

1 A bill to be entitled

2 An act relating to child protection and child welfare
3 services; amending s. 20.19, F.S.; requiring the
4 Secretary of Children and Families to appoint an
5 Assistant Secretary for Child Welfare; providing
6 qualifications and responsibilities; revising duties,
7 appointment, and membership of community alliances;
8 amending s. 39.001, F.S.; revising the purposes of
9 chapter 39, F.S.; requiring the Department of Children
10 and Families to provide for certain services for
11 medically complex children; amending s. 39.01, F.S.;
12 providing, revising, and deleting definitions;
13 creating s. 39.2015, F.S.; requiring the department to
14 conduct specified investigations using critical
15 incident rapid response teams; providing requirements
16 for such investigations and for team membership;
17 authorizing team access to specified information;
18 requiring the cooperation of specified agencies and
19 organizations; providing for reimbursement of team
20 members; requiring the team to provide an
21 investigation report; requiring the secretary to
22 develop guidelines for investigations and provide team
23 member training; requiring the secretary to appoint an
24 advisory committee; requiring the committee to submit
25 a report to the secretary; requiring the secretary to
26 submit such report to the Governor and the

27 Legislature; creating s. 39.2022, F.S.; providing
28 legislative intent; requiring the department to
29 publish specified information on its website regarding
30 the death of a child reported to the central abuse
31 hotline; amending s. 39.301, F.S.; authorizing the use
32 of safety plans in child protection investigations in
33 cases of present or impending danger; providing
34 requirements for implementation of a safety plan;
35 providing conditions for filing a petition for
36 dependency; amending s. 39.303, F.S.; requiring
37 physician involvement when a child protection team
38 evaluates a report of medical neglect of a medically
39 complex child; creating s. 39.3068, F.S.; providing
40 requirements for investigating medical neglect;
41 providing duties of the department; amending s.
42 39.402, F.S.; requiring the department to make a
43 reasonable effort to keep siblings together when they
44 are placed in out-of-home care under certain
45 circumstances; providing for sibling visitation under
46 certain conditions; amending s. 39.501, F.S.;
47 requiring compliance with a safety plan to be
48 considered when deciding a petition for dependency;
49 amending s. 39.604, F.S.; requiring certain children
50 to attend a licensed early education or child care
51 program; requiring the inclusion of attendance at a
52 licensed early education or child care program in a

53 child's safety plan; amending s. 39.701, F.S.;

54 requiring the court to consider contact among siblings

55 in judicial reviews; authorizing the court to remove

56 specified disabilities of nonage at judicial reviews;

57 amending s. 39.802, F.S.; removing department

58 authorization to sign a petition for termination of

59 parental rights; amending s. 63.212, F.S.; requiring a

60 person who places an advertisement for adoption

61 services to provide specified information; amending s.

62 383.402, F.S.; requiring review of all child deaths

63 reported to the department's central abuse hotline;

64 revising the due date for a report; amending s.

65 402.40, F.S.; requiring a third-party credentialing

66 entity to establish an advisory committee; authorizing

67 the department to approve certification of

68 specializations; creating s. 402.402, F.S.; providing

69 definitions; providing education requirements for

70 child protection and child welfare personnel;

71 providing training requirements for department

72 attorneys; creating s. 402.403, F.S.; establishing a

73 tuition exemption program for child protective and

74 child welfare personnel; providing eligibility

75 requirements; creating s. 402.404, F.S.; establishing

76 a student loan forgiveness program for child

77 protective investigators and supervisors; providing

78 eligibility requirements; authorizing community-based

79 care lead agencies to provide student loan forgiveness
80 to case managers employed by a community-based care
81 lead agency or its subcontractor; amending s. 409.165;
82 enhancing provision of care to medically complex
83 children; requiring a report to the Legislature on the
84 provision of information by managed care plans;
85 creating part V of chapter 409, F.S.; creating s.
86 409.986, F.S.; providing legislative findings and
87 intent; providing child protection and child welfare
88 outcome goals; providing definitions; creating s.
89 409.987, F.S.; providing for department procurement of
90 community-based care lead agencies; providing
91 requirements for contracting as a lead agency;
92 creating s. 409.988, F.S.; providing duties of a
93 community-based care lead agency; providing licensure
94 requirements for a lead agency; specifying services
95 provided by a lead agency; providing conditions for an
96 agency or provider to act as a child's guardian;
97 creating s. 409.990, F.S.; providing general funding
98 provisions for lead agencies; providing for a matching
99 grant program and the maximum amount of funds that may
100 be awarded; requiring the department to develop and
101 implement a community-based care risk pool initiative;
102 providing requirements for the risk pool;
103 transferring, renumbering, and amending s. 409.16713,
104 F.S.; transferring provisions relating to the

105 allocation of funds for community-based lead care
 106 agencies; conforming a cross-reference; creating s.
 107 409.992, F.S.; providing requirements for community-
 108 based care lead agency expenditures; creating s.
 109 409.993, F.S.; providing legislative findings;
 110 providing for lead agency and subcontractor liability;
 111 providing limitations on damages; transferring,
 112 renumbering, and amending s. 409.1675, F.S.;
 113 transferring provisions relating to receivership from
 114 community-based providers to lead agencies; conforming
 115 cross-references and terminology; creating s. 409.996,
 116 F.S.; providing duties of the department relating to
 117 community-based care and lead agencies; creating s.
 118 409.997, F.S.; providing outcome goals for the
 119 department and specified entities with respect to
 120 delivery of child welfare services; requiring the
 121 department to issue a request for information for an
 122 accountability system; establishing requirements for
 123 the request for information; requiring an annual
 124 report to the Governor and Legislature; requiring the
 125 department to establish a technical advisory panel;
 126 requiring a report to the Governor and Legislature
 127 relating to procurement with respect to the child
 128 welfare results-oriented accountability system;
 129 creating s. 409.998, F.S.; providing for oversight of
 130 community-based care by community alliances; creating

