standard of
1997 conduct. Egregious conduct may include an act or omission that
1998 occurred only once but was of such intensity, magnitude, or
1999 severity as to endanger the life of the child.

2000 (h) The parent or parents have committed the murder,
2001 manslaughter, aiding or abetting the murder, or conspiracy or

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2002 solicitation to murder the other parent or another child, or a
2003 felony battery that resulted in serious bodily injury to the
2004 child or to another child. Proof of a nexus between the murder,
2005 manslaughter, aiding or abetting the murder, or conspiracy or
2006 solicitation to murder the other parent or another child, or a
2007 felony battery to a child and the potential harm to a child or
2008 another child is not required.

2009 (n) The parent is convicted of an offense that requires the
2010 parent to register as a sexual predator under s. 775.21.

2011 Section 20. Paragraph (g) of subsection (1) and subsection
2012 (8) of section 63.212, Florida Statutes, are amended to read:
2013 63.212 Prohibited acts; penalties for violation.—

2014 (1) It is unlawful for any person:

2015 (g) Except an adoption entity, to place an advertisement
2016 ~~advertise~~ or offer to the public, in any way, by any medium
2017 whatever that a minor is available for adoption or that a minor
2018 is sought for adoption; and, further, it is unlawful for any
2019 person purchasing advertising space or purchasing broadcast time
2020 to advertise adoption services to fail to include in any
2021 publication ~~publish~~ or fail to include in the broadcast for any
2022 such advertisement ~~the or assist an unlicensed person or entity~~
2023 in publishing or broadcasting any such advertisement without
2024 including a Florida license number of the adoption entity ~~agency~~
2025 or the Florida Bar number of the attorney placing the
2026 advertisement.

2027 1. Only a person who is an attorney licensed to practice
2028 law in this state or an adoption entity licensed under the laws
2029 of this state may place a paid advertisement or paid listing of
2030 the person's telephone number, on the person's own behalf, in a

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2031 telephone directory that:
2032 a. A child is offered or wanted for adoption; or
2033 b. The person is able to place, locate, or receive a child
2034 for adoption.
2035 2. A person who publishes a telephone directory that is
2036 distributed in this state:
2037 ~~a.~~ shall include, at the beginning of any classified
2038 heading for adoption and adoption services, a statement that
2039 informs directory users that only attorneys licensed to practice
2040 law in this state and licensed adoption entities may legally
2041 provide adoption services under state law.
2042 ~~3.b.~~ A person who places ~~may publish~~ an advertisement
2043 described in subparagraph 1. in a ~~the~~ telephone directory must
2044 include ~~only if the advertisement contains~~ the following
2045 information:
2046 a. ~~(I)~~ For an attorney licensed to practice law in this
2047 state, the person's Florida Bar number.
2048 b. ~~(II)~~ For a child-placing ~~child-placing~~ agency licensed
2049 under the laws of this state, the number on the person's
2050 adoption entity license.
2051 (8) Unless otherwise indicated, a person who willfully and
2052 with criminal intent violates any provision of this section,
2053 excluding paragraph (1)(g), commits a felony of the third
2054 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2055 775.084. A person who willfully and with criminal intent
2056 violates paragraph (1)(g) commits a misdemeanor of the second
2057 degree, punishable as provided in s. 775.083; and each day of
2058 continuing violation shall be considered a separate offense. ~~In~~
2059 ~~addition, any person who knowingly publishes or assists with the~~

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2060 ~~publication of any advertisement or other publication which~~
2061 ~~violates the requirements of paragraph (1)(g) commits a~~
2062 ~~misdemeanor of the second degree, punishable as provided in s.~~
2063 ~~775.083, and may be required to pay a fine of up to \$150 per day~~
2064 ~~for each day of continuing violation.~~

2065 Section 21. Subsection (1), paragraph (b) of subsection
2066 (2), and paragraphs (c) and (d) of subsection (3) of section
2067 383.402, Florida Statutes, are amended to read:

2068 383.402 Child abuse death review; State Child Abuse Death
2069 Review Committee; local child abuse death review committees.—

2070 (1) It is the intent of the Legislature to establish a
2071 statewide multidisciplinary, multiagency child abuse death
2072 assessment and prevention system that consists of state and
2073 local review committees. The state and local review committees
2074 shall review the facts and circumstances of all deaths of
2075 children from birth through age 18 which occur in this state and
2076 are reported to the central abuse hotline of the Department of
2077 Children and Families as the result of verified child abuse or
2078 ~~neglect~~. The purpose of the review shall be to:

2079 (a) Achieve a greater understanding of the causes and
2080 contributing factors of deaths resulting from child abuse.

2081 (b) Whenever possible, develop a communitywide approach to
2082 address such cases and contributing factors.

2083 (c) Identify any gaps, deficiencies, or problems in the
2084 delivery of services to children and their families by public
2085 and private agencies which may be related to deaths that are the
2086 result of child abuse.

2087 (d) Make and implement recommendations for changes in law,
2088 rules, and policies, as well as develop practice standards that

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2089 support the safe and healthy development of children and reduce
2090 preventable child abuse deaths.

2091 (2)

2092 (b) In addition, the State Surgeon General shall appoint
2093 the following members to the state committee, based on
2094 recommendations from the Department of Health and the agencies
2095 listed in paragraph (a), and ensuring that the committee
2096 represents the regional, gender, and ethnic diversity of the
2097 state to the greatest extent possible:

2098 1. The Statewide Medical Director for Child Protection A
2099 ~~board-certified pediatrician.~~

2100 2. A public health nurse.

2101 3. A mental health professional who treats children or
2102 adolescents.

2103 4. An employee of the Department of Children and Families
2104 ~~Family Services~~ who supervises family services counselors and
2105 who has at least 5 years of experience in child protective
2106 investigations.

2107 5. The medical director of a child protection team.

2108 6. A member of a child advocacy organization.

2109 7. A social worker who has experience in working with
2110 victims and perpetrators of child abuse.

2111 8. A person trained as a paraprofessional in patient
2112 resources who is employed in a child abuse prevention program.

2113 9. A law enforcement officer who has at least 5 years of
2114 experience in children's issues.

2115 10. A representative of the Florida Coalition Against
2116 Domestic Violence.

2117 11. A representative from a private provider of programs on

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2118 preventing child abuse and neglect.

2119 (3) The State Child Abuse Death Review Committee shall:

2120 (c) Prepare an annual statistical report on the incidence
2121 and causes of death resulting from reported child abuse in the
2122 state during the prior calendar year. The state committee shall
2123 submit a copy of the report by October 1 ~~December 31~~ of each
2124 year to the Governor, the President of the Senate, and the
2125 Speaker of the House of Representatives. The report must include
2126 recommendations for state and local action, including specific
2127 policy, procedural, regulatory, or statutory changes, and any
2128 other recommended preventive action.

2129 (d) Provide training to ~~Encourage and assist in developing~~
2130 ~~the~~ local child abuse death review committee members on the
2131 dynamics and impact of domestic violence, substance abuse, or
2132 mental health disorders when there is a co-occurrence of child
2133 abuse committees. Training shall be provided by the Florida
2134 Coalition Against Domestic Violence, the Florida Alcohol and
2135 Drug Abuse Association, and the Florida Council for Community
2136 Mental Health in each entity's respective area of expertise.

2137 Section 22. Subsection (5) of section 402.40, Florida
2138 Statutes, is amended, and paragraph (g) is added to subsection
2139 (3) of that section, to read:

2140 402.40 Child welfare training and certification.—

2141 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
2142 shall approve one or more third-party credentialing entities for
2143 the purpose of developing and administering child welfare
2144 certification programs for persons who provide child welfare
2145 services. A third-party credentialing entity shall request such
2146 approval in writing from the department. In order to obtain

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2147 approval, the third-party credentialing entity must:

2148 (g) Maintain an advisory committee, including
2149 representatives from each region of the department, each
2150 sheriff's office providing child protective services, and each
2151 community-based care lead agency, who shall be appointed by the
2152 organization they represent. The third-party credentialing
2153 entity may appoint additional members to the advisory committee.

2154 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

2155 (a) The Department of Children and Families ~~Family Services~~
2156 shall approve the core competencies and related preservice
2157 curricula that ensures that each person delivering child welfare
2158 services obtains the knowledge, skills, and abilities to
2159 competently carry out his or her work responsibilities.

2160 (b) The identification of these core competencies and
2161 development of preservice curricula shall be a collaborative
2162 effort that includes professionals who have expertise in child
2163 welfare services, department-approved third-party credentialing
2164 entities, and providers that will be affected by the curriculum,
2165 including, but not limited to, representatives from the
2166 community-based care lead agencies, the Florida Coalition
2167 Against Domestic Violence, the Florida Alcohol and Drug Abuse
2168 Association, the Florida Council for Community Mental Health,
2169 sheriffs' offices conducting child protection investigations,
2170 and child welfare legal services providers.

2171 (c) Community-based care agencies, sheriffs' offices, and
2172 the department may contract for the delivery of preservice and
2173 any additional training for persons delivering child welfare
2174 services if the curriculum satisfies the department-approved
2175 core competencies.

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2176 (d) The department may also approve certifications
2177 involving specializations in serving specific populations or in
2178 skills relevant to child protection to be awarded to persons
2179 delivering child welfare services by a third-party credentialing
2180 entity approved pursuant to subsection (3).

2181 (e) ~~(d)~~ Department-approved credentialing entities shall,
2182 for a period of at least 12 months after implementation of the
2183 third-party child welfare certification programs, grant
2184 reciprocity and award a child welfare certification to
2185 individuals who hold current department-issued child welfare
2186 certification in good standing, at no cost to the department or
2187 the certificateholder.

2188 Section 23. Section 402.402, Florida Statutes, is created
2189 to read:

2190 402.402 Child protection and child welfare personnel;
2191 attorneys employed by the department.-

2192 (1) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF
2193 REQUIREMENTS.-The department is responsible for recruitment of
2194 qualified professional staff to serve as child protective
2195 investigators and child protective investigation supervisors.
2196 The department shall make every effort to recruit and hire
2197 persons qualified by their education and experience to perform
2198 social work functions. The department's efforts shall be guided
2199 by the goal that by July 1, 2019, at least half of all child
2200 protective investigators and supervisors will have a bachelor's
2201 degree or a master's degree in social work from a college or
2202 university social work program accredited by the Council on
2203 Social Work Education. The department, in collaboration with the
2204 lead agencies, subcontracted provider organizations, the Florida

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2205 Institute for Child Welfare created pursuant to s. 1004.615, and
2206 other partners in the child welfare system, shall develop a
2207 protocol for screening candidates for child protective positions
2208 which reflects the preferences specified in paragraphs (a)-(f).
2209 The following persons shall be given preference in the
2210 recruitment of qualified professional staff, but the preferences
2211 serve only as guidance and do not limit the department's
2212 discretion to select the best available candidates:

2213 (a) Individuals with baccalaureate degrees in social work
2214 and child protective investigation supervisors with master's
2215 degrees in social work from a college or university social work
2216 program accredited by the Council on Social Work Education.

2217 (b) Individuals with baccalaureate or master's degrees in
2218 psychology, sociology, counseling, special education, education,
2219 human development, child development, family development,
2220 marriage and family therapy, and nursing.

2221 (c) Individuals with baccalaureate degrees who have a
2222 combination of directly relevant work and volunteer experience,
2223 preferably in a public service field related to children's
2224 services, demonstrating critical thinking skills, formal
2225 assessment processes, communication skills, problem solving, and
2226 empathy; a commitment to helping children and families; a
2227 capacity to work as part of a team; an interest in continuous
2228 development of skills and knowledge; and personal strength and
2229 resilience to manage competing demands and handle workplace
2230 stresses.

2231 (2) SPECIALIZED TRAINING.—All child protective
2232 investigators and child protective investigation supervisors
2233 employed by the department or a sheriff's office must complete

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2234 specialized training either focused on serving a specific
2235 population, including, but not limited to, medically fragile
2236 children, sexually exploited children, children under 3 years of
2237 age, or families with a history of domestic violence, mental
2238 illness, or substance abuse, or focused on performing certain
2239 aspects of child protection practice, including, but not limited
2240 to, investigation techniques and analysis of family dynamics.
2241 The specialized training may be used to fulfill continuing
2242 education requirements under s. 402.40(3)(e). Individuals hired
2243 before July 1, 2014, shall complete the specialized training by
2244 June 30, 2016, and individuals hired on or after July 1, 2014,
2245 shall complete the specialized training within 2 years after
2246 hire. An individual may receive specialized training in multiple
2247 areas.

2248 (3) REPORT.—By each October 1, the department shall submit
2249 a report on the educational qualifications, turnover, and
2250 working conditions of the child protective investigators and
2251 supervisors to the Governor, the President of the Senate, and
2252 the Speaker of the House of Representatives.

2253 (4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
2254 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose
2255 primary responsibility is representing the department in child
2256 welfare cases shall, within the first 6 months of employment,
2257 receive training in:

2258 (a) The dependency court process, including the attorney's
2259 role in preparing and reviewing documents prepared for
2260 dependency court for accuracy and completeness;

2261 (b) Preparing and presenting child welfare cases, including
2262 at least 1 week shadowing an experienced children's legal

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2263 services attorney preparing and presenting cases;

2264 (c) Safety assessment, safety decisionmaking tools, and
2265 safety plans;

2266 (d) Developing information presented by investigators and
2267 case managers to support decisionmaking in the best interest of
2268 children; and

2269 (e) The experiences and techniques of case managers and
2270 investigators, including shadowing an experienced child
2271 protective investigator and an experienced case manager for at
2272 least 8 hours.

2273 Section 24. Section 402.403, Florida Statutes, is created
2274 to read:

2275 402.403 Child Protection and Child Welfare Personnel
2276 Tuition Exemption Program.—

2277 (1) There is established within the department the Child
2278 Protection and Child Welfare Personnel Tuition Exemption Program
2279 for the purpose of recruiting and retaining high-performing
2280 individuals who are employed as child protection and child
2281 welfare personnel. For purposes of this section, "child
2282 protection and child welfare personnel" includes child
2283 protective investigators and child protective investigation
2284 supervisors employed by the department and case managers and
2285 case manager supervisors employed by a community-based care lead
2286 agency or a subcontractor of a community-based care lead agency
2287 who do not possess a master's degree in social work.