131 s. 827.10, F.S.; providing definitions; establishing
 132 the criminal offense of unlawful abandonment of a
 133 child; providing criminal penalties; providing
 134 exceptions; creating s. 1004.615, F.S.; establishing
 135 the Florida Institute for Child Welfare; providing
 136 purpose, duties, and responsibilities of the
 137 institute; requiring the institute to contract and
 138 work with specified entities; providing for the
 139 administration of the institute; requiring a report to
 140 the Governor and the Legislature by a specified date;
 141 creating a task force; requiring the task force to
 142 establish workgroups on specified topics; amending s.
 143 1009.25, F.S.; exempting specified child protective
 144 investigators and child protective investigation
 145 supervisors from certain tuition and fee requirements;
 146 repealing s. 409.1671, F.S., relating to outsourcing
 147 of foster care and related services; repealing s.
 148 409.16745, F.S., relating to the community partnership
 149 matching grant program; amending ss. 39.201,
 150 409.16713, 409.1675, 409.1676, 409.1677, 409.906, and
 151 420.628, F.S.; conforming cross-references; providing
 152 appropriations and authorizing positions; providing an
 153 effective date.

154
 155 Be It Enacted by the Legislature of the State of Florida:
 156

157 Section 1. Subsections (3) through (5) of section 20.19,
 158 Florida Statutes, are renumbered as subsections (4) through (6),
 159 respectively, present subsections (2) and (4) are amended, and a
 160 new subsection (3) is added to that section, to read:

161 20.19 Department of Children and Families.—There is
 162 created a Department of Children and Families.

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

164 (a) The head of the department is the Secretary of
 165 Children and Families. The secretary is appointed by the
 166 Governor, subject to confirmation by the Senate. The secretary
 167 serves at the pleasure of the Governor.

168 (b) The secretary shall appoint a deputy secretary who
 169 shall act in the absence of the secretary. The deputy secretary
 170 is directly responsible to the secretary, performs such duties
 171 as are assigned by the secretary, and serves at the pleasure of
 172 the secretary.

173 (3) ASSISTANT SECRETARIES.—

174 (a) Child welfare.—

175 1. The secretary shall appoint an Assistant Secretary for
 176 Child Welfare to lead the department in carrying out its duties
 177 and responsibilities for child protection and child welfare. The
 178 assistant secretary shall serve at the pleasure of the
 179 secretary.

180 2. The assistant secretary must have at least 7 years of
 181 experience working in organizations that deliver child
 182 protective or child welfare services.

183 (b) Substance abuse and mental health.-

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

188 2. The secretary shall appoint a Director for Substance
 189 Abuse and Mental Health who has the requisite expertise and
 190 experience to head the state's Substance Abuse and Mental Health
 191 Program Office.

192 (5)~~(4)~~ COMMUNITY ALLIANCES.-

193 (a) The department shall, in consultation with local
 194 communities, establish a community alliance or similar group of
 195 the stakeholders, community leaders, client representatives and
 196 funders of human services in each county to provide a focal
 197 point for community participation and governance of community-
 198 based services. An alliance may cover more than one county when
 199 such arrangement is determined to provide for more effective
 200 representation. The community alliance shall represent the
 201 diversity of the community.

202 (b) The duties of the community alliance include, but are
 203 not limited to:

204 1. Providing independent, community-focused oversight of
 205 child protection and child welfare services and the local system
 206 of community-based care, as described in s. 409.998.

207 ~~2.1.~~ Joint planning for resource utilization in the
 208 community, including resources appropriated to the department

209 and any funds that local funding sources choose to provide.

210 ~~3.2.~~ Needs assessment and establishment of community
211 priorities for service delivery.

212 ~~4.3.~~ Determining community outcome goals to supplement
213 state-required outcomes.

214 ~~5.4.~~ Serving as a catalyst for community resource
215 development.

216 ~~6.5.~~ Providing for community education and advocacy on
217 issues related to delivery of services.

218 ~~7.6.~~ Promoting prevention and early intervention services.

219 (c) The department shall ensure, to the greatest extent
220 possible, that the formation of each community alliance builds
221 on the strengths of the existing community human services
222 infrastructure.

223 (d) The initial membership of the community alliance in a
224 county shall be composed of the following, who shall be
225 appointed by the entities they represent:

226 1. A representative from the department, who shall serve
227 as a nonvoting member.

228 2. A representative from county government.

229 3. A representative from the school district.

230 4. A representative from the county United Way.

231 5. A representative from the county sheriff's office. If
232 the county sheriff's office is providing child protective
233 services, the representative shall serve as a nonvoting member.

234 6. A representative from the circuit court corresponding

235 to the county.

236 7. A representative from the county children's board, if
237 one exists.

238 8. An advocate for persons receiving child protection and
239 child welfare services chosen by the secretary.

240 9. A representative from the community-based care lead
241 agency, who shall serve as a nonvoting member.

242 (e) At any time after the initial meeting of the community
243 alliance, the community alliance shall adopt bylaws and may
244 increase the membership of the alliance to include the state
245 attorney for the judicial circuit in which the community
246 alliance is located, or his or her designee, the public defender
247 for the judicial circuit in which the community alliance is
248 located, or his or her designee, and other individuals and
249 organizations who represent funding organizations, are community
250 leaders, have knowledge of community-based service issues, or
251 otherwise represent perspectives that will enable them to
252 accomplish the duties listed in paragraph (b), if, in the
253 judgment of the alliance, such change is necessary to adequately
254 represent the diversity of the population within the community
255 alliance service circuits.

256 (f) A member of the community alliance, other than a
257 member specified in paragraph (d), may not receive payment for
258 contractual services from the department or a community-based
259 care lead agency.

260 (g) Members of the community alliances shall serve without

261 compensation, but are entitled to receive reimbursement for per
262 diem and travel expenses, as provided in s. 112.061. Payment may
263 also be authorized for preapproved child care expenses or lost
264 wages for members who are consumers of the department's services
265 and for preapproved child care expenses for other members who
266 demonstrate hardship.

267 (h) Members of a community alliance are subject to the
268 provisions of part III of chapter 112, the Code of Ethics for
269 Public Officers and Employees.

270 (i) Actions taken by a community alliance must be
271 consistent with department policy and state and federal laws,
272 rules, and regulations.

273 (j) Alliance members shall annually submit a disclosure
274 statement of services interests to the department's inspector
275 general. Any member who has an interest in a matter under
276 consideration by the alliance must abstain from voting on that
277 matter.

278 (k) All alliance meetings are open to the public pursuant
279 to s. 286.011 and the public records provision of s. 119.07(1).

280 Section 2. Paragraphs (b), (c), (g), and (k) of subsection
281 (1) of section 39.001, Florida Statutes, are amended, paragraphs
282 (o) and (p) are added to that subsection, paragraphs (f) through
283 (h) of subsection (3) are redesignated as paragraphs (g) through
284 (i), respectively, a new paragraph (f) is added to that
285 subsection, present subsections (4) through (11) are renumbered
286 as subsections (5) through (12), respectively, a new subsection

287 (4) is added to that section, and paragraph (c) of present
 288 subsection (8) and paragraph (b) of present subsection (10) of
 289 that section are amended, to read:

290 39.001 Purposes and intent; personnel standards and
 291 screening.—

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

293 (b) To recognize that most families desire to be competent
 294 caregivers and providers for their children and that children
 295 achieve their greatest potential when families are able to
 296 support and nurture the growth and development of their
 297 children. Therefore, the Legislature finds that policies and
 298 procedures that provide for prevention and intervention through
 299 the department's child protection system should be based on the
 300 following principles:

301 1. The health and safety of the children served shall be
 302 of paramount concern.

303 2. The prevention and intervention should engage families
 304 in constructive, supportive, and nonadversarial relationships.

305 3. The prevention and intervention should intrude as
 306 little as possible into the life of the family, be focused on
 307 clearly defined objectives, and take the most parsimonious path
 308 to remedy a family's problems, keeping the safety of the child
 309 or children as the paramount concern.

310 4. The prevention and intervention should be based upon
 311 outcome evaluation results that demonstrate success in
 312 protecting children and supporting families.

313 (c) To provide a child protection system that reflects a
314 partnership between the department, other agencies, the courts,
315 law enforcement, service providers, and local communities.

316 (g) To ensure that the parent or legal custodian from
317 whose custody the child has been taken assists the department to
318 the fullest extent possible in locating relatives suitable to
319 serve as caregivers for the child and provides all medical and
320 educational information, or consent for access thereto, needed
321 to help the child.

322 (k) To make every possible effort, if ~~when~~ two or more
323 children who are in the care or under the supervision of the
324 department are siblings, to place the siblings in the same home;
325 and in the event of permanent placement of the siblings, to
326 place them in the same adoptive home or, if the siblings are
327 separated while under the care or supervision of the department
328 or in a permanent placement, to keep them in contact with each
329 other.

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

332 (p) To provide protective investigations that are
333 conducted by trained persons in a complete and fair manner, that
334 are promptly concluded, and that consider the purposes of this
335 subsection and the general protections provided by law relating
336 to child welfare.

337 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
338 the Legislature that the children of this state be provided with

339 the following protections:

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

345 (4) SERVICES FOR MEDICALLY COMPLEX CHILDREN.—The
346 department shall maintain a program of family-centered services
347 and supports for medically complex children. The purpose of the
348 program is to prevent abuse and neglect of medically complex
349 children while enhancing the capacity of families to provide for
350 their children's needs. Program services must include outreach,
351 early intervention, and provision of other supports and services
352 to meet the child's needs. The department shall collaborate with
353 all relevant state and local agencies to provide the needed
354 services.

355 (9) ~~(8)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

357 1. Oversee the preparation and implementation of the state
358 plan established under subsection (10) ~~(9)~~ and revise and update
359 the state plan as necessary.

360 2. Provide for or make available continuing professional
361 education and training in the prevention of child abuse and
362 neglect.

363 3. Work to secure funding in the form of appropriations,
364 gifts, and grants from the state, the Federal Government, and

365 other public and private sources in order to ensure that
366 sufficient funds are available for the promotion of adoption,
367 support of adoptive families, and child abuse prevention
368 efforts.

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

371 a. Programs and services for the promotion of adoption,
372 support of adoptive families, and prevention of child abuse and
373 neglect.

374 b. Training programs for the prevention of child abuse and
375 neglect.

376 c. Multidisciplinary and discipline-specific training
377 programs for professionals with responsibilities affecting
378 children, young adults, and families.

379 d. Efforts to promote adoption.

380 e. Postadoptive services to support adoptive families.

381 5. Monitor, evaluate, and review the development and
382 quality of local and statewide services and programs for the
383 promotion of adoption, support of adoptive families, and
384 prevention of child abuse and neglect and shall publish and
385 distribute an annual report of its findings on or before January
386 1 of each year to the Governor, the Speaker of the House of
387 Representatives, the President of the Senate, the head of each
388 state agency affected by the report, and the appropriate
389 substantive committees of the Legislature. The report shall
390 include:

- 391 a. A summary of the activities of the office.
- 392 b. A summary of the adoption data collected and reported
- 393 to the federal Adoption and Foster Care Analysis and Reporting
- 394 System (AFCARS) and the federal Administration for Children and
- 395 Families.
- 396 c. A summary of the child abuse prevention data collected
- 397 and reported to the National Child Abuse and Neglect Data System
- 398 (NCANDS) and the federal Administration for Children and
- 399 Families.
- 400 d. A summary detailing the timeliness of the adoption
- 401 process for children adopted from within the child welfare
- 402 system.
- 403 e. Recommendations, by state agency, for the further
- 404 development and improvement of services and programs for the
- 405 promotion of adoption, support of adoptive families, and
- 406 prevention of child abuse and neglect.
- 407 f. Budget requests, adoption promotion and support needs,
- 408 and child abuse prevention program needs by state agency.
- 409 6. Work with the direct-support organization established
- 410 under s. 39.0011 to receive financial assistance.
- 411 (11)~~(10)~~ FUNDING AND SUBSEQUENT PLANS.—
- 412 (b) The office and the other agencies and organizations
- 413 listed in paragraph (10) (a) ~~(9) (a)~~ shall readdress the state
- 414 plan and make necessary revisions every 5 years, at a minimum.
- 415 Such revisions shall be submitted to the Speaker of the House of
- 416 Representatives and the President of the Senate no later than

417 June 30 of each year divisible by 5. At least biennially, the
 418 office shall review the state plan and make any necessary
 419 revisions based on changing needs and program evaluation
 420 results. An annual progress report shall be submitted to update
 421 the state plan in the years between the 5-year intervals. In
 422 order to avoid duplication of effort, these required plans may
 423 be made a part of or merged with other plans required by either
 424 the state or Federal Government, so long as the portions of the
 425 other state or Federal Government plan that constitute the state
 426 plan for the promotion of adoption, support of adoptive
 427 families, and prevention of child abuse, abandonment, and
 428 neglect are clearly identified as such and are provided to the
 429 Speaker of the House of Representatives and the President of the
 430 Senate as required under this section ~~above~~.

431 Section 3. Subsections (28) through (76) of section 39.01,
 432 Florida Statutes, are renumbered as subsections (26) through
 433 (79), respectively, new subsections (31), (41), (59), (67), and
 434 (72) are added to that section, and present subsections (18),
 435 (22), (26), (27), (59), and (65) of that section are amended, to
 436 read:

437 39.01 Definitions.—When used in this chapter, unless the
 438 context otherwise requires:

439 (18) "Comprehensive assessment" or "assessment" means the
 440 gathering of information for the evaluation of a child's and
 441 caregiver's physical, psychiatric, psychological, or mental
 442 health; developmental delays or challenges; and ~~7~~ educational,

443 vocational, and social condition and family environment as they
444 relate to the child's and caregiver's need for rehabilitative
445 and treatment services, including substance abuse treatment
446 services, mental health services, developmental services,
447 literacy services, medical services, family services, and other
448 specialized services, as appropriate.

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

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

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

462 (31) "Impending danger" means a situation in which family
463 behaviors, attitudes, motives, emotions, or situations pose a
464 threat that may not be currently active but that can be
465 anticipated to become active and to have severe effects on a
466 child at any time.

467 (41) "Medical neglect" means the failure to provide or the
468 failure to allow needed care as recommended by a health care

469 practitioner for a physical injury, illness, medical condition,
470 or impairment, or the failure to seek timely and appropriate
471 medical care for a serious health problem that a reasonable
472 person would have recognized as requiring professional medical
473 attention. Medical neglect does not occur if the parent or legal
474 guardian of the child has made reasonable attempts to obtain
475 necessary health care services or the immediate health condition
476 giving rise to the allegation of neglect is a known and expected
477 complication of the child's diagnosis or treatment and:

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

481 (b) The parent or legal guardian received conflicting
482 medical recommendations for treatment from multiple
483 practitioners and did not follow all recommendations.

484 (59) "Present danger" means a significant and clearly
485 observable family condition that is occurring at the current
486 moment and is already endangering or threatening to endanger the
487 child. Present danger threats are conspicuous and require that
488 an immediate protective action be taken to ensure the child's
489 safety.

490 (60) ~~(59)~~ "Preventive services" means social services and
491 other supportive and rehabilitative services provided to the
492 parent or legal custodian of the child and to the child for the
493 purpose of averting the removal of the child from the home or
494 disruption of a family which will or could result in the

495 placement of a child in foster care. Social services and other
 496 supportive and rehabilitative services shall promote the child's
 497 developmental needs and need for physical, mental, and emotional
 498 health and a safe, stable, living environment;~~;~~ shall promote
 499 family autonomy;~~;~~ and shall strengthen family life, whenever
 500 possible.

501 ~~(65)~~ (66) "Reunification services" means social services
 502 and other supportive and rehabilitative services provided to the
 503 parent of the child, to the child, and, where appropriate, to
 504 the relative placement, nonrelative placement, or foster parents
 505 of the child, for the purpose of enabling a child who has been
 506 placed in out-of-home care to safely return to his or her parent
 507 at the earliest possible time. The health and safety of the
 508 child shall be the paramount goal of social services and other
 509 supportive and rehabilitative services. The services shall
 510 promote the child's need for physical, developmental, mental,
 511 and emotional health and a safe, stable, living environment;~~;~~
 512 shall promote family autonomy;~~;~~ and shall strengthen family
 513 life, whenever possible.

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

518 (72) "Sibling" means:

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

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

523 Section 4. Section 39.2015, Florida Statutes, is created
524 to read:

525 39.2015 Critical incident rapid response team.-

526 (1) The department shall conduct an immediate
527 investigation of deaths or other serious incidents involving
528 children using critical incident rapid response teams as
529 provided in subsection (2). The purpose of such investigation is
530 to identify root causes and rapidly determine the need to change
531 policies and practices related to child protection and child
532 welfare.

533 (2) An immediate onsite investigation conducted by a
534 critical incident rapid response team is required for all child
535 deaths reported to the department if the child or another child
536 in his or her family was the subject of a verified report of
537 suspected abuse or neglect during the previous 12 months. The
538 secretary may direct an immediate investigation for other cases
539 involving serious injury to a child.