2288 (2) Child protection and child welfare personnel who meet
2289 the requirements specified in subsection (3) are exempt from the
2290 payment of tuition and fees at a state university.

2291 (3) The department may approve child protection and child

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2292 welfare personnel for the tuition and fee exemption if such
2293 personnel:

2294 (a) Are employed as child protection and child welfare
2295 personnel and are determined by their employers to perform at a
2296 high level as established by their personnel evaluations; and

2297 (b) Are accepted in a graduate-level social work program or
2298 a certificate program related to child welfare which is
2299 accredited by the Council on Social Work Education.

2300 (4) Child protection and child welfare personnel who meet
2301 the requirements specified in subsection (3) may enroll for up
2302 to 6 credit hours of courses per term.

2303 (5) Child protection and child welfare personnel who are
2304 accepted into a graduate-level social work program or a
2305 certificate program related to child welfare which is accredited
2306 by the Council on Social Work Education shall take courses
2307 associated with the degree or certificate program online if such
2308 courses are offered online.

2309 (6) All child protection and child welfare personnel who
2310 participate in the tuition exemption program established under
2311 this section must remain employed by the department, a state
2312 agency, or a contracted provider for 5 years after completion of
2313 a graduate level social work program. If employment ends before
2314 the 5-year period, the benefit shall be repaid according to a
2315 pro rata calculation based on the number of years of service.

2316 Section 25. Section 402.404, Florida Statutes, is created
2317 to read:

2318 402.404 Child Protection and Child Welfare Personnel
2319 Student Loan Forgiveness Program.—

2320 (1) There is established within the department the Child

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2321 Protection and Child Welfare Personnel Student Loan Forgiveness
2322 Program. The purpose of the program is to increase employment
2323 and retention of high-performing individuals who have either a
2324 bachelor's degree or a master's degree in social work and work
2325 in child protection or child welfare for the department, a
2326 community-based care lead agency, or a community-based care
2327 subcontractor by making payments toward loans received by
2328 students from federal or state programs or commercial lending
2329 institutions for the support of prior postsecondary study in
2330 accredited social work programs.

2331 (2) To be eligible for the program, a candidate must:

2332 (a) Be employed by the department as a child protective
2333 investigator or a child protective investigation supervisor or
2334 be employed by a community-based care lead agency or
2335 subcontractor as a case manager or case manager supervisor;

2336 (b) Be determined by the department or his or her employer
2337 to have a high level of performance based on his or her personal
2338 evaluation; and

2339 (c) Have graduated from an accredited social work program
2340 with either a bachelor's degree or a master's degree in social
2341 work.

2342 (3) Only loans to pay the costs of tuition, books, fees,
2343 and living expenses shall be covered.

2344 (4) The department or lead agency may make loan payments of
2345 up to \$3,000 each year for up to 4 years on behalf of selected
2346 graduates of an accredited social work program from the funds
2347 appropriated for this purpose. All payments are contingent upon
2348 continued proof of employment and shall be made directly to the
2349 holder of the loan.

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2350 (5) A student who receives a tuition exemption pursuant to
2351 s. 402.403 is not eligible to participate in the Child
2352 Protection and Child Welfare Personnel Student Loan Forgiveness
2353 Program.

2354 (6) All child protection and child welfare personnel who
2355 participate in the student loan forgiveness program established
2356 under this section must remain employed by the department, a
2357 state agency, or a contracted provider for 5 years after
2358 completion of a graduate level social work program. If
2359 employment ends before the 5-year period, the benefit shall be
2360 repaid according to a pro rata calculation based on the number
2361 of years of service.

2362 (7) The department shall prioritize funds appropriated for
2363 this purpose to regions with high-average caseloads and low
2364 workforce-retention rates.

2365 Section 26. Section 409.165, Florida Statutes, is amended
2366 to read:

2367 409.165 Alternate care for children.—

2368 (1) Within funds appropriated, the department shall
2369 establish and supervise a program of emergency shelters, runaway
2370 shelters, foster homes, group homes, agency-operated group
2371 treatment homes, nonpsychiatric residential group care
2372 facilities, psychiatric residential treatment facilities, and
2373 other appropriate facilities to provide shelter and care for
2374 dependent children who must be placed away from their families.
2375 The department, in accordance with outcome ~~established~~ goals
2376 established in s. 409.986, shall contract for the provision of
2377 such shelter and care by counties, municipalities, nonprofit
2378 corporations, and other entities capable of providing needed

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2379 services if:

2380 (a) The services ~~se~~ provided comply with all department
2381 standards, policies, and procedures ~~are available;~~

2382 (b) The services can be ~~se~~ provided at a reasonable cost
2383 ~~are more cost-effective than those provided by the department;~~
2384 and

2385 (c) Unless otherwise provided by law, such providers of
2386 shelter and care are licensed by the department.

2387

2388 ~~It is the legislative intent that the~~

2389 (2) Funds appropriated for the alternate care of children
2390 as described in this section may be used to meet the needs of
2391 children in their own homes or those of relatives if the
2392 children can be safely served in such settings ~~their own homes,~~
2393 ~~or the homes of relatives,~~ and the expenditure of funds in such
2394 manner is equal to or less than the cost of out-of-home
2395 placement ~~calculated by the department to be an eventual cost~~
2396 ~~savings over placement of children.~~

2397 (3) ~~(2)~~ The department shall ~~may~~ cooperate with all child
2398 service institutions or agencies within the state which meet the
2399 department's standards in order to maintain a comprehensive,
2400 coordinated, and inclusive system for promoting and protecting
2401 the well-being of children, consistent with the goals
2402 established in s. 409.986 ~~rules for proper care and supervision~~
2403 ~~prescribed by the department for the well-being of children.~~

2404 (a) The department shall work with the Department of Health
2405 in the development, use, and monitoring of medical foster homes
2406 for medically complex children.

2407 (b) The department shall collaborate with all relevant

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2408 state and local agencies to provide such supports and services
2409 as may be necessary to maintain medically complex children in
2410 the least restrictive and most nurturing environment.

2411 (4)~~(3)~~ With the written consent of parents, custodians, or
2412 guardians, or in accordance with those provisions in chapter 39
2413 that relate to dependent children, the department, under rules
2414 properly adopted, may place a child:

2415 (a) With a relative;

2416 (b) With an adult nonrelative approved by the court for
2417 long-term custody;

2418 (c) With a person who is considering the adoption of a
2419 child in the manner provided for by law;

2420 (d) When limited, except as provided in paragraph (b), to
2421 temporary emergency situations, with a responsible adult
2422 approved by the court;

2423 (e) With a person or family approved by the department to
2424 serve as a medical foster home;

2425 (f)~~(e)~~ With a person or agency licensed by the department
2426 in accordance with s. 409.175; or

2427 (g)~~(f)~~ In a subsidized independent living situation,
2428 subject to the provisions of s. 409.1451(4)(c),

2429
2430 under such conditions as are determined to be for the best
2431 interests or the welfare of the child. Any child placed in an
2432 institution or in a family home by the department or its agency
2433 may be removed by the department or its agency, and such other
2434 disposition may be made as is for the best interest of the
2435 child, including transfer of the child to another institution,
2436 another home, or the home of the child. Expenditure of funds

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2437 appropriated for out-of-home care can be used to meet the needs
2438 of a child in the child's own home or the home of a relative if
2439 the child can be safely served in the child's own home or that
2440 of a relative if placement can be avoided by the expenditure of
2441 such funds, and if the expenditure of such funds in this manner
2442 is equal to or less than the cost of out-of-home placement
2443 ~~calculated by the department to be a potential cost savings.~~

2444 Section 27. Paragraphs (b), (d), (h), and (i) of subsection
2445 (6) of section 409.175, Florida Statutes, are amended to read:

2446 409.175 Licensure of family foster homes, residential
2447 child-caring agencies, and child-placing agencies; public
2448 records exemption.—

2449 (6)

2450 (b) Upon application, the department shall conduct a
2451 licensing study based on its licensing rules; shall inspect the
2452 home or the agency and the records, including financial records,
2453 of the agency; and shall interview the applicant. The department
2454 may authorize a licensed child-placing agency to conduct the
2455 licensing study of a family foster home to be used exclusively
2456 by that agency and to verify to the department that the home
2457 meets the licensing requirements established by the department.
2458 Upon certification by a licensed child-placing agency that a
2459 family foster home meets the licensing requirements and upon
2460 receipt of a letter from a community-based care lead agency in
2461 the service area where the home will be licensed which indicates
2462 that the family foster home meets the criteria established by
2463 the lead agency, the department shall issue the license. A
2464 letter from the lead agency is not required if the lead agency
2465 where the proposed home is located is directly supervising

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2466 foster homes in the same service area.

2467 (d)1. The department may pursue other remedies provided in
2468 this section in addition to denial or revocation of a license
2469 for failure to comply with the screening requirements. The
2470 disciplinary actions determination to be made by the department
2471 and the procedure for hearing for applicants and licensees shall
2472 be in accordance with chapter 120.

2473 2. When the department has reasonable cause to believe that
2474 grounds for denial or termination of employment exist, it shall
2475 notify, in writing, the applicant, licensee, or summer or
2476 recreation camp, and the personnel affected, stating the
2477 specific record that ~~which~~ indicates noncompliance with the
2478 screening requirements.

2479 3. Procedures established for hearing under chapter 120
2480 shall be available to the applicant, licensee, summer day camp,
2481 or summer 24-hour camp, and affected personnel, in order to
2482 present evidence relating either to the accuracy of the basis
2483 for exclusion or to the denial of an exemption from
2484 disqualification. Such procedures may also be used to challenge
2485 a decision by a community-based care lead agency's refusal to
2486 issue a letter supporting an application for licensure. If the
2487 challenge is to the actions of the community-based care lead
2488 agency, the respondent to the challenge shall be the lead agency
2489 and the department shall be notified of the proceedings.

2490 4. Refusal on the part of an applicant to dismiss personnel
2491 who have been found not to be in compliance with the
2492 requirements for good moral character of personnel shall result
2493 in automatic denial or revocation of license in addition to any
2494 other remedies provided in this section which may be pursued by

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2495 the department.

2496 (h) Upon determination that the applicant meets the state
2497 minimum licensing requirements and has obtained a letter from a
2498 community-based care lead agency which indicates that the family
2499 foster home meets the criteria established by the lead agency,
2500 the department shall issue a license without charge to a
2501 specific person or agency at a specific location. A license may
2502 be issued if all the screening materials have been timely
2503 submitted; however, a license may not be issued or renewed if
2504 any person at the home or agency has failed the required
2505 screening. The license is nontransferable. A copy of the license
2506 shall be displayed in a conspicuous place. Except as provided in
2507 paragraph (j), the license is valid for 1 year from the date of
2508 issuance, unless the license is suspended or revoked by the
2509 department or is voluntarily surrendered by the licensee. The
2510 license is the property of the department.

2511 (i) The issuance of a license to operate a family foster
2512 home or agency does not require a lead agency to place a child
2513 with the home or agency. A license issued for the operation of a
2514 family foster home or agency, unless sooner suspended, revoked,
2515 or voluntarily returned, will expire automatically 1 year from
2516 the date of issuance except as provided in paragraph (j). Ninety
2517 days prior to the expiration date, an application for renewal
2518 shall be submitted to the department by a licensee who wishes to
2519 have the license renewed. A license shall be renewed upon the
2520 filing of an application on forms furnished by the department if
2521 the applicant has first met the requirements established under
2522 this section and the rules promulgated hereunder.

2523 Section 28. Paragraph (c) of subsection (2) of section

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2524 409.967, Florida Statutes, is amended to read:

2525 409.967 Managed care plan accountability.—

2526 (2) The agency shall establish such contract requirements
2527 as are necessary for the operation of the statewide managed care
2528 program. In addition to any other provisions the agency may deem
2529 necessary, the contract must require:

2530 (c) *Access*.—

2531 1. The agency shall establish specific standards for the
2532 number, type, and regional distribution of providers in managed
2533 care plan networks to ensure access to care for both adults and
2534 children. Each plan must maintain a regionwide network of
2535 providers in sufficient numbers to meet the access standards for
2536 specific medical services for all recipients enrolled in the
2537 plan. The exclusive use of mail-order pharmacies may not be
2538 sufficient to meet network access standards. Consistent with the
2539 standards established by the agency, provider networks may
2540 include providers located outside the region. A plan may
2541 contract with a new hospital facility before the date the
2542 hospital becomes operational if the hospital has commenced
2543 construction, will be licensed and operational by January 1,
2544 2013, and a final order has issued in any civil or
2545 administrative challenge. Each plan shall establish and maintain
2546 an accurate and complete electronic database of contracted
2547 providers, including information about licensure or
2548 registration, locations and hours of operation, specialty
2549 credentials and other certifications, specific performance
2550 indicators, and such other information as the agency deems
2551 necessary. The database must be available online to both the
2552 agency and the public and have the capability to compare the

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2553 availability of providers to network adequacy standards and to
2554 accept and display feedback from each provider's patients. Each
2555 plan shall submit quarterly reports to the agency identifying
2556 the number of enrollees assigned to each primary care provider.

2557 2. Each managed care plan must publish any prescribed drug
2558 formulary or preferred drug list on the plan's website in a
2559 manner that is accessible to and searchable by enrollees and
2560 providers. The plan must update the list within 24 hours after
2561 making a change. Each plan must ensure that the prior
2562 authorization process for prescribed drugs is readily accessible
2563 to health care providers, including posting appropriate contact
2564 information on its website and providing timely responses to
2565 providers. For Medicaid recipients diagnosed with hemophilia who
2566 have been prescribed anti-hemophilic-factor replacement
2567 products, the agency shall provide for those products and
2568 hemophilia overlay services through the agency's hemophilia
2569 disease management program.

2570 3. Managed care plans, and their fiscal agents or
2571 intermediaries, must accept prior authorization requests for any
2572 service electronically.

2573 4. Managed care plans serving children in the care and
2574 custody of the Department of Children and Families must maintain
2575 complete medical, dental, and behavioral health encounter
2576 information and participate in making such information available
2577 to the department or the applicable contracted community-based
2578 care lead agency for use in providing comprehensive and
2579 coordinated case management. The agency and the department shall
2580 establish an interagency agreement to provide guidance for the
2581 format, confidentiality, recipient, scope, and method of

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2582 information to be made available and the deadlines for
2583 submission of the data. The scope of information available to
2584 the department shall be the data that managed care plans are
2585 required to submit to the agency. The agency shall determine the
2586 plan's compliance with standards for access to medical, dental,
2587 and behavioral health services; the use of medications; and
2588 followup on all medically necessary services recommended as a
2589 result of early and periodic screening, diagnosis, and
2590 treatment.

2591 Section 29. Paragraph (f) is added to subsection (2) of
2592 section 409.972, Florida Statutes, to read:

2593 409.972 Mandatory and voluntary enrollment.—

2594 (2) The following Medicaid-eligible persons are exempt from
2595 mandatory managed care enrollment required by s. 409.965, and
2596 may voluntarily choose to participate in the managed medical
2597 assistance program:

2598 (f) Medicaid recipients residing in a group home facility
2599 licensed under chapter 393.

2600 Section 30. The Division of Law Revision and Information is
2601 directed to create part V of chapter 409, Florida Statutes,
2602 consisting of ss. 409.986-409.997, to be entitled "Community-
2603 based Child Welfare."

2604 Section 31. Section 409.986, Florida Statutes, is created
2605 to read:

2606 409.986 Legislative findings and intent; child protection
2607 and child welfare outcomes; definitions.—

2608 (1) LEGISLATIVE FINDINGS AND INTENT.—

2609 (a) It is the intent of the Legislature that the Department
2610 of Children and Families provide child protection and child

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2611 welfare services to children through contracting with community-
2612 based care lead agencies. Counties that provide children and
2613 family services with at least 40 licensed residential group care
2614 beds by July 1, 2003, and that provide at least \$2 million
2615 annually in county general revenue funds to supplement foster
2616 and family care services shall continue to contract directly
2617 with the state. It is the further intent of the Legislature that
2618 communities have responsibility for and participate in ensuring
2619 safety, permanence, and well-being for all children in the
2620 state.

2621 (b) The Legislature finds that when private entities assume
2622 responsibility for the care of children in the child protection
2623 and child welfare system, comprehensive oversight of the
2624 programmatic, administrative, and fiscal operation of those
2625 entities is essential. The Legislature further finds that the
2626 appropriate care of children is ultimately the responsibility of
2627 the state and that outsourcing such care does not relieve the
2628 state of its responsibility to ensure that appropriate care is
2629 provided.

2630 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.—It is the
2631 goal of the department to protect the best interest of children
2632 by achieving the following outcomes in conjunction with the
2633 community-based care lead agency, community-based
2634 subcontractors, and the community alliance:

2635 (a) Children are first and foremost protected from abuse
2636 and neglect.

2637 (b) Children are safely maintained in their homes, if
2638 possible and appropriate.

2639 (c) Services are provided to protect children and prevent

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2640 their removal from their home.

2641 (d) Children have permanency and stability in their living
2642 arrangements.

2643 (e) Family relationships and connections are preserved for
2644 children.

2645 (f) Families have enhanced capacity to provide for their
2646 children's needs.

2647 (g) Children receive appropriate services to meet their
2648 educational needs.

2649 (h) Children receive services to meet their physical and
2650 mental health needs.

2651 (i) Children develop the capacity for independent living
2652 and competence as an adult.

2653 (3) DEFINITIONS.—As used in this part, except as otherwise
2654 provided, the term:

2655 (a) "Care" means services of any kind which are designed to
2656 facilitate a child remaining safely in his or her own home,
2657 returning safely to his or her own home if he or she is removed
2658 from the home, or obtaining an alternative permanent home if he
2659 or she cannot remain at home or be returned home. The term
2660 includes, but is not be limited to, prevention, diversion, and
2661 related services.

2662 (b) "Child" or "children" has the same meaning as provided
2663 in s. 39.01.

2664 (c) "Community alliance" or "alliance" means the group of
2665 stakeholders, community leaders, client representatives, and
2666 fundors of human services established pursuant to s. 20.19(5) to
2667 provide a focal point for community participation and oversight
2668 of community-based services.

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2669 (d) "Community-based care lead agency" or "lead agency"
2670 means a single entity with which the department has a contract
2671 for the provision of care for children in the child protection
2672 and child welfare system in a community that is no smaller than
2673 a county and no larger than two contiguous judicial circuits.
2674 The secretary of the department may authorize more than one
2675 eligible lead agency within a single county if doing so will
2676 result in more effective delivery of services to children.

2677 (e) "Related services" includes, but is not limited to,
2678 family preservation, independent living, emergency shelter,
2679 residential group care, foster care, therapeutic foster care,
2680 intensive residential treatment, foster care supervision, case
2681 management, coordination of mental health services,
2682 postplacement supervision, permanent foster care, and family
2683 reunification.

2684 Section 32. Section 409.987, Florida Statutes, is created
2685 to read:

2686 409.987 Lead agency procurement.-

2687 (1) Community-based care lead agencies shall be procured by
2688 the department through a competitive process as required under
2689 chapter 287.

2690 (2) The department shall produce a schedule for the
2691 procurement of community-based care lead agencies and provide
2692 the schedule to the community alliances established pursuant to
2693 s. 20.19(5) and post the schedule on the department's website.

2694 (3) Notwithstanding s. 287.057, the department shall use 5-
2695 year contracts with lead agencies.

2696 (4) In order to serve as a lead agency, an entity must:

2697 (a) Be organized as a Florida corporation or a governmental

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2698 entity.

2699 (b) Be governed by a board of directors or a board
2700 committee composed of board members. The membership of the board
2701 of directors or board committee must be described in the bylaws
2702 or articles of incorporation of each lead agency, which must
2703 provide that at least 75 percent of the membership of the board
2704 of directors or board committee must consist of persons residing
2705 in this state, and at least 51 percent of the state residents on
2706 the board of directors must reside within the service area of
2707 the lead agency. However, for procurements of lead agency
2708 contracts initiated on or after July 1, 2014:

2709 1. At least 75 percent of the membership of the board of
2710 directors must consist of persons residing in this state, and at
2711 least 51 percent of the membership of the board of directors
2712 must consist of persons residing within the service area of the
2713 lead agency. If a board committee governs the lead agency, 100
2714 percent of its membership must consist of persons residing
2715 within the service area of the lead agency.

2716 2. The powers of the board of directors or board committee
2717 include, are not limited to, approving the lead agency's budget
2718 and setting the lead agency's operational policy and procedures.
2719 A board of directors must additionally have the power to hire
2720 the lead agency's executive director, unless a board committee
2721 governs the lead agency, in which case the board committee must
2722 have the power to confirm the selection of the lead agency's
2723 executive director.

2724 (c) Demonstrate financial responsibility through an
2725 organized plan for regular fiscal audits and the posting of a
2726 performance bond.

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2727 (5) The department's procurement team procuring any lead
2728 agencies' contracts must include individuals from the community
2729 alliance in the area to be served under the contract. All
2730 meetings at which vendors make presentations to or negotiate
2731 with the procurement team shall be held in the area to be served
2732 by the contract.

2733 Section 33. Section 409.988, Florida Statutes, is created
2734 to read:

2735 409.988 Lead agency duties; general provisions.-

2736 (1) DUTIES.-A lead agency:

2737 (a) Shall serve all children referred as a result of a
2738 report of abuse, neglect, or abandonment to the department's
2739 central abuse hotline, including, but not limited to, children
2740 who are the subject of verified reports and children who are not
2741 the subject of verified reports but who are at moderate to
2742 extremely high risk of abuse, neglect, or abandonment, as
2743 determined using the department's risk assessment instrument,
2744 regardless of the level of funding allocated to the lead agency
2745 by the state if all related funding is transferred. The lead
2746 agency may also serve children who have not been the subject of
2747 reports of abuse, neglect, or abandonment, but who are at risk
2748 of abuse, neglect, or abandonment, to prevent their entry into
2749 the child protection and child welfare system.

2750 (b) Shall provide accurate and timely information necessary
2751 for oversight by the department pursuant to the child welfare
2752 results-oriented accountability system required by s. 409.997.

2753 (c) Shall follow the financial guidelines developed by the
2754 department and provide for a regular independent auditing of its
2755 financial activities. Such financial information shall be

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2756 provided to the community alliance established under s.
2757 20.19(5).

2758 (d) Shall post on its website the current budget for the
2759 lead agency, including the salaries, bonuses, and other
2760 compensation paid, by position, for the agency's chief executive
2761 officer, chief financial officer, and chief operating officer,
2762 or their equivalents.

2763 (e) Shall prepare all judicial reviews, case plans, and
2764 other reports necessary for court hearings for dependent
2765 children, except those related to the investigation of a
2766 referral from the department's child abuse hotline, and shall
2767 submit these documents timely to the department's attorneys for
2768 review, any necessary revision, and filing with the court. The
2769 lead agency shall make the necessary staff available to
2770 department attorneys for preparation for dependency proceedings,
2771 and shall provide testimony and other evidence required for
2772 dependency court proceedings in coordination with the
2773 department's attorneys. This duty does not include the
2774 preparation of legal pleadings or other legal documents, which
2775 remain the responsibility of the department.

2776 (f) Shall ensure that all individuals providing care for
2777 dependent children receive appropriate training and meet the
2778 minimum employment standards established by the department.

2779 (g) Shall maintain eligibility to receive all available
2780 federal child welfare funds.

2781 (h) Shall maintain written agreements with Healthy Families
2782 Florida lead entities in its service area pursuant to s. 409.153
2783 to promote cooperative planning for the provision of prevention
2784 and intervention services.

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2785 (i) Shall comply with federal and state statutory
2786 requirements and agency rules in the provision of contractual
2787 services.

2788 (j) May subcontract for the provision of services required
2789 by the contract with the lead agency and the department;
2790 however, the subcontracts must specify how the provider will
2791 contribute to the lead agency meeting the performance standards
2792 established pursuant to the child welfare results-oriented
2793 accountability system required by s. 409.997. The lead agency
2794 shall directly provide no more than 35 percent of all child
2795 welfare services provided.

2796 (k) Shall post on its website by the 15th day of each month
2797 at a minimum the information contained in subparagraphs 1.-4.
2798 for the preceding calendar month regarding its case management
2799 services. The following information shall be reported by each
2800 individual subcontracted case management provider, by the lead
2801 agency, if the lead agency provides case management services,
2802 and in total for all case management services subcontracted or
2803 directly provided by the lead agency:

2804 1. The average caseload of case managers, including only
2805 filled positions;

2806 2. The turnover rate for case managers and case management
2807 supervisors for the previous 12 months;

2808 3. The percentage of required home visits completed; and

2809 4. Performance on outcome measures required pursuant to s.
2810 409.997 for the previous 12 months.

2811 (2) LICENSURE.—

2812 (a) A lead agency must be licensed as a child-caring or
2813 child-placing agency by the department under this chapter.

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2814 (b) Each foster home, therapeutic foster home, emergency
2815 shelter, or other placement facility operated by the lead agency
2816 must be licensed by the department under chapter 402 or this
2817 chapter.

2818 (c) Substitute care providers who are licensed under s.
2819 409.175 and who have contracted with a lead agency are also
2820 authorized to provide registered or licensed family day care
2821 under s. 402.313 if such care is consistent with federal law and
2822 if the home has met the requirements of s. 402.313.

2823 (d) In order to eliminate or reduce the number of duplicate
2824 inspections by various program offices, the department shall
2825 coordinate inspections required for licensure of agencies under
2826 this subsection.

2827 (e) The department may adopt rules to administer this
2828 subsection.

2829 (3) SERVICES.—A lead agency must serve dependent children
2830 through services that are supported by research or are best
2831 child welfare practices. The agency may also provide innovative
2832 services, including, but not limited to, family-centered,
2833 cognitive-behavioral, trauma-informed interventions designed to
2834 mitigate out-of-home placements.

2835 (4) LEAD AGENCY ACTING AS GUARDIAN.—

2836 (a) If a lead agency or other provider has accepted case
2837 management responsibilities for a child who is sheltered or
2838 found to be dependent and who is assigned to the care of the
2839 lead agency or other provider, the agency or provider may act as
2840 the child's guardian for the purpose of registering the child in
2841 school if a parent or guardian of the child is unavailable and
2842 his or her whereabouts cannot reasonably be ascertained.

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2843 (b) The lead agency or other provider may also seek
2844 emergency medical attention for the child, but only if a parent
2845 or guardian of the child is unavailable, the parent or
2846 guardian's whereabouts cannot reasonably be ascertained, and a
2847 court order for such emergency medical services cannot be
2848 obtained because of the severity of the emergency or because it
2849 is after normal working hours.

2850 (c) A lead agency or other provider may not consent to
2851 sterilization, abortion, or termination of life support.

2852 (d) If a child's parents' rights have been terminated, the
2853 lead agency shall act as guardian of the child in all
2854 circumstances.

2855 Section 34. Section 409.990, Florida Statutes, is created
2856 to read:

2857 409.990 Funding for lead agencies.—A contract established
2858 between the department and a lead agency must be funded by a
2859 grant of general revenue, other applicable state funds, or
2860 applicable federal funding sources.

2861 (1) The method of payment for a fixed-price contract with a
2862 lead agency must provide for a 2-month advance payment at the
2863 beginning of each fiscal year and equal monthly payments
2864 thereafter.

2865 (2) Notwithstanding s. 215.425, all documented federal
2866 funds earned for the current fiscal year by the department and
2867 lead agencies which exceed the amount appropriated by the
2868 Legislature shall be distributed to all entities that
2869 contributed to the excess earnings based on a schedule and
2870 methodology developed by the department and approved by the
2871 Executive Office of the Governor.

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2872 (a) Distribution shall be pro rata, based on total
2873 earnings, and shall be made only to those entities that
2874 contributed to excess earnings.

2875 (b) Excess earnings of lead agencies shall be used only in
2876 the service district in which they were earned.

2877 (c) Additional state funds appropriated by the Legislature
2878 for lead agencies or made available pursuant to the budgetary
2879 amendment process described in s. 216.177 shall be transferred
2880 to the lead agencies.

2881 (d) The department shall amend a lead agency's contract to
2882 permit expenditure of the funds.

2883 (3) Notwithstanding any other provision of this section,
2884 the amount of the annual contract for a lead agency may be
2885 increased by excess federal funds earned in accordance with s.
2886 216.181(11).

2887 (4) Each contract with a lead agency shall provide for the
2888 payment by the department to the lead agency of a reasonable
2889 administrative cost in addition to funding for the provision of
2890 services.