540 (3) Each investigation shall be conducted by a team of at
541 least five professionals with expertise in child protection,
542 child welfare, and organizational management. The team may
543 consist of employees of the department, community-based care
544 lead agencies, and other provider organizations; faculty from
545 the institute consisting of public and private universities
546 offering degrees in social work established pursuant to s.

547 1004.615,; or any other person with the required expertise. The
548 majority of the team must reside in judicial circuits outside
549 the location of the incident. The secretary shall appoint the
550 team leader and the members of each group assigned to an
551 investigation.

552 (4) An investigation shall be initiated as soon as
553 possible, but not later than 2 business days after the case is
554 reported to the department. A preliminary report on each case
555 shall be provided to the secretary no later than 30 days after
556 the investigation begins.

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

559 (6) All employees of the department or other state
560 agencies and all personnel from contracted provider
561 organizations must cooperate with the investigation by
562 participating in interviews and timely responding to any
563 requests for information. However, records or information of
564 contracted provider organizations that are made confidential or
565 privileged by state or federal law may be shared among team
566 members but not outside the team.

567 (7) The secretary shall develop cooperative agreements
568 with other entities and organizations as necessary to facilitate
569 the work of the team.

570 (8) The members of the team may be reimbursed by the
571 department for per diem, mileage, and other reasonable expenses
572 as provided in s. 112.061. The department may also reimburse the

573 team member's employer for the associated salary and benefits
574 during the time the team member is fulfilling the duties
575 required under this section.

576 (9) Upon completion of the investigation, the department
577 shall make the team's final report available on its website.

578 (10) The secretary, in conjunction with the institute
579 established pursuant to s. 1004.615 shall develop guidelines for
580 investigations conducted by critical incident rapid response
581 teams and provide training to team members. Such guidelines must
582 direct the teams in the conduct of a root-cause analysis that
583 identifies, classifies, and attributes responsibility for both
584 direct and latent causes for the death or other incident,
585 including organizational factors, preconditions, and specific
586 acts or omissions resulting from either error or a violation of
587 procedures. The department shall ensure that each team member
588 receives training on the guidelines before conducting an
589 investigation.

590 (11) The secretary shall appoint an advisory committee to
591 conduct an independent review of investigative reports from the
592 critical incident rapid response teams and make recommendations
593 to improve policies and practices related to child protection
594 and child welfare services. The advisory committee shall
595 include, but not be limited to, a representative from the
596 institute established pursuant to s. 1004.615, an expert in
597 organizational management, the statewide medical director for
598 child protection or a designee, and an attorney with experience

599 in child welfare. By October 1 of each year, the advisory
 600 committee shall submit a report to the secretary that includes
 601 findings and recommendations. The secretary shall submit the
 602 report to the Governor, the President of the Senate, and the
 603 Speaker of the House of Representatives.

604 Section 5. Section 39.2022, Florida Statutes, is created
 605 to read:

606 39.2022 Public disclosure of reported child deaths.-

607 (1) It is the intent of the Legislature to provide prompt
 608 disclosure of the basic facts of all deaths of children from
 609 birth through 18 years of age that occur in this state and that
 610 are reported to the department's central abuse hotline.

611 Disclosure shall be posted on the department's public website.
 612 This section does not limit the public access to records under
 613 any other provision of law.

614 (2) If a child death is reported to the central abuse
 615 hotline, the department shall post on its website all of the
 616 following:

617 (a) Age, race, and gender of the child.

618 (b) Date of the child's death.

619 (c) Allegations of the cause of death or the preliminary
 620 cause of death, until verified, at which time the verified cause
 621 of death shall also be posted.

622 (d) County and placement of the child at the time of the
 623 incident leading to the child's death, if applicable.

624 (e) Name of the community-based care lead agency, case

625 management agency, or out-of-home licensing agency involved with
626 the child, family, or licensed caregiver, if applicable.

627 (f) Whether the child has been the subject of any prior
628 verified reports to the department's central abuse hotline.

629 Section 6. Subsections (9) and (14) of section 39.301,
630 Florida Statutes, are amended to read:

631 39.301 Initiation of protective investigations.—

632 (9) (a) For each report received from the central abuse
633 hotline and accepted for investigation, the department or the
634 sheriff providing child protective investigative services under
635 s. 39.3065, shall perform the following child protective
636 investigation activities to determine child safety:

637 1. Conduct a review of all relevant, available information
638 specific to the child and family and alleged maltreatment;
639 family child welfare history; local, state, and federal criminal
640 records checks; and requests for law enforcement assistance
641 provided by the abuse hotline. Based on a review of available
642 information, including the allegations in the current report, a
643 determination shall be made as to whether immediate consultation
644 should occur with law enforcement, the child protection team, a
645 domestic violence shelter or advocate, or a substance abuse or
646 mental health professional. Such consultations should include
647 discussion as to whether a joint response is necessary and
648 feasible. A determination shall be made as to whether the person
649 making the report should be contacted before the face-to-face
650 interviews with the child and family members.

651 2. Conduct face-to-face interviews with the child; other
652 siblings, if any; and the parents, legal custodians, or
653 caregivers.

654 3. Assess the child's residence, including a determination
655 of the composition of the family and household, including the
656 name, address, date of birth, social security number, sex, and
657 race of each child named in the report; any siblings or other
658 children in the same household or in the care of the same
659 adults; the parents, legal custodians, or caregivers; and any
660 other adults in the same household.

661 4. Determine whether there is any indication that any
662 child in the family or household has been abused, abandoned, or
663 neglected; the nature and extent of present or prior injuries,
664 abuse, or neglect, and any evidence thereof; and a determination
665 as to the person or persons apparently responsible for the
666 abuse, abandonment, or neglect, including the name, address,
667 date of birth, social security number, sex, and race of each
668 such person.