2891 (5) A lead agency may carry forward documented unexpended
2892 state funds from one fiscal year to the next; however, the
2893 cumulative amount carried forward may not exceed 8 percent of
2894 the total contract. Any unexpended state funds in excess of that
2895 percentage must be returned to the department.

2896 (a) The funds carried forward may not be used in any way
2897 that would create increased recurring future obligations, and
2898 such funds may not be used for any type of program or service
2899 that is not currently authorized by the existing contract with
2900 the department.

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2901 (b) Expenditures of funds carried forward must be
2902 separately reported to the department.

2903 (c) Any unexpended funds that remain at the end of the
2904 contract period shall be returned to the department.

2905 (d) Funds carried forward may be retained through any
2906 contract renewals and any new procurements as long as the same
2907 lead agency is retained by the department.

2908 (6) It is the intent of the Legislature to improve services
2909 and local participation in community-based care initiatives by
2910 fostering community support and providing enhanced prevention
2911 and in-home services, thereby reducing the risk otherwise faced
2912 by lead agencies. A community partnership matching grant program
2913 is established and shall be operated by the department to
2914 encourage local participation in community-based care for
2915 children in the child welfare system. A children's services
2916 council or another local entity that makes a financial
2917 commitment to a community-based care lead agency may be eligible
2918 for a matching grant. The total amount of the local contribution
2919 may be matched on a one-to-one basis up to a maximum annual
2920 amount of \$500,000 per lead agency. Awarded matching grant funds
2921 may be used for any prevention or in-home services that can be
2922 reasonably expected to reduce the number of children entering
2923 the child welfare system. Funding available for the matching
2924 grant program is subject to legislative appropriation of
2925 nonrecurring funds provided for this purpose.

2926 (7) (a) The department, in consultation with the Florida
2927 Coalition for Children, Inc., shall develop and implement a
2928 community-based care risk pool initiative to mitigate the
2929 financial risk to eligible lead agencies. This initiative must

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2930 include:

2931 1. A risk pool application and protocol developed by the
2932 department which outlines submission criteria, including, but
2933 not limited to, financial and program management, descriptive
2934 data requirements, and timeframes for submission of
2935 applications. Requests for funding from risk pool applicants
2936 must be based on relevant and verifiable service trends and
2937 changes that have occurred during the current fiscal year. The
2938 application must confirm that expenditure of approved risk pool
2939 funds by the lead agency will be completed within the current
2940 fiscal year.

2941 2. A risk pool peer review committee, appointed by the
2942 secretary and consisting of department staff and representatives
2943 from at least three nonapplicant lead agencies, which reviews
2944 and assesses all risk pool applications. Upon completion of each
2945 application review, the peer review committee shall report its
2946 findings and recommendations to the secretary, providing, at a
2947 minimum, the following information:

2948 a. Justification for the specific funding amount required
2949 by the risk pool applicant based on the current year's service
2950 trend data, including validation that the applicant's financial
2951 need was caused by circumstances beyond the control of the lead
2952 agency management;

2953 b. Verification that the proposed use of risk pool funds
2954 meets at least one of the purposes specified in paragraph (c);
2955 and

2956 c. Evidence of technical assistance provided in an effort
2957 to avoid the need to access the risk pool and recommendations
2958 for technical assistance to the lead agency to ensure that risk

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2959 pool funds are expended effectively and that the agency's need
2960 for future risk pool funding is diminished.

2961 (b) Upon approval by the secretary of a risk pool
2962 application, the department may request funds from the risk pool
2963 in accordance with s. 216.181(6) (a).

2964 (c) The purposes for which the community-based care risk
2965 pool shall be used include:

2966 1. Significant changes in the number or composition of
2967 clients eligible to receive services.

2968 2. Significant changes in the services that are eligible
2969 for reimbursement.

2970 3. Continuity of care in the event of failure,
2971 discontinuance of service, or financial misconduct by a lead
2972 agency.

2973 4. Significant changes in the mix of available funds.

2974 (d) The department may also request in its annual
2975 legislative budget request, and the Governor may recommend, that
2976 the funding necessary to effect paragraph (c) be appropriated to
2977 the department. In addition, the department may request the
2978 allocation of funds from the community-based care risk pool in
2979 accordance with s. 216.181(6) (a). Funds from the pool may be
2980 used to match available federal dollars.

2981 1. Such funds shall constitute partial security for
2982 contract performance by lead agencies and shall be used to
2983 offset the need for a performance bond.

2984 2. The department may separately require a bond to mitigate
2985 the financial consequences of potential acts of malfeasance or
2986 misfeasance or criminal violations by the service provider.

2987 Section 35. Section 409.16713, Florida Statutes, is

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2988 transferred and renumbered as section 409.991, Florida Statutes,
2989 and paragraph (a) of subsection (1) of that section is amended,
2990 to read:

2991 409.991 ~~409.16713~~ Allocation of funds for community-based
2992 care lead agencies.—

2993 (1) As used in this section, the term:

2994 (a) "Core services funding" means all funds allocated to
2995 community-based care lead agencies operating under contract with
2996 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
2997 following exceptions:

- 2998 1. Funds appropriated for independent living;
- 2999 2. Funds appropriated for maintenance adoption subsidies;
- 3000 3. Funds allocated by the department for protective
3001 investigations training;
- 3002 4. Nonrecurring funds;
- 3003 5. Designated mental health wrap-around services funds; and
- 3004 6. Funds for special projects for a designated community-
3005 based care lead agency.

3006 Section 36. Section 409.992, Florida Statutes, is created
3007 to read:

3008 409.992 Lead agency expenditures.—

3009 (1) The procurement of commodities or contractual services
3010 by lead agencies shall be governed by the financial guidelines
3011 developed by the department and must comply with applicable
3012 state and federal law and follow good business practices.
3013 Pursuant to s. 11.45, the Auditor General may provide technical
3014 advice in the development of the financial guidelines.

3015 (2) Notwithstanding any other provision of law, a
3016 community-based care lead agency may make expenditures for staff

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3017 cellular telephone allowances, contracts requiring deferred
3018 payments and maintenance agreements, security deposits for
3019 office leases, related agency professional membership dues other
3020 than personal professional membership dues, promotional
3021 materials, and grant writing services. Expenditures for food and
3022 refreshments, other than those provided to clients in the care
3023 of the agency or to foster parents, adoptive parents, and
3024 caseworkers during training sessions, are not allowable.

3025 (3) A lead community-based care agency and its
3026 subcontractors are exempt from state travel policies as provided
3027 in s. 112.061(3)(a) for their travel expenses incurred in order
3028 to comply with the requirements of this section.

3029 Section 37. Section 409.993, Florida Statutes, is created
3030 to read:

3031 409.993 Lead agencies and subcontractor liability.-

3032 (1) FINDINGS.-

3033 (a) The Legislature finds that the state has traditionally
3034 provided foster care services to children who are the
3035 responsibility of the state. As such, foster children have not
3036 had the right to recover for injuries beyond the limitations
3037 specified in s. 768.28. The Legislature has determined that
3038 foster care and related services should be outsourced pursuant
3039 to this section and that the provision of such services is of
3040 paramount importance to the state. The purpose of such
3041 outsourcing is to increase the level of safety, security, and
3042 stability of children who are or become the responsibility of
3043 the state. One of the components necessary to secure a safe and
3044 stable environment for such children is the requirement that
3045 private providers maintain liability insurance. As such,

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3046 insurance needs to be available and remain available to
3047 nongovernmental foster care and related services providers
3048 without the resources of such providers being significantly
3049 reduced by the cost of maintaining such insurance.

3050 (b) The Legislature further finds that, by requiring the
3051 following minimum levels of insurance, children in outsourced
3052 foster care and related services will gain increased protection
3053 and rights of recovery in the event of injury than currently
3054 provided in s. 768.28.

3055 (2) LEAD AGENCY LIABILITY.—

3056 (a) Other than an entity to which s. 768.28 applies, an
3057 eligible community-based care lead agency, or its employees or
3058 officers, except as otherwise provided in paragraph (b), shall,
3059 as a part of its contract, obtain a minimum of \$1 million per
3060 occurrence with a policy period aggregate limit of \$3 million in
3061 general liability insurance coverage. The lead agency must also
3062 require that staff who transport client children and families in
3063 their personal automobiles in order to carry out their job
3064 responsibilities obtain minimum bodily injury liability
3065 insurance in the amount of \$100,000 per person per any one
3066 automobile accident, and subject to such limits for each person,
3067 \$300,000 for all damages resulting from any one automobile
3068 accident, on their personal automobiles. In lieu of personal
3069 motor vehicle insurance, the lead agency's casualty, liability,
3070 or motor vehicle insurance carrier may provide nonowned
3071 automobile liability coverage. This insurance provides liability
3072 insurance for an automobile that the lead agency uses in
3073 connection with the lead agency's business but does not own,
3074 lease, rent, or borrow. This coverage includes an automobile

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3075 owned by an employee of the lead agency or a member of the
3076 employee's household but only while the automobile is used in
3077 connection with the lead agency's business. The nonowned
3078 automobile coverage for the lead agency applies as excess
3079 coverage over any other collectible insurance. The personal
3080 automobile policy for the employee of the lead agency shall be
3081 primary insurance, and the nonowned automobile coverage of the
3082 lead agency acts as excess insurance to the primary insurance.
3083 The lead agency shall provide a minimum limit of \$1 million in
3084 nonowned automobile coverage. In a tort action brought against
3085 such a lead agency or employee, net economic damages shall be
3086 limited to \$2 million per liability claim and \$200,000 per
3087 automobile claim, including, but not limited to, past and future
3088 medical expenses, wage loss, and loss of earning capacity,
3089 offset by any collateral source payment paid or payable. In any
3090 tort action brought against a lead agency, noneconomic damages
3091 shall be limited to \$400,000 per claim. A claims bill may be
3092 brought on behalf of a claimant pursuant to s. 768.28 for any
3093 amount exceeding the limits specified in this paragraph. Any
3094 offset of collateral source payments made as of the date of the
3095 settlement or judgment shall be in accordance with s. 768.76.
3096 The lead agency is not liable in tort for the acts or omissions
3097 of its subcontractors or the officers, agents, or employees of
3098 its subcontractors.

3099 (b) The liability of a lead agency described in this
3100 section shall be exclusive and in place of all other liability
3101 of such lead agency. The same immunities from liability enjoyed
3102 by such lead agencies shall extend to each employee of the lead
3103 agency if he or she is acting in furtherance of the lead

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3104 agency's business, including the transportation of clients
3105 served, as described in this subsection, in privately owned
3106 vehicles. Such immunities are not applicable to a lead agency or
3107 an employee who acts in a culpably negligent manner or with
3108 willful and wanton disregard or unprovoked physical aggression
3109 if such acts result in injury or death or such acts proximately
3110 cause such injury or death. Such immunities are not applicable
3111 to employees of the same lead agency when each is operating in
3112 the furtherance of the agency's business, but they are assigned
3113 primarily to unrelated work within private or public employment.
3114 The same immunity provisions enjoyed by a lead agency also apply
3115 to any sole proprietor, partner, corporate officer or director,
3116 supervisor, or other person who, in the course and scope of his
3117 or her duties, acts in a managerial or policymaking capacity and
3118 the conduct that caused the alleged injury arose within the
3119 course and scope of those managerial or policymaking duties. As
3120 used in this subsection and subsection (3), the term "culpably
3121 negligent manner" means reckless indifference or grossly
3122 careless disregard of human life.

3123 (3) SUBCONTRACTOR LIABILITY.—

3124 (a) A subcontractor of an eligible community-based care
3125 lead agency that is a direct provider of foster care and related
3126 services to children and families, and its employees or
3127 officers, except as otherwise provided in paragraph (b), must,
3128 as a part of its contract, obtain a minimum of \$1 million per
3129 occurrence with a policy period aggregate limit of \$3 million in
3130 general liability insurance coverage. The subcontractor of a
3131 lead agency must also require that staff who transport client
3132 children and families in their personal automobiles in order to

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3133 carry out their job responsibilities obtain minimum bodily
3134 injury liability insurance in the amount of \$100,000 per person
3135 in any one automobile accident, and subject to such limits for
3136 each person, \$300,000 for all damages resulting from any one
3137 automobile accident, on their personal automobiles. In lieu of
3138 personal motor vehicle insurance, the subcontractor's casualty,
3139 liability, or motor vehicle insurance carrier may provide
3140 nonowned automobile liability coverage. This insurance provides
3141 liability insurance for automobiles that the subcontractor uses
3142 in connection with the subcontractor's business but does not
3143 own, lease, rent, or borrow. This coverage includes automobiles
3144 owned by the employees of the subcontractor or a member of the
3145 employee's household but only while the automobiles are used in
3146 connection with the subcontractor's business. The nonowned
3147 automobile coverage for the subcontractor applies as excess
3148 coverage over any other collectible insurance. The personal
3149 automobile policy for the employee of the subcontractor shall be
3150 primary insurance, and the nonowned automobile coverage of the
3151 subcontractor acts as excess insurance to the primary insurance.
3152 The subcontractor shall provide a minimum limit of \$1 million in
3153 nonowned automobile coverage. In a tort action brought against
3154 such subcontractor or employee, net economic damages shall be
3155 limited to \$2 million per liability claim and \$200,000 per
3156 automobile claim, including, but not limited to, past and future
3157 medical expenses, wage loss, and loss of earning capacity,
3158 offset by any collateral source payment paid or payable. In a
3159 tort action brought against such subcontractor, noneconomic
3160 damages shall be limited to \$400,000 per claim. A claims bill
3161 may be brought on behalf of a claimant pursuant to s. 768.28 for

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3162 any amount exceeding the limits specified in this paragraph. Any
3163 offset of collateral source payments made as of the date of the
3164 settlement or judgment shall be in accordance with s. 768.76.

3165 (b) The liability of a subcontractor of a lead agency that
3166 is a direct provider of foster care and related services as
3167 described in this section is exclusive and in place of all other
3168 liability of such provider. The same immunities from liability
3169 enjoyed by such subcontractor provider extend to each employee
3170 of the subcontractor when such employee is acting in furtherance
3171 of the subcontractor's business, including the transportation of
3172 clients served, as described in this subsection, in privately
3173 owned vehicles. Such immunities are not applicable to a
3174 subcontractor or an employee who acts in a culpably negligent
3175 manner or with willful and wanton disregard or unprovoked
3176 physical aggression if such acts result in injury or death or if
3177 such acts proximately cause such injury or death. Such
3178 immunities are not applicable to employees of the same
3179 subcontractor who are operating in the furtherance of the
3180 subcontractor's business but are assigned primarily to unrelated
3181 works within private or public employment. The same immunity
3182 provisions enjoyed by a subcontractor also apply to any sole
3183 proprietor, partner, corporate officer or director, supervisor,
3184 or other person who, in the course and scope of his or her
3185 duties, acts in a managerial or policymaking capacity and the
3186 conduct that caused the alleged injury arose within the course
3187 and scope of those managerial or policymaking duties.

3188 (4) LIMITATIONS ON DAMAGES.—The Legislature is cognizant of
3189 the increasing costs of goods and services each year and
3190 recognizes that fixing a set amount of compensation has the

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3191 effect of a reduction in compensation each year. Accordingly,
3192 the conditional limitations on damages in this section shall be
3193 increased at the rate of 5 percent each year, prorated from July
3194 1, 2014, to the date at which damages subject to such
3195 limitations are awarded by final judgment or settlement.

3196 Section 38. Section 409.1675, Florida Statutes, is
3197 transferred, renumbered as section 409.994, Florida Statutes,
3198 and amended to read:

3199 409.994 ~~409.1675~~ ~~Lead~~ Community-based care lead agencies
3200 ~~providers~~; receivership.-

3201 (1) The Department of Children and Families ~~Family Services~~
3202 may petition a court of competent jurisdiction for the
3203 appointment of a receiver for a ~~lead~~ community-based care lead
3204 agency provider established pursuant to s. 409.987 if ~~s.~~
3205 ~~409.1671~~ when any of the following conditions exist:

3206 (a) The lead agency ~~community-based provider~~ is operating
3207 without a license as a child-placing agency.

3208 (b) The lead agency ~~community-based provider~~ has given less
3209 than 120 days' notice of its intent to cease operations, and
3210 arrangements have not been made for another lead agency
3211 ~~community-based provider~~ or for the department to continue the
3212 uninterrupted provision of services.

3213 (c) The department determines that conditions exist in the
3214 lead agency ~~community-based provider~~ which present an imminent
3215 danger to the health, safety, or welfare of the dependent
3216 children under that agency's ~~provider's~~ care or supervision.
3217 Whenever possible, the department shall make a reasonable effort
3218 to facilitate the continued operation of the program.

3219 (d) The lead agency ~~community-based provider~~ cannot meet

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3220 its current financial obligations to its employees, contractors,
3221 or foster parents. Issuance of bad checks or the existence of
3222 delinquent obligations for payment of salaries, utilities, or
3223 invoices for essential services or commodities shall constitute
3224 prima facie evidence that the lead agency ~~community-based~~
3225 ~~provider~~ lacks the financial ability to meet its financial
3226 obligations.

3227 (2) (a) The petition for receivership shall take precedence
3228 over other court business unless the court determines that some
3229 other pending proceeding, having statutory precedence, has
3230 priority.

3231 (b) A hearing shall be conducted within 5 days after the
3232 filing of the petition, at which time interested parties shall
3233 have the opportunity to present evidence as to whether a
3234 receiver should be appointed. The department shall give
3235 reasonable notice of the hearing on the petition to the lead
3236 agency ~~community-based provider~~.

3237 (c) The court shall grant the petition upon finding that
3238 one or more of the conditions in subsection (1) exists and the
3239 continued existence of the condition or conditions jeopardizes
3240 the health, safety, or welfare of dependent children. A receiver
3241 may be appointed ex parte when the court determines that one or
3242 more of the conditions in subsection (1) exists. After such
3243 finding, the court may appoint any person, including an employee
3244 of the department who is qualified by education, training, or
3245 experience to carry out the duties of the receiver pursuant to
3246 this section, except that the court may ~~shall~~ not appoint any
3247 member of the governing board or any officer of the lead agency
3248 ~~community-based provider~~. The receiver may be selected from a

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3249 list of persons qualified to act as receivers which is developed
3250 by the department and presented to the court with each petition
3251 of receivership.

3252 (d) A receiver may be appointed for up to 90 days, and the
3253 department may petition the court for additional 30-day
3254 extensions. Sixty days after appointment of a receiver and every
3255 30 days thereafter until the receivership is terminated, the
3256 department shall submit to the court an assessment of the lead
3257 agency's ~~community-based provider's~~ ability to ensure the
3258 health, safety, and welfare of the dependent children under its
3259 supervision.

3260 (3) The receiver shall take such steps as are reasonably
3261 necessary to ensure the continued health, safety, and welfare of
3262 the dependent children under the supervision of the lead agency
3263 ~~community-based provider~~ and shall exercise those powers and
3264 perform those duties set out by the court, including, but not
3265 limited to:

3266 (a) Taking such action as is reasonably necessary to
3267 protect or conserve the assets or property of the lead agency
3268 ~~community-based provider~~. The receiver may use the assets and
3269 property and any proceeds from any transfer thereof only in the
3270 performance of the powers and duties provided ~~set forth~~ in this
3271 section and by order of the court.

3272 (b) Using the assets of the lead agency ~~community-based~~
3273 ~~provider~~ in the provision of care and services to dependent
3274 children.

3275 (c) Entering into contracts and hiring agents and employees
3276 to carry out the powers and duties of the receiver under this
3277 section.

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3278 (d) Having full power to direct, manage, hire, and
3279 discharge employees of the lead agency ~~community-based provider~~.
3280 The receiver shall hire and pay new employees at the rate of
3281 compensation, including benefits, approved by the court.

3282 (e) Honoring all leases, mortgages, and contractual
3283 obligations of the lead agency ~~community-based provider~~, but
3284 only to the extent of payments that become due during the period
3285 of the receivership.

3286 (4) (a) The receiver shall deposit funds received in a
3287 separate account and shall use this account for all
3288 disbursements.

3289 (b) A payment to the receiver of any sum owing to the lead
3290 agency ~~community-based provider~~ shall discharge any obligation
3291 to the provider to the extent of the payment.

3292 (5) A receiver may petition the court for temporary relief
3293 from obligations entered into by the lead agency ~~community-based~~
3294 ~~provider~~ if the rent, price, or rate of interest required to be
3295 paid under the agreement was substantially in excess of a
3296 reasonable rent, price, or rate of interest at the time the
3297 contract was entered into, or if any material provision of the
3298 agreement was unreasonable when compared to contracts negotiated
3299 under similar conditions. Any relief in this form provided by
3300 the court shall be limited to the life of the receivership,
3301 unless otherwise determined by the court.

3302 (6) The court shall set the compensation of the receiver,
3303 which shall be considered a necessary expense of a receivership
3304 and may grant to the receiver such other authority necessary to
3305 ensure the health, safety, and welfare of the children served.

3306 (7) A receiver may be held liable in a personal capacity

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3307 only for the receiver's own gross negligence, intentional acts,
3308 or breaches of fiduciary duty. This section may ~~shall~~ not be
3309 interpreted to be a waiver of sovereign immunity should the
3310 department be appointed receiver.

3311 (8) If the receiver is not the department, the court may
3312 require a receiver to post a bond to ensure the faithful
3313 performance of these duties.

3314 (9) The court may terminate a receivership when:

3315 (a) The court determines that the receivership is no longer
3316 necessary because the conditions that gave rise to the
3317 receivership no longer exist; or

3318 (b) The department has entered into a contract with a new
3319 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~
3320 ~~409.1671~~, and that contractor is ready and able to assume the
3321 duties of the previous lead agency ~~provider~~.

3322 (10) Within 30 days after the termination, unless this time
3323 period is extended by the court, the receiver shall give the
3324 court a complete accounting of all property of which the
3325 receiver has taken possession, of all funds collected and
3326 disbursed, and of the expenses of the receivership.

3327 (11) ~~Nothing in~~ This section does not ~~shall be construed to~~
3328 relieve any employee of the lead agency ~~community-based provider~~
3329 placed in receivership of any civil or criminal liability
3330 incurred, or any duty imposed by law, by reason of acts or
3331 omissions of the employee before ~~prior to~~ the appointment of a
3332 receiver, and; ~~nor shall anything contained in this section~~ does
3333 not ~~be construed to~~ suspend during the receivership any
3334 obligation of the employee for payment of taxes or other
3335 operating or maintenance expenses of the lead agency ~~community~~

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3336 ~~based provider~~ or for the payment of mortgages or liens. The
3337 lead agency ~~community-based provider~~ shall retain the right to
3338 sell or mortgage any facility under receivership, subject to the
3339 prior approval of the court that ordered the receivership.

3340 Section 39. Section 409.996, Florida Statutes, is created
3341 to read:

3342 409.996 Duties of the Department of Children and Families.—
3343 The department shall contract for the delivery, administration,
3344 or management of care for children in the child protection and
3345 child welfare system. In doing so, the department retains
3346 responsibility for the quality of contracted services and
3347 programs and shall ensure that services are delivered in
3348 accordance with applicable federal and state statutes and
3349 regulations.

3350 (1) The department shall enter into contracts with lead
3351 agencies for the performance of the duties by the lead agencies
3352 pursuant to s. 409.988. At a minimum, the contracts must:

3353 (a) Provide for the services needed to accomplish the
3354 duties established in s. 409.988 and provide information to the
3355 department which is necessary to meet the requirements for a
3356 quality assurance program pursuant to subsection (18) and the
3357 child welfare results-oriented accountability system pursuant to
3358 s. 409.997.

3359 (b) Provide for graduated penalties for failure to comply
3360 with contract terms. Such penalties may include financial
3361 penalties, enhanced monitoring and reporting, corrective action
3362 plans, and early termination of contracts or other appropriate
3363 action to ensure contract compliance. The financial penalties
3364 shall require a lead agency to reallocate funds from

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3365 administrative costs to direct care for children.

3366 (c) Ensure that the lead agency shall furnish current and
3367 accurate information on its activities in all cases in client
3368 case records in the state's statewide automated child welfare
3369 information system.

3370 (d) Specify the procedures to be used by the parties to
3371 resolve differences in interpreting the contract or to resolve
3372 disputes as to the adequacy of the parties' compliance with
3373 their respective obligations under the contract.

3374 (2) The department must adopt written policies and
3375 procedures for monitoring the contract for delivery of services
3376 by lead agencies which must be posted on the department's
3377 website. These policies and procedures must, at a minimum,
3378 address the evaluation of fiscal accountability and program
3379 operations, including provider achievement of performance
3380 standards, provider monitoring of subcontractors, and timely
3381 followup of corrective actions for significant monitoring
3382 findings related to providers and subcontractors. These policies
3383 and procedures must also include provisions for reducing the
3384 duplication of the department's program monitoring activities
3385 both internally and with other agencies, to the extent possible.
3386 The department's written procedures must ensure that the written
3387 findings, conclusions, and recommendations from monitoring the
3388 contract for services of lead agencies are communicated to the
3389 director of the provider agency and the community alliance as
3390 expeditiously as possible.

3391 (3) The department shall receive federal and state funds as
3392 appropriated for the operation of the child welfare system,
3393 transmit these funds to the lead agencies as agreed to in the

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3394 contract, and provide information on its website of the
3395 distribution of the federal funds. The department retains
3396 responsibility for the appropriate spending of these funds. The
3397 department shall monitor lead agencies to assess compliance with
3398 the financial guidelines established pursuant to s. 409.992 and
3399 other applicable state and federal laws.

3400 (4) The department shall provide technical assistance and
3401 consultation to lead agencies in the provision of care to
3402 children in the child protection and child welfare system.

3403 (5) The department retains the responsibility for the
3404 review, approval or denial, and issuances of all foster home
3405 licenses.

3406 (6) The department shall process all applications submitted
3407 by lead agencies for the Interstate Compact on the Placement of
3408 Children and the Interstate Compact on Adoption and Medical
3409 Assistance.

3410 (7) The department shall assist lead agencies with access
3411 to and coordination with other service programs within the
3412 department.

3413 (8) The department shall determine Medicaid eligibility for
3414 all referred children and shall coordinate services with the
3415 Agency for Health Care Administration.

3416 (9) The department shall develop, in cooperation with the
3417 lead agencies, a third-party credentialing entity approved
3418 pursuant to s. 402.40(3), and the Florida Institute for Child
3419 Welfare established pursuant to s. 1004.615, a standardized
3420 competency-based curriculum for certification training for child
3421 protection staff.

3422 (10) The department shall maintain the statewide adoptions

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3423 website and provide information and training to the lead
3424 agencies relating to the website.

3425 (11) The department shall provide training and assistance
3426 to lead agencies regarding the responsibility of lead agencies
3427 relating to children receiving supplemental security income,
3428 social security, railroad retirement, or veterans' benefits.

3429 (12) With the assistance of a lead agency, the department
3430 shall develop and implement statewide and local interagency
3431 agreements needed to coordinate services for children and
3432 parents involved in the child welfare system who are also
3433 involved with the Agency for Persons with Disabilities, the
3434 Department of Juvenile Justice, the Department of Education, the
3435 Department of Health, and other governmental organizations that
3436 share responsibilities for children or parents in the child
3437 welfare system.

3438 (13) With the assistance of a lead agency, the department
3439 shall develop and implement a working agreement between the lead
3440 agency and the substance abuse and mental health managing entity
3441 to integrate services and supports for children and parents
3442 serviced in the child welfare system.

3443 (14) The department shall work with the Agency for Health
3444 Care Administration to provide each Medicaid-eligible child with
3445 early and periodic screening, diagnosis, and treatment,
3446 including 72-hour screening, periodic child health checkups, and
3447 prescribed followup for ordered services, including, but not
3448 limited to, medical, dental, and vision care.

3449 (15) The department shall assist lead agencies in
3450 developing an array of services in compliance with the Title IV-
3451 E waiver and shall monitor the provision of such services.

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3452 (16) The department shall provide a mechanism to allow lead
3453 agencies to request a waiver of department policies and
3454 procedures that create inefficiencies or inhibit the performance
3455 of the lead agency's duties.