669 5. Complete assessment of immediate child safety for each
670 child based on available records, interviews, and observations
671 with all persons named in subparagraph 2. and appropriate
672 collateral contacts, which may include other professionals. The
673 department's child protection investigators are hereby
674 designated a criminal justice agency for the purpose of
675 accessing criminal justice information to be used for enforcing
676 this state's laws concerning the crimes of child abuse,

677 abandonment, and neglect. This information shall be used solely
678 for purposes supporting the detection, apprehension,
679 prosecution, pretrial release, posttrial release, or
680 rehabilitation of criminal offenders or persons accused of the
681 crimes of child abuse, abandonment, or neglect and may not be
682 further disseminated or used for any other purpose.

683 6. Document the present and impending dangers to each
684 child based on the identification of inadequate protective
685 capacity through utilization of a standardized safety assessment
686 instrument. If present or impending danger is identified, the
687 child protective investigator must implement a safety plan that
688 is specific, sufficient, feasible, and sustainable in response
689 to the realities of the present or impending danger. A safety
690 plan may be exclusively an in-home plan, an out-of-home plan, or
691 a combination of both. The child protective investigator shall
692 collaborate with the community-based care lead agency in the
693 development of the safety plan as necessary to ensure that the
694 safety plan is specific, sufficient, feasible, and sustainable.
695 A safety plan may not rely on promissory commitments by the
696 parent, caregiver, or legal custodian who is currently not able
697 to protect the child or on services that are not available or
698 will not result in the safety of the child. A safety plan may
699 not be implemented if for any reason the parents, guardian, or
700 legal custodian lacks the capacity or ability to comply with the
701 plan. If the department is not able to develop a plan that is
702 specific, sufficient, feasible, and sustainable, the department

703 shall file a petition for adjudication of dependency. A child
704 protective investigator shall support the implementation of
705 separate safety plans for the perpetrator of domestic violence
706 and the parent who is a victim of domestic violence, as defined
707 in s. 741.28. The safety plan for the parent who is a victim of
708 domestic violence shall not be shared with the perpetrator. The
709 child protective investigator shall monitor the implementation
710 of the plan as necessary to ensure child safety until the case
711 is transferred to the lead agency, at which time the lead agency
712 shall monitor the implementation. If a parent, guardian, or
713 legal custodian fails to comply with the safety plan, the
714 department shall file a petition for adjudication of dependency.

715 a. If present danger is identified, the child protective
716 investigator shall create and implement a safety plan before
717 leaving the home or the location where there is present danger.

718 b. If impending danger is identified, the child protective
719 investigator shall create and implement a safety plan as soon as
720 necessary to protect the safety of the child. The child
721 protective investigator may modify the plan if he or she
722 identifies additional impending danger.

723 ~~(b) Upon completion of the immediate safety assessment,~~
724 ~~the department shall determine the additional activities~~
725 ~~necessary to assess impending dangers, if any, and close the~~
726 ~~investigation.~~

727 (b)-(e) For each report received from the central abuse
728 hotline, the department or the sheriff providing child

729 protective investigative services under s. 39.3065, shall
730 determine the protective, treatment, and ameliorative services
731 necessary to safeguard and ensure the child's safety and well-
732 being and development, and cause the delivery of those services
733 through the early intervention of the department or its agent.

734 As applicable, child protective investigators must inform
735 parents and caregivers how and when to use the injunction
736 process under s. 741.30 to remove a perpetrator of domestic
737 violence from the home as an intervention to protect the child.

738 1. If the department or the sheriff providing child protective
739 investigative services determines that the interests of the
740 child and the public will be best served by providing the child
741 care or other treatment voluntarily accepted by the child and
742 the parents or legal custodians, the parent or legal custodian
743 and child may be referred for such care, case management, or
744 other community resources.

745 2. If the department or the sheriff providing child
746 protective investigative services determines that the child is
747 in need of protection and supervision, the department may file a
748 petition for dependency.

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

752 4. At the close of an investigation, the department or the
753 sheriff providing child protective services shall provide to the
754 person who is alleged to have caused the abuse, neglect, or

755 abandonment and the parent or legal custodian a summary of
756 findings from the investigation and provide information about
757 their right to access confidential reports in accordance with s.
758 39.202.

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

761 ~~1. medical or other health care~~ or

762 ~~2. homemaker care, day care, protective supervision, or~~
763 other services to stabilize the home environment, including
764 intensive family preservation services through the Intensive
765 Crisis Counseling Program, such services shall first be offered
766 for voluntary acceptance unless:

767 1. There are high-risk factors that may impact the ability
768 of the parents or legal custodians to exercise judgment. Such
769 factors may include the parents' or legal custodians' young age
770 or history of substance abuse, mental illness, or domestic
771 violence; or

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

775 (b) The parents or legal custodians shall be informed of
776 the right to refuse services, as well as the responsibility of
777 the department to protect the child regardless of the acceptance
778 or refusal of services. If the services are refused, a
779 collateral contact shall include a relative, if the protective
780 investigator has knowledge of and the ability to contact a

781 relative. If the services are refused and the department deems
782 that the child's need for protection ~~se~~ requires services, the
783 department shall take the child into protective custody or
784 petition the court as provided in this chapter. At any time
785 after the commencement of a protective investigation, a relative
786 may submit in writing to the protective investigator or case
787 manager a request to receive notification of all proceedings and
788 hearings in accordance with s. 39.502. The request shall include
789 the relative's name, address, and phone number and the
790 relative's relationship to the child. The protective
791 investigator or case manager shall forward such request to the
792 attorney for the department. The failure to provide notice to
793 either a relative who requests it pursuant to this subsection or
794 to a relative who is providing out-of-home care for a child may
795 not result in any previous action of the court at any stage or
796 proceeding in dependency or termination of parental rights under
797 any part of this chapter being set aside, reversed, modified, or
798 in any way changed absent a finding by the court that a change
799 is required in the child's best interests.