3456 (17) The department shall directly or through contract
3457 provide attorneys to prepare and present cases in dependency
3458 court and shall ensure that the court is provided with adequate
3459 information for informed decisionmaking in dependency cases,
3460 including a face sheet for each case which lists the names and
3461 contact information for any child protective investigator, child
3462 protective investigation supervisor, case manager, and case
3463 manager supervisor, and the regional department official
3464 responsible for the lead agency contract. The department shall
3465 provide to the court the case information and recommendations
3466 provided by the lead agency or subcontractor. For the Sixth
3467 Judicial Circuit, the department shall contract with the state
3468 attorney for the provision of these services.

3469 (18) The department, in consultation with lead agencies,
3470 shall establish a quality assurance program for contracted
3471 services to dependent children. The quality assurance program
3472 shall be based on standards established by federal and state law
3473 and national accrediting organizations.

3474 (a) The department must evaluate each lead agency under
3475 contract at least annually. These evaluations shall cover the
3476 programmatic, operational, and fiscal operations of the lead
3477 agency and must be consistent with the child welfare results-
3478 oriented accountability system required by s. 409.997. The
3479 department must consult with dependency judges in the circuit or
3480 circuits served by the lead agency on the performance of the

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3481 lead agency.

3482 (b) The department and each lead agency shall monitor out-
3483 of-home placements, including the extent to which sibling groups
3484 are placed together or provisions to provide visitation and
3485 other contacts if siblings are separated. The data shall
3486 identify reasons for sibling separation. Information related to
3487 sibling placement shall be incorporated into the results-
3488 oriented accountability system required pursuant to s. 409.997
3489 and in the evaluation of the outcome specified in s.
3490 409.986(2) (e). The information related to sibling placement
3491 shall also be made available to the institute established
3492 pursuant s. 1004.615 for use in assessing the performance of
3493 child welfare services in relation to the outcome specified in
3494 s. 409.986(2) (e).

3495 (c) The department shall, to the extent possible, use
3496 independent financial audits provided by the lead agency to
3497 eliminate or reduce the ongoing contract and administrative
3498 reviews conducted by the department. If the department
3499 determines that such independent financial audits are
3500 inadequate, other audits, as necessary, may be conducted by the
3501 department. This paragraph does not abrogate the requirements of
3502 s. 215.97.

3503 (d) The department may suggest additional items to be
3504 included in such independent financial audits to meet the
3505 department's needs.

3506 (e) The department may outsource programmatic,
3507 administrative, or fiscal monitoring oversight of lead agencies.

3508 (f) A lead agency must assure that all subcontractors are
3509 subject to the same quality assurance activities as the lead

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3510 agency.

3511 (19) The department and its attorneys have the
3512 responsibility to ensure that the court is fully informed about
3513 issues before it, to make recommendations to the court, and to
3514 present competent evidence, including testimony by the
3515 department's employees, contractors, and subcontractors, as well
3516 as other individuals, to support all recommendations made to the
3517 court. The department's attorneys shall coordinate lead agency
3518 or subcontractor staff to ensure that dependency cases are
3519 presented appropriately to the court, giving consideration to
3520 the information developed by the case manager and direction to
3521 the case manager if more information is needed.

3522 (20) The department, in consultation with lead agencies,
3523 shall develop a dispute resolution process so that disagreements
3524 between legal staff, investigators, and case management staff
3525 can be resolved in the best interest of the child in question
3526 before court appearances regarding that child.

3527 (21) The department shall periodically, and before
3528 procuring a lead agency, solicit comments and recommendations
3529 from the community alliance established in s. 20.19(5), any
3530 other community groups, or public hearings. The recommendations
3531 must include, but are not limited to:

3532 (a) The current and past performance of a lead agency.

3533 (b) The relationship between a lead agency and its
3534 community partners.

3535 (c) Any local conditions or service needs in child
3536 protection and child welfare.

3537 Section 40. Effective January 1, 2015, section 409.997,
3538 Florida Statutes, is created to read:

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3539 409.997 Child welfare results-oriented accountability
3540 system.—

3541 (1) The department, the community-based care lead agencies,
3542 and the lead agencies' subcontractors share the responsibility
3543 for achieving the outcome goals specified in s. 409.986(2).

3544 (2) In order to assess the achievement of the outcome goals
3545 specified in s. 409.986(2), the department shall maintain a
3546 comprehensive, results-oriented accountability system that
3547 monitors the use of resources, the quality and amount of
3548 services provided, and child and family outcomes through data
3549 analysis, research review, evaluation, and quality improvement.
3550 The system shall provide information about individual entities'
3551 performance as well as the performance of groups of entities
3552 working together as an integrated system of care on a local,
3553 regional, and statewide basis. The department shall issue a
3554 request for information for the accountability system to
3555 identify system development and implementation approaches,
3556 technical and operational solutions, timeframes for
3557 implementation, pricing and costs, and implementation
3558 considerations; assess respondents' experience in providing
3559 similar systems and interest in providing the accountability
3560 system; and generate any other information determined by the
3561 department to be useful in establishing the system. The
3562 department shall provide a report to the Governor, the President
3563 of the Senate, and the Speaker of the House of Representatives
3564 by February 1, 2015, summarizing the responses and providing the
3565 department's recommendations regarding procurement and
3566 implementation of the system. In maintaining the accountability
3567 system, the department shall:

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3568 (a) Identify valid and reliable outcome measures for each
3569 of the goals specified in this subsection. The outcome data set
3570 must consist of a limited number of understandable measures
3571 using available data to quantify outcomes as children move
3572 through the system of care. Such measures may aggregate multiple
3573 variables that affect the overall achievement of the outcome
3574 goals. Valid and reliable measures must be based on adequate
3575 sample sizes, be gathered over suitable time periods, and
3576 reflect authentic rather than spurious results, and may not be
3577 susceptible to manipulation.

3578 (b) Implement a monitoring system to track the identified
3579 outcome measures on a statewide, regional, and provider-specific
3580 basis. The monitoring system must identify trends and chart
3581 progress toward achievement of the goals specified s.
3582 409.986(2). The requirements of the monitoring system may be
3583 incorporated into the quality assurance program required under
3584 s. 409.996(18). The monitoring system shall track the placement
3585 of siblings in the child welfare system, including the extent to
3586 which siblings are placed together and, if the siblings are not
3587 placed together, the efforts to maintain the relationship
3588 between siblings through face-to-face visitation and written and
3589 electronic contact.

3590 (c) Develop and maintain an analytical system that builds
3591 on the outcomes monitoring system to assess the statistical
3592 validity of observed associations between child welfare
3593 interventions and the measured outcomes. The analysis must use
3594 quantitative methods to adjust for variations in demographic or
3595 other conditions. The analysis must include longitudinal studies
3596 to evaluate longer-term outcomes such as continued safety,

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3597 family permanence, and transition to self-sufficiency. The
3598 analysis may also include qualitative research methods to
3599 provide insight into statistical patterns.

3600 (d) Develop and maintain a program of research review to
3601 identify interventions that are supported by evidence as
3602 causally linked to improved outcomes.

3603 (e) Support an ongoing process of evaluation to determine
3604 the efficacy and effectiveness of various interventions.
3605 Efficacy evaluation is intended to determine the validity of a
3606 causal relationship between an intervention and an outcome.
3607 Effectiveness evaluation is intended to determine the extent to
3608 which the results can be generalized.

3609 (f) Develop and maintain an inclusive, interactive, and
3610 evidence-supported program of quality improvement which promotes
3611 individual skill building as well as organizational learning.

3612 (g) Develop and implement a method for making the results
3613 of the accountability system transparent for all parties
3614 involved in the child welfare system as well as policymakers and
3615 the public. The presentation of the results shall provide a
3616 comprehensible, visual report card for the state and each
3617 community-based care region, indicating the current status
3618 relative to each goal and trends in that status over time. The
3619 presentation shall identify and report outcome measures that
3620 assess the performance of the department, the community-based
3621 care lead agency, and the lead agency's subcontractors working
3622 together as an integrated system of care.

3623 (3) The department shall establish a technical advisory
3624 panel consisting of representatives from the Florida Institute
3625 for Child Welfare established in s. 1004.615, lead agencies,

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3626 community-based care providers, other contract providers,
3627 community alliances, and family representatives. The President
3628 of the Senate and the Speaker of the House of Representatives
3629 shall each appoint a member to serve as a legislative liaison to
3630 the panel. The technical advisory panel shall advise the
3631 department on meeting the requirements of this section.

3632 (4) The accountability system may not rank or compare
3633 performance among community-based care regions unless adequate
3634 and specific adjustments are adopted that account for the
3635 diversity in regions' demographics, resources, and other
3636 relevant characteristics.

3637 (5) The results of the accountability system must provide
3638 the basis for performance incentives if funds for such payments
3639 are made available through the General Appropriations Act.

3640 (6) At least quarterly, the department shall make the
3641 results of the accountability system available to the public
3642 through publication on its website. The website must allow for
3643 custom searches of the performance data.

3644 (7) By October 1 of each year, the department shall submit
3645 a report on the statewide and individual community-based care
3646 lead agency results for child protection and child welfare
3647 systems. The department shall use the accountability system and
3648 consult with the community alliance and the chief judge or
3649 judges in the community-based care service area to prepare the
3650 report. The report shall be submitted to the Governor, the
3651 President of the Senate, and the Speaker of the House of
3652 Representatives.

3653 Section 41. Section 827.10, Florida Statutes, is created to
3654 read:

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3655 827.10 Unlawful desertion of a child.-

3656 (1) As used in this section, the term:

3657 (a) "Care" means support and services necessary to maintain
3658 the child's physical and mental health, including, but not
3659 limited to, food, nutrition, clothing, shelter, supervision,
3660 medicine, and medical services that a prudent person would
3661 consider essential for the well-being of the child.

3662 (b) "Caregiver" has the same meaning as provided in s.
3663 39.01.

3664 (c) "Child" means a child for whose care the caregiver is
3665 legally responsible.

3666 (d) "Desertion" or "deserts" means to leave a child in a
3667 place or with a person other than a relative with the intent not
3668 to return to the child and with the intent not to provide for
3669 the care of the child.

3670 (e) "Relative" has the same meaning as provided in s.
3671 39.01.

3672 (2) A caregiver who deserts a child under circumstances in
3673 which the caregiver knew or should have known that the desertion
3674 exposes the child to unreasonable risk of harm commits a felony
3675 of the third degree, punishable as provided in s. 775.082, s.
3676 775.083, or s. 775.084.

3677 (3) This section does not apply to a person who surrenders
3678 a newborn infant in compliance with s. 383.50.

3679 (4) This section does not preclude prosecution for a
3680 criminal act under any other law, including, but not limited to,
3681 prosecution of child abuse or neglect of a child under s.
3682 827.03.

3683 Section 42. Paragraph (d) of subsection (4) of section

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3684 985.04, Florida Statutes, is amended to read:

3685 985.04 Oaths; records; confidential information.—

3686 (4)

3687 (d) The department shall disclose to the school
3688 superintendent the presence of any child in the care and custody
3689 or under the jurisdiction or supervision of the department who
3690 has a known history of criminal sexual behavior with other
3691 juveniles; is ~~an~~ alleged to have committed juvenile sexual abuse
3692 ~~offender~~, as defined in s. 39.01; or has pled guilty or nolo
3693 contendere to, or has been found to have committed, a violation
3694 of chapter 794, chapter 796, chapter 800, s. 827.071, or s.
3695 847.0133, regardless of adjudication. Any employee of a district
3696 school board who knowingly and willfully discloses such
3697 information to an unauthorized person commits a misdemeanor of
3698 the second degree, punishable as provided in s. 775.082 or s.
3699 775.083.

3700 Section 43. Section 1004.615, Florida Statutes, is created
3701 to read:

3702 1004.615 Florida Institute for Child Welfare.—

3703 (1) There is established the Florida Institute for Child
3704 Welfare within the Florida State University College of Social
3705 Work. The purpose of the institute is to advance the well-being
3706 of children and families by improving the performance of child
3707 protection and child welfare services through research, policy
3708 analysis, evaluation, and leadership development. The institute
3709 shall consist of a consortium of public and private universities
3710 offering degrees in social work and shall be housed within the
3711 Florida State University College of Social Work.

3712 (2) Using such resources as authorized in the General

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3713 Appropriations Act, the Department of Children and Families
3714 shall contract with the institute for performance of the duties
3715 described in subsection (4) using state appropriations, public
3716 and private grants, and other resources obtained by the
3717 institute.

3718 (3) The institute shall work with the department, sheriffs
3719 providing child protective investigative services, community-
3720 based care lead agencies, community-based care provider
3721 organizations, the court system, the Department of Juvenile
3722 Justice, the Florida Coalition Against Domestic Violence, and
3723 other partners who contribute to and participate in providing
3724 child protection and child welfare services.

3725 (4) The institute shall:

3726 (a) Maintain a program of research which contributes to
3727 scientific knowledge and informs both policy and practice
3728 related to child safety, permanency, and child and family well-
3729 being.

3730 (b) Advise the department and other organizations
3731 participating in the child protection and child welfare system
3732 regarding scientific evidence on policy and practice related to
3733 child safety, permanency, and child and family well-being.

3734 (c) Provide advice regarding management practices and
3735 administrative processes used by the department and other
3736 organizations participating in the child protection and child
3737 welfare system and recommend improvements that reduce
3738 burdensome, ineffective requirements for frontline staff and
3739 their supervisors while enhancing their ability to effectively
3740 investigate, analyze, problem solve, and supervise.

3741 (d) Assess the performance of child protection and child

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3742 welfare services based on specific outcome measures.

3743 (e) Evaluate the scope and effectiveness of preservice and
3744 inservice training for child protection and child welfare
3745 employees and advise and assist the department in efforts to
3746 improve such training.

3747 (f) Assess the readiness of social work graduates to assume
3748 job responsibilities in the child protection and child welfare
3749 system and identify gaps in education which can be addressed
3750 through the modification of curricula or the establishment of
3751 industry certifications.

3752 (g) Develop and maintain a program of professional support
3753 including training courses and consulting services that assist
3754 both individuals and organizations in implementing adaptive and
3755 resilient responses to workplace stress.

3756 (h) Participate in the department's critical incident
3757 response team, assist in the preparation of reports about such
3758 incidents, and support the committee review of reports and
3759 development of recommendations.

3760 (i) Identify effective policies and promising practices,
3761 including, but not limited to, innovations in coordination
3762 between entities participating in the child protection and child
3763 welfare system, data analytics, working with the local
3764 community, and management of human service organizations, and
3765 communicate these findings to the department and other
3766 organizations participating in the child protection and child
3767 welfare system.

3768 (j) Develop a definition of a child or family at high risk
3769 of abuse or neglect. Such a definition must consider
3770 characteristics associated with a greater probability of abuse

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3771 and neglect.

3772 (5) The President of the Florida State University shall
3773 appoint a director of the institute. The director must be a
3774 child welfare professional with a degree in social work who
3775 holds a faculty appointment in the Florida State University
3776 College of Social Work. The institute shall be administered by
3777 the director, and the director's office shall be located at the
3778 Florida State University. The director is responsible for
3779 overall management of the institute and for developing and
3780 executing the work of the institute consistent with the
3781 responsibilities in subsection (4). The director shall engage
3782 individuals in other state universities with accredited colleges
3783 of social work to participate in the institute. Individuals from
3784 other university programs relevant to the institute's work,
3785 including, but not limited to, economics, management, law,
3786 medicine, and education, may also be invited by the director to
3787 contribute to the institute. The universities participating in
3788 the institute shall provide facilities, staff, and other
3789 resources to the institute to establish statewide access to
3790 institute programs and services.

3791 (6) By October 1 of each year, the institute shall provide
3792 a written report to the Governor, the President of the Senate,
3793 and the Speaker of the House of Representatives which outlines
3794 its activities in the preceding year, reports significant
3795 research findings, as well as results of other programs, and
3796 provides specific recommendations for improving child protection
3797 and child welfare services.

3798 (a) The institute shall include an evaluation of the
3799 results of the educational and training requirements for child

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3800 protection and child welfare personnel established under this
3801 act and recommendations for application of the results to child
3802 protection personnel employed by sheriff's offices providing
3803 child protection services in its report due October 1, 2017.

3804 (b) The institute shall include an evaluation of the
3805 effects of the other provisions of this act and recommendations
3806 for improvements in child protection and child welfare services
3807 in its report due October 1, 2018.

3808 (7) The institute shall submit a report with
3809 recommendations for improving the state's child welfare system.
3810 The report shall address topics including, but not limited to,
3811 enhancing working relationships between the entities involved in
3812 the child protection and child welfare system, identification of
3813 and replication of best practices, reducing paperwork,
3814 increasing the retention of child protective investigators and
3815 case managers, and caring for medically complex children within
3816 the child welfare system, with the goal of allowing the child to
3817 remain in the least restrictive and most nurturing environment.
3818 The institute shall submit an interim report by February 1,
3819 2015, and final report by October 1, 2015, to the Governor, the
3820 President of the Senate, and the Speaker of the House of
3821 Representatives.

3822 Section 44. Paragraph (d) of subsection (1) of section
3823 1009.25, Florida Statutes, is amended, and paragraph (h) is
3824 added to that subsection, to read:

3825 1009.25 Fee exemptions.—

3826 (1) The following students are exempt from the payment of
3827 tuition and fees, including lab fees, at a school district that
3828 provides workforce education programs, Florida College System

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3829 institution, or state university:

3830 (d) A student who is or was at the time he or she reached
3831 18 years of age in the custody of a relative or nonrelative
3832 under s. 39.5085 or who was adopted from the Department of
3833 Children and Families ~~Family Services~~ after May 5, 1997. Such
3834 exemption includes fees associated with enrollment in applied
3835 academics for adult education instruction. The exemption remains
3836 valid until the student reaches 28 years of age.

3837 (h) Pursuant to s. 402.403, child protection and child
3838 welfare personnel as defined in s. 402.402 who are enrolled in
3839 an accredited bachelor's degree or master's degree in social
3840 work program, provided that the student attains at least a grade
3841 of "B" in all courses for which tuition and fees are exempted.

3842 Section 45. Section 402.401, Florida Statutes, is repealed.

3843 Section 46. Section 409.1671, Florida Statutes, is
3844 repealed.

3845 Section 47. Section 409.16715, Florida Statutes, is
3846 repealed.

3847 Section 48. Section 409.16745, Florida Statutes, is
3848 repealed.

3849 Section 49. Section 1004.61, Florida Statutes, is repealed.

3850 Section 50. Paragraph (g) of subsection (1) of section
3851 39.201, Florida Statutes, is amended to read:

3852 39.201 Mandatory reports of child abuse, abandonment, or
3853 neglect; mandatory reports of death; central abuse hotline.—

3854 (1)

3855 (g) Nothing in this chapter or in the contracting with
3856 community-based care providers for foster care and related
3857 services as specified in s. 409.987 ~~s. 409.1671~~ shall be

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3858 construed to remove or reduce the duty and responsibility of any
3859 person, including any employee of the community-based care
3860 provider, to report a suspected or actual case of child abuse,
3861 abandonment, or neglect or the sexual abuse of a child to the
3862 department's central abuse hotline.

3863 Section 51. Subsection (1) of section 39.302, Florida
3864 Statutes, is amended to read:

3865 39.302 Protective investigations of institutional child
3866 abuse, abandonment, or neglect.—

3867 (1) The department shall conduct a child protective
3868 investigation of each report of institutional child abuse,
3869 abandonment, or neglect. Upon receipt of a report that alleges
3870 that an employee or agent of the department, or any other entity
3871 or person covered by s. 39.01(32) ~~s. 39.01(33)~~ or (47), acting
3872 in an official capacity, has committed an act of child abuse,
3873 abandonment, or neglect, the department shall initiate a child
3874 protective investigation within the timeframe established under
3875 s. 39.201(5) and notify the appropriate state attorney, law
3876 enforcement agency, and licensing agency, which shall
3877 immediately conduct a joint investigation, unless independent
3878 investigations are more feasible. When conducting investigations
3879 or having face-to-face interviews with the child, investigation
3880 visits shall be unannounced unless it is determined by the
3881 department or its agent that unannounced visits threaten the
3882 safety of the child. If a facility is exempt from licensing, the
3883 department shall inform the owner or operator of the facility of
3884 the report. Each agency conducting a joint investigation is
3885 entitled to full access to the information gathered by the
3886 department in the course of the investigation. A protective

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3887 investigation must include an interview with the child's parent
3888 or legal guardian. The department shall make a full written
3889 report to the state attorney within 3 working days after making
3890 the oral report. A criminal investigation shall be coordinated,
3891 whenever possible, with the child protective investigation of
3892 the department. Any interested person who has information
3893 regarding the offenses described in this subsection may forward
3894 a statement to the state attorney as to whether prosecution is
3895 warranted and appropriate. Within 15 days after the completion
3896 of the investigation, the state attorney shall report the
3897 findings to the department and shall include in the report a
3898 determination of whether or not prosecution is justified and
3899 appropriate in view of the circumstances of the specific case.

3900 Section 52. Subsection (1) of section 39.524, Florida
3901 Statutes, is amended to read:

3902 39.524 Safe-harbor placement.—

3903 (1) Except as provided in s. 39.407 or s. 985.801, a
3904 dependent child 6 years of age or older who has been found to be
3905 a victim of sexual exploitation as defined in s. 39.01(68)(g) ~~s.~~
3906 ~~39.01(67)(g)~~ must be assessed for placement in a safe house as
3907 provided in s. 409.1678. The assessment shall be conducted by
3908 the department or its agent and shall incorporate and address
3909 current and historical information from any law enforcement
3910 reports; psychological testing or evaluation that has occurred;
3911 current and historical information from the guardian ad litem,
3912 if one has been assigned; current and historical information
3913 from any current therapist, teacher, or other professional who
3914 has knowledge of the child and has worked with the child; and
3915 any other information concerning the availability and

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3916 suitability of safe-house placement. If such placement is
3917 determined to be appropriate as a result of this assessment, the
3918 child may be placed in a safe house, if one is available. As
3919 used in this section, the term "available" as it relates to a
3920 placement means a placement that is located within the circuit
3921 or otherwise reasonably accessible.

3922 Section 53. Subsection (6) of section 316.613, Florida
3923 Statutes, is amended to read:

3924 316.613 Child restraint requirements.—

3925 (6) The child restraint requirements imposed by this
3926 section do not apply to a chauffeur-driven taxi, limousine,
3927 sedan, van, bus, motor coach, or other passenger vehicle if the
3928 operator and the motor vehicle are hired and used for the
3929 transportation of persons for compensation. It is the obligation
3930 and responsibility of the parent, guardian, or other person
3931 responsible for a child's welfare, as defined in s. 39.01(47),
3932 to comply with the requirements of this section.

3933 Section 54. Subsections (1), (3), and (5) of section
3934 409.1676, Florida Statutes, are amended to read:

3935 409.1676 Comprehensive residential group care services to
3936 children who have extraordinary needs.—

3937 (1) It is the intent of the Legislature to provide
3938 comprehensive residential group care services, including
3939 residential care, case management, and other services, to
3940 children in the child protection system who have extraordinary
3941 needs. These services are to be provided in a residential group
3942 care setting by a not-for-profit corporation or a local
3943 government entity under a contract with the Department of
3944 Children and Families ~~Family Services~~ or by a lead agency as

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3945 described in s. 409.987 ~~s. 409.1671~~. These contracts should be
3946 designed to provide an identified number of children with access
3947 to a full array of services for a fixed price. Further, it is
3948 the intent of the Legislature that the Department of Children
3949 and Families ~~Family Services~~ and the Department of Juvenile
3950 Justice establish an interagency agreement by December 1, 2002,
3951 which describes respective agency responsibilities for referral,
3952 placement, service provision, and service coordination for
3953 dependent and delinquent youth who are referred to these
3954 residential group care facilities. The agreement must require
3955 interagency collaboration in the development of terms,
3956 conditions, and performance outcomes for residential group care
3957 contracts serving the youth referred who have been adjudicated
3958 both dependent and delinquent.

3959 (3) The department, in accordance with a specific
3960 appropriation for this program, shall contract with a not-for-
3961 profit corporation, a local government entity, or the lead
3962 agency that has been established in accordance with s. 409.987
3963 ~~s. 409.1671~~ for the performance of residential group care
3964 services described in this section. A lead agency that is
3965 currently providing residential care may provide this service
3966 directly with the approval of the local community alliance. The
3967 department or a lead agency may contract for more than one site
3968 in a county if that is determined to be the most effective way
3969 to achieve the goals set forth in this section.

3970 (5) The department may transfer all casework
3971 responsibilities for children served under this program to the
3972 entity that provides this service, including case management and
3973 development and implementation of a case plan in accordance with

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3974 current standards for child protection services. When the
3975 department establishes this program in a community that has a
3976 lead agency as described in s. 409.987 ~~s. 409.1671~~, the casework
3977 responsibilities must be transferred to the lead agency.

3978 Section 55. Subsection (2) of section 409.1677, Florida
3979 Statutes, is amended to read:

3980 409.1677 Model comprehensive residential services
3981 programs.—

3982 (2) The department shall establish a model comprehensive
3983 residential services program in Manatee and Miami-Dade Counties
3984 through a contract with the designated lead agency established
3985 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private
3986 entity capable of providing residential group care and home-
3987 based care and experienced in the delivery of a range of
3988 services to foster children, if no lead agency exists. These
3989 model programs are to serve that portion of eligible children
3990 within each county which is specified in the contract, based on
3991 funds appropriated, to include a full array of services for a
3992 fixed price. The private entity or lead agency is responsible
3993 for all programmatic functions necessary to carry out the intent
3994 of this section.

3995 Section 56. Paragraph (d) of subsection (1) of section
3996 409.1678, Florida Statutes, is amended to read:

3997 409.1678 Safe harbor for children who are victims of sexual
3998 exploitation.—

3999 (1) As used in this section, the term:

4000 (d) "Sexually exploited child" means a dependent child who
4001 has suffered sexual exploitation as defined in s. 39.01(68)(g)
4002 ~~s. 39.01(67)(g)~~ and is ineligible for relief and benefits under

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4003 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.
4004 7101 et seq.

4005 Section 57. Subsection (24) of section 409.906, Florida
4006 Statutes, is amended to read:

4007 409.906 Optional Medicaid services.—Subject to specific
4008 appropriations, the agency may make payments for services which
4009 are optional to the state under Title XIX of the Social Security
4010 Act and are furnished by Medicaid providers to recipients who
4011 are determined to be eligible on the dates on which the services
4012 were provided. Any optional service that is provided shall be
4013 provided only when medically necessary and in accordance with
4014 state and federal law. Optional services rendered by providers
4015 in mobile units to Medicaid recipients may be restricted or
4016 prohibited by the agency. Nothing in this section shall be
4017 construed to prevent or limit the agency from adjusting fees,
4018 reimbursement rates, lengths of stay, number of visits, or
4019 number of services, or making any other adjustments necessary to
4020 comply with the availability of moneys and any limitations or
4021 directions provided for in the General Appropriations Act or
4022 chapter 216. If necessary to safeguard the state's systems of
4023 providing services to elderly and disabled persons and subject
4024 to the notice and review provisions of s. 216.177, the Governor
4025 may direct the Agency for Health Care Administration to amend
4026 the Medicaid state plan to delete the optional Medicaid service
4027 known as "Intermediate Care Facilities for the Developmentally
4028 Disabled." Optional services may include:

4029 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for
4030 Health Care Administration, in consultation with the Department
4031 of Children and Families ~~Family Services~~, may establish a

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4032 targeted case-management project in those counties identified by
4033 the Department of Children and Families ~~Family Services~~ and for
4034 all counties with a community-based child welfare project, as
4035 authorized under s. 409.987 ~~s. 409.1671~~, which have been
4036 specifically approved by the department. The covered group of
4037 individuals who are eligible to receive targeted case management
4038 include children who are eligible for Medicaid; who are between
4039 the ages of birth through 21; and who are under protective
4040 supervision or postplacement supervision, under foster-care
4041 supervision, or in shelter care or foster care. The number of
4042 individuals who are eligible to receive targeted case management
4043 is limited to the number for whom the Department of Children and
4044 Families ~~Family Services~~ has matching funds to cover the costs.
4045 The general revenue funds required to match the funds for
4046 services provided by the community-based child welfare projects
4047 are limited to funds available for services described under s.
4048 409.990 ~~s. 409.1671~~. The Department of Children and Families
4049 ~~Family Services~~ may transfer the general revenue matching funds
4050 as billed by the Agency for Health Care Administration.