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

802 1. Criteria that are factors requiring that the department
803 take the child into custody, petition the court as provided in
804 this chapter, or, if the child is not taken into custody or a
805 petition is not filed with the court, conduct an administrative
806 review. Such factors must include, but are not limited to,

807 noncompliance with a safety plan or the case plan developed by
 808 the department, or its agent, and the family under this chapter,
 809 and prior abuse reports with findings that involve the child,
 810 the child's sibling, or the child's caregiver.

811 2. Requirements that if after an administrative review the
 812 department determines not to take the child into custody or
 813 petition the court, the department shall document the reason for
 814 its decision in writing and include it in the investigative
 815 file. For all cases that were accepted by the local law
 816 enforcement agency for criminal investigation pursuant to
 817 subsection (2), the department must include in the file written
 818 documentation that the administrative review included input from
 819 law enforcement. In addition, for all cases that must be
 820 referred to child protection teams pursuant to s. 39.303(2) and
 821 (3), the file must include written documentation that the
 822 administrative review included the results of the team's
 823 evaluation. ~~Factors that must be included in the development of~~
 824 ~~the rule include noncompliance with the case plan developed by~~
 825 ~~the department, or its agent, and the family under this chapter~~
 826 ~~and prior abuse reports with findings that involve the child or~~
 827 ~~caregiver.~~

828 Section 7. Section 39.303, Florida Statutes, is amended to
 829 read:

830 39.303 Child protection teams; services; eligible cases.—
 831 The Children's Medical Services Program in the Department of
 832 Health shall develop, maintain, and coordinate the services of

833 one or more multidisciplinary child protection teams in each of
834 the service districts of the Department of Children and Families
835 ~~Family Services~~. Such teams may be composed of appropriate
836 representatives of school districts and appropriate health,
837 mental health, social service, legal service, and law
838 enforcement agencies. ~~The Legislature finds that optimal~~
839 ~~coordination of child protection teams and sexual abuse~~
840 ~~treatment programs requires collaboration between~~ The Department
841 of Health and the Department of Children and Families ~~Family~~
842 ~~Services~~. ~~The two departments~~ shall maintain an interagency
843 agreement that establishes protocols for oversight and
844 operations of child protection teams and sexual abuse treatment
845 programs. The State Surgeon General and the Deputy Secretary for
846 Children's Medical Services, in consultation with the Secretary
847 of Children and Families ~~Family Services~~, shall maintain the
848 responsibility for the screening, employment, and, if necessary,
849 the termination of child protection team medical directors, at
850 headquarters and in the 15 districts. Child protection team
851 medical directors shall be responsible for oversight of the
852 teams in the districts.

853 (1) The Department of Health shall use ~~utilize~~ and convene
854 the teams to supplement the assessment and protective
855 supervision activities of the family safety and preservation
856 program of the Department of Children and Families ~~Family~~
857 ~~Services~~. ~~Nothing in This section does not shall be construed to~~
858 remove or reduce the duty and responsibility of any person to

859 report pursuant to this chapter all suspected or actual cases of
860 child abuse, abandonment, or neglect or sexual abuse of a child.
861 The role of the teams shall be to support activities of the
862 program and to provide services deemed by the teams to be
863 necessary and appropriate to abused, abandoned, and neglected
864 children upon referral. The specialized diagnostic assessment,
865 evaluation, coordination, consultation, and other supportive
866 services that a child protection team shall be capable of
867 providing include, but are not limited to, the following:

868 (a) Medical diagnosis and evaluation services, including
869 provision or interpretation of X rays and laboratory tests, and
870 related services, as needed, and documentation of related
871 findings ~~relative thereto~~.

872 (b) Telephone consultation services in emergencies and in
873 other situations.

874 (c) Medical evaluation related to abuse, abandonment, or
875 neglect, as defined by policy or rule of the Department of
876 Health.

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

882 (e) Expert medical, psychological, and related
883 professional testimony in court cases.

884 (f) Case staffings to develop treatment plans for children

885 whose cases have been referred to the team. A child protection
886 team may provide consultation with respect to a child who is
887 alleged or is shown to be abused, abandoned, or neglected, which
888 consultation shall be provided at the request of a
889 representative of the family safety and preservation program or
890 at the request of any other professional involved with a child
891 or the child's parent or parents, legal custodian or custodians,
892 or other caregivers. In every such child protection team case
893 staffing, consultation, or staff activity involving a child, a
894 family safety and preservation program representative shall
895 attend and participate.

896 (g) Case service coordination and assistance, including
897 the location of services available from other public and private
898 agencies in the community.

899 (h) Such training services for program and other employees
900 of the Department of Children and Families ~~Family Services~~,
901 employees of the Department of Health, and other medical
902 professionals as is deemed appropriate to enable them to develop
903 and maintain their professional skills and abilities in handling
904 child abuse, abandonment, and neglect cases.

905 (i) Educational and community awareness campaigns on child
906 abuse, abandonment, and neglect in an effort to enable citizens
907 more successfully to prevent, identify, and treat child abuse,
908 abandonment, and neglect in the community.

909 (j) Child protection team assessments that include, as
910 appropriate, medical evaluations, medical consultations, family

911 psychosocial interviews, specialized clinical interviews, or
 912 forensic interviews.

913
 914 All medical personnel participating on a child protection team
 915 must successfully complete the required child protection team
 916 training curriculum as set forth in protocols determined by the
 917 Deputy Secretary for Children's Medical Services and the
 918 Statewide Medical Director for Child Protection. A child
 919 protection team that is evaluating a report of medical neglect
 920 and assessing the health care needs of a medically complex child
 921 shall involve a physician who has experience in treating
 922 children with the same condition. Such physician may include,
 923 but not be limited to, a physician who is a member of the child
 924 protection team, the child's treating physician, a physician
 925 within the Children's Medical Services network, or a specialist.