4051 Section 58. Paragraph (b) of subsection (4) of section
4052 409.912, Florida Statutes, is amended to read:

4053 409.912 Cost-effective purchasing of health care.—The
4054 agency shall purchase goods and services for Medicaid recipients
4055 in the most cost-effective manner consistent with the delivery
4056 of quality medical care. To ensure that medical services are
4057 effectively utilized, the agency may, in any case, require a
4058 confirmation or second physician's opinion of the correct
4059 diagnosis for purposes of authorizing future services under the
4060 Medicaid program. This section does not restrict access to

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4061 emergency services or poststabilization care services as defined
4062 in 42 C.F.R. part 438.114. Such confirmation or second opinion
4063 shall be rendered in a manner approved by the agency. The agency
4064 shall maximize the use of prepaid per capita and prepaid
4065 aggregate fixed-sum basis services when appropriate and other
4066 alternative service delivery and reimbursement methodologies,
4067 including competitive bidding pursuant to s. 287.057, designed
4068 to facilitate the cost-effective purchase of a case-managed
4069 continuum of care. The agency shall also require providers to
4070 minimize the exposure of recipients to the need for acute
4071 inpatient, custodial, and other institutional care and the
4072 inappropriate or unnecessary use of high-cost services. The
4073 agency shall contract with a vendor to monitor and evaluate the
4074 clinical practice patterns of providers in order to identify
4075 trends that are outside the normal practice patterns of a
4076 provider's professional peers or the national guidelines of a
4077 provider's professional association. The vendor must be able to
4078 provide information and counseling to a provider whose practice
4079 patterns are outside the norms, in consultation with the agency,
4080 to improve patient care and reduce inappropriate utilization.
4081 The agency may mandate prior authorization, drug therapy
4082 management, or disease management participation for certain
4083 populations of Medicaid beneficiaries, certain drug classes, or
4084 particular drugs to prevent fraud, abuse, overuse, and possible
4085 dangerous drug interactions. The Pharmaceutical and Therapeutics
4086 Committee shall make recommendations to the agency on drugs for
4087 which prior authorization is required. The agency shall inform
4088 the Pharmaceutical and Therapeutics Committee of its decisions
4089 regarding drugs subject to prior authorization. The agency is

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4090 authorized to limit the entities it contracts with or enrolls as
4091 Medicaid providers by developing a provider network through
4092 provider credentialing. The agency may competitively bid single-
4093 source-provider contracts if procurement of goods or services
4094 results in demonstrated cost savings to the state without
4095 limiting access to care. The agency may limit its network based
4096 on the assessment of beneficiary access to care, provider
4097 availability, provider quality standards, time and distance
4098 standards for access to care, the cultural competence of the
4099 provider network, demographic characteristics of Medicaid
4100 beneficiaries, practice and provider-to-beneficiary standards,
4101 appointment wait times, beneficiary use of services, provider
4102 turnover, provider profiling, provider licensure history,
4103 previous program integrity investigations and findings, peer
4104 review, provider Medicaid policy and billing compliance records,
4105 clinical and medical record audits, and other factors. Providers
4106 are not entitled to enrollment in the Medicaid provider network.
4107 The agency shall determine instances in which allowing Medicaid
4108 beneficiaries to purchase durable medical equipment and other
4109 goods is less expensive to the Medicaid program than long-term
4110 rental of the equipment or goods. The agency may establish rules
4111 to facilitate purchases in lieu of long-term rentals in order to
4112 protect against fraud and abuse in the Medicaid program as
4113 defined in s. 409.913. The agency may seek federal waivers
4114 necessary to administer these policies.

4115 (4) The agency may contract with:

4116 (b) An entity that is providing comprehensive behavioral
4117 health care services to certain Medicaid recipients through a
4118 capitated, prepaid arrangement pursuant to the federal waiver

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4119 provided for by s. 409.905(5). Such entity must be licensed
4120 under chapter 624, chapter 636, or chapter 641, or authorized
4121 under paragraph (c) or paragraph (d), and must possess the
4122 clinical systems and operational competence to manage risk and
4123 provide comprehensive behavioral health care to Medicaid
4124 recipients. As used in this paragraph, the term "comprehensive
4125 behavioral health care services" means covered mental health and
4126 substance abuse treatment services that are available to
4127 Medicaid recipients. The secretary of the Department of Children
4128 and Families ~~Family Services~~ shall approve provisions of
4129 procurements related to children in the department's care or
4130 custody before enrolling such children in a prepaid behavioral
4131 health plan. Any contract awarded under this paragraph must be
4132 competitively procured. In developing the behavioral health care
4133 prepaid plan procurement document, the agency shall ensure that
4134 the procurement document requires the contractor to develop and
4135 implement a plan to ensure compliance with s. 394.4574 related
4136 to services provided to residents of licensed assisted living
4137 facilities that hold a limited mental health license. Except as
4138 provided in subparagraph 5., and except in counties where the
4139 Medicaid managed care pilot program is authorized pursuant to s.
4140 409.91211, the agency shall seek federal approval to contract
4141 with a single entity meeting these requirements to provide
4142 comprehensive behavioral health care services to all Medicaid
4143 recipients not enrolled in a Medicaid managed care plan
4144 authorized under s. 409.91211, a provider service network
4145 authorized under paragraph (d), or a Medicaid health maintenance
4146 organization in an AHCA area. In an AHCA area where the Medicaid
4147 managed care pilot program is authorized pursuant to s.

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4148 409.91211 in one or more counties, the agency may procure a
4149 contract with a single entity to serve the remaining counties as
4150 an AHCA area or the remaining counties may be included with an
4151 adjacent AHCA area and are subject to this paragraph. Each
4152 entity must offer a sufficient choice of providers in its
4153 network to ensure recipient access to care and the opportunity
4154 to select a provider with whom they are satisfied. The network
4155 shall include all public mental health hospitals. To ensure
4156 unimpaired access to behavioral health care services by Medicaid
4157 recipients, all contracts issued pursuant to this paragraph must
4158 require 80 percent of the capitation paid to the managed care
4159 plan, including health maintenance organizations and capitated
4160 provider service networks, to be expended for the provision of
4161 behavioral health care services. If the managed care plan
4162 expends less than 80 percent of the capitation paid for the
4163 provision of behavioral health care services, the difference
4164 shall be returned to the agency. The agency shall provide the
4165 plan with a certification letter indicating the amount of
4166 capitation paid during each calendar year for behavioral health
4167 care services pursuant to this section. The agency may reimburse
4168 for substance abuse treatment services on a fee-for-service
4169 basis until the agency finds that adequate funds are available
4170 for capitated, prepaid arrangements.

4171 1. The agency shall modify the contracts with the entities
4172 providing comprehensive inpatient and outpatient mental health
4173 care services to Medicaid recipients in Hillsborough, Highlands,
4174 Hardee, Manatee, and Polk Counties, to include substance abuse
4175 treatment services.

4176 2. Except as provided in subparagraph 5., the agency and

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4177 the Department of Children and Families ~~Family Services~~ shall
4178 contract with managed care entities in each AHCA area except
4179 area 6 or arrange to provide comprehensive inpatient and
4180 outpatient mental health and substance abuse services through
4181 capitated prepaid arrangements to all Medicaid recipients who
4182 are eligible to participate in such plans under federal law and
4183 regulation. In AHCA areas where eligible individuals number less
4184 than 150,000, the agency shall contract with a single managed
4185 care plan to provide comprehensive behavioral health services to
4186 all recipients who are not enrolled in a Medicaid health
4187 maintenance organization, a provider service network authorized
4188 under paragraph (d), or a Medicaid capitated managed care plan
4189 authorized under s. 409.91211. The agency may contract with more
4190 than one comprehensive behavioral health provider to provide
4191 care to recipients who are not enrolled in a Medicaid capitated
4192 managed care plan authorized under s. 409.91211, a provider
4193 service network authorized under paragraph (d), or a Medicaid
4194 health maintenance organization in AHCA areas where the eligible
4195 population exceeds 150,000. In an AHCA area where the Medicaid
4196 managed care pilot program is authorized pursuant to s.
4197 409.91211 in one or more counties, the agency may procure a
4198 contract with a single entity to serve the remaining counties as
4199 an AHCA area or the remaining counties may be included with an
4200 adjacent AHCA area and shall be subject to this paragraph.
4201 Contracts for comprehensive behavioral health providers awarded
4202 pursuant to this section shall be competitively procured. Both
4203 for-profit and not-for-profit corporations are eligible to
4204 compete. Managed care plans contracting with the agency under
4205 subsection (3) or paragraph (d) shall provide and receive

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4206 payment for the same comprehensive behavioral health benefits as
4207 provided in AHCA rules, including handbooks incorporated by
4208 reference. In AHCA area 11, the agency shall contract with at
4209 least two comprehensive behavioral health care providers to
4210 provide behavioral health care to recipients in that area who
4211 are enrolled in, or assigned to, the MediPass program. One of
4212 the behavioral health care contracts must be with the existing
4213 provider service network pilot project, as described in
4214 paragraph (d), for the purpose of demonstrating the cost-
4215 effectiveness of the provision of quality mental health services
4216 through a public hospital-operated managed care model. Payment
4217 shall be at an agreed-upon capitated rate to ensure cost
4218 savings. Of the recipients in area 11 who are assigned to
4219 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those
4220 MediPass-enrolled recipients shall be assigned to the existing
4221 provider service network in area 11 for their behavioral care.

4222 3. Children residing in a statewide inpatient psychiatric
4223 program, or in a Department of Juvenile Justice or a Department
4224 of Children and Families ~~Family Services~~ residential program
4225 approved as a Medicaid behavioral health overlay services
4226 provider may not be included in a behavioral health care prepaid
4227 health plan or any other Medicaid managed care plan pursuant to
4228 this paragraph.

4229 4. Traditional community mental health providers under
4230 contract with the Department of Children and Families ~~Family~~
4231 ~~Services~~ pursuant to part IV of chapter 394, child welfare
4232 providers under contract with the Department of Children and
4233 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental
4234 health providers licensed pursuant to chapter 395 must be

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4235 offered an opportunity to accept or decline a contract to
4236 participate in any provider network for prepaid behavioral
4237 health services.

4238 5. All Medicaid-eligible children, except children in area
4239 1 and children in Highlands County, Hardee County, Polk County,
4240 or Manatee County of area 6, which ~~that~~ are open for child
4241 welfare services in the statewide automated child welfare
4242 information system, shall receive their behavioral health care
4243 services through a specialty prepaid plan operated by community-
4244 based lead agencies through a single agency or formal agreements
4245 among several agencies. The agency shall work with the specialty
4246 plan to develop clinically effective, evidence-based
4247 alternatives as a downward substitution for the statewide
4248 inpatient psychiatric program and similar residential care and
4249 institutional services. The specialty prepaid plan must result
4250 in savings to the state comparable to savings achieved in other
4251 Medicaid managed care and prepaid programs. Such plan must
4252 provide mechanisms to maximize state and local revenues. The
4253 specialty prepaid plan shall be developed by the agency and the
4254 Department of Children and Families ~~Family Services~~. The agency
4255 may seek federal waivers to implement this initiative. Medicaid-
4256 eligible children whose cases are open for child welfare
4257 services in the statewide automated child welfare information
4258 system and who reside in AHCA area 10 shall be enrolled in a
4259 capitated provider service network or other capitated managed
4260 care plan, which, in coordination with available community-based
4261 care providers specified in s. 409.987 ~~s. 409.1671~~, shall
4262 provide sufficient medical, developmental, and behavioral health
4263 services to meet the needs of these children.

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4264
4265 Effective July 1, 2012, in order to ensure continuity of care,
4266 the agency is authorized to extend or modify current contracts
4267 based on current service areas or on a regional basis, as
4268 determined appropriate by the agency, with comprehensive
4269 behavioral health care providers as described in this paragraph
4270 during the period prior to its expiration. This paragraph
4271 expires October 1, 2014.

4272 Section 59. Paragraph (dd) of subsection (3) of section
4273 409.91211, Florida Statutes, is amended to read:

4274 409.91211 Medicaid managed care pilot program.—

4275 (3) The agency shall have the following powers, duties, and
4276 responsibilities with respect to the pilot program:

4277 (dd) To implement service delivery mechanisms within a
4278 specialty plan in area 10 to provide behavioral health care
4279 services to Medicaid-eligible children whose cases are open for
4280 child welfare services in the HomeSafeNet system. These services
4281 must be coordinated with community-based care providers as
4282 specified in s. 409.986 ~~s. 409.1671~~, where available, and be
4283 sufficient to meet the developmental, behavioral, and emotional
4284 needs of these children. Children in area 10 who have an open
4285 case in the HomeSafeNet system shall be enrolled into the
4286 specialty plan. These service delivery mechanisms must be
4287 implemented no later than July 1, 2011, in AHCA area 10 in order
4288 for the children in AHCA area 10 to remain exempt from the
4289 statewide plan under s. 409.912(4)(b)5. An administrative fee
4290 may be paid to the specialty plan for the coordination of
4291 services based on the receipt of the state share of that fee
4292 being provided through intergovernmental transfers.

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4293 Section 60. Paragraph (d) of subsection (1) of section
4294 420.628, Florida Statutes, is amended to read:

4295 420.628 Affordable housing for children and young adults
4296 leaving foster care; legislative findings and intent.—

4297 (1)

4298 (d) The Legislature intends that the Florida Housing
4299 Finance Corporation, agencies within the State Housing
4300 Initiative Partnership Program, local housing finance agencies,
4301 public housing authorities, and their agents, and other
4302 providers of affordable housing coordinate with the Department
4303 of Children and Families ~~Family Services~~, their agents, and
4304 community-based care providers who provide services under s.
4305 409.986 ~~s. 409.1671~~ to develop and implement strategies and
4306 procedures designed to make affordable housing available
4307 whenever and wherever possible to young adults who leave the
4308 child welfare system.

4309 Section 61. Subsection (5) of section 960.065, Florida
4310 Statutes, is amended to read:

4311 960.065 Eligibility for awards.—

4312 (5) A person is not ineligible for an award pursuant to
4313 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
4314 person is a victim of sexual exploitation of a child as defined
4315 in s. 39.01(68) (g) ~~s. 39.01(67) (g)~~.

4316 Section 62. Except as otherwise expressly provided in this
4317 act, this act shall take effect July 1, 2014.