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

- 931 (a) Injuries to the head, bruises to the neck or head,
- 932 burns, or fractures in a child of any age.
- 933 (b) Bruises anywhere on a child 5 years of age or under.
- 934 (c) Any report alleging sexual abuse of a child.
- 935 (d) Any sexually transmitted disease in a prepubescent
- 936 child.

937 (e) Reported malnutrition of a child and failure of a
938 child to thrive.

939 (f) Reported medical neglect of a child.

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

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

947 (3) All abuse and neglect cases transmitted for
948 investigation to a district by the hotline must be
949 simultaneously transmitted to the Department of Health child
950 protection team for review. For the purpose of determining
951 whether face-to-face medical evaluation by a child protection
952 team is necessary, all cases transmitted to the child protection
953 team which meet the criteria in subsection (2) must be timely
954 reviewed by:

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

958 (b) A physician licensed under chapter 458 or chapter 459
959 who holds board certification in a specialty other than
960 pediatrics, who may complete the review only when working under
961 the direction of a physician licensed under chapter 458 or
962 chapter 459 who holds board certification in pediatrics and is a

963 member of a child protection team;

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

967 (d) A physician assistant licensed under chapter 458 or
 968 chapter 459, who may complete the review only when working under
 969 the supervision of a physician licensed under chapter 458 or
 970 chapter 459 who holds board certification in pediatrics and is a
 971 member of a child protection team; or

972 (e) A registered nurse licensed under chapter 464, who may
 973 complete the review only when working under the direct
 974 supervision of a physician licensed under chapter 458 or chapter
 975 459 who holds certification in pediatrics and is a member of a
 976 child protection team.

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

979 (a) The child was examined for the alleged abuse or
 980 neglect by a physician who is not a member of the child
 981 protection team, and a consultation between the child protection
 982 team board-certified pediatrician, advanced registered nurse
 983 practitioner, physician assistant working under the supervision
 984 of a child protection team board-certified pediatrician, or
 985 registered nurse working under the direct supervision of a child
 986 protection team board-certified pediatrician, and the examining
 987 physician concludes that a further medical evaluation is
 988 unnecessary;

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

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

996
 997 Notwithstanding paragraphs (a), (b), and (c), a child protection
 998 team pediatrician, as authorized in subsection (3), may
 999 determine that a face-to-face medical evaluation is necessary.

1000 (5) In all instances in which a child protection team is
 1001 providing certain services to abused, abandoned, or neglected
 1002 children, other offices and units of the Department of Health,
 1003 and offices and units of the Department of Children and Families
 1004 ~~Family Services~~, shall avoid duplicating the provision of those
 1005 services.

1006 (6) The Department of Health child protection team quality
 1007 assurance program and the Family Safety Program Office of the
 1008 Department of Children and Families ~~Family Services'~~ ~~Family~~
 1009 ~~Safety Program Office~~ quality assurance program shall
 1010 collaborate to ensure referrals and responses to child abuse,
 1011 abandonment, and neglect reports are appropriate. Each quality
 1012 assurance program shall include a review of records in which
 1013 there are no findings of abuse, abandonment, or neglect, and the
 1014 findings of these reviews shall be included in each department's

1015 quality assurance reports.

1016 Section 8. Section 39.3068, Florida Statutes, is created
1017 to read:

1018 39.3068 Reports of medical neglect.-

1019 (1) Upon receiving a report alleging medical neglect, the
1020 department or sheriff's office shall assign the case to a child
1021 protective investigator who has specialized training in
1022 addressing medical neglect or working with medically complex
1023 children.

1024 (2) The child protective investigator who has interacted
1025 with the child and the child's family shall promptly contact and
1026 provide information to the child protection team. The child
1027 protection team shall assist the child protective investigator
1028 in identifying immediate responses to address the medical needs
1029 of the child with the priority of maintaining the child in the
1030 home if the parents will be able to meet the needs of the child
1031 with additional services. The child protective investigator and
1032 the child protection team must use a family-centered approach to
1033 assess the capacity of the family to meet those needs. A family-
1034 centered approach is intended to increase independence on the
1035 part of the family, accessibility to programs and services
1036 within the community, and collaboration between families and
1037 their service providers. The ethnic, cultural, economic, racial,
1038 social, and religious diversity of families must be respected
1039 and considered in the development and provision of services.

1040 (3) The child shall be evaluated by the child protection

1041 team as soon as practicable. After receipt of the report from
1042 the child protection team, the department shall convene a case
1043 staffing which shall be attended, at a minimum, by the child
1044 protective investigator; department legal staff; and
1045 representatives from the child protection team that evaluated
1046 the child, Children's Medical Services, the Agency for Health
1047 Care Administration, the community-based care lead agency, and
1048 any providers of services to the child. However, the Agency for
1049 Health Care Administration is not required to attend the
1050 staffing if the child is not Medicaid-eligible. The staffing
1051 shall consider, at a minimum, which services are available,
1052 given the family's eligibility for services, which services are
1053 effective in addressing conditions leading to medical neglect
1054 allegations, and which services would enable the child to safely
1055 remain at home. If such services are available and effective,
1056 they shall be provided.

1057 Section 9. Paragraph (h) of subsection (8) and subsection
1058 (9) of section 39.402, Florida Statutes, are amended to read:

1059 39.402 Placement in a shelter.—

1060 (8)

1061 (h) The order for placement of a child in shelter care
1062 must identify the parties present at the hearing and must
1063 contain written findings:

1064 1. That placement in shelter care is necessary based on
1065 the criteria in subsections (1) and (2).

1066 2. That placement in shelter care is in the best interest

1067 of the child.

1068 3. That continuation of the child in the home is contrary
1069 to the welfare of the child because the home situation presents
1070 a substantial and immediate danger to the child's physical,
1071 mental, or emotional health or safety which cannot be mitigated
1072 by the provision of preventive services.

1073 4. That based upon the allegations of the petition for
1074 placement in shelter care, there is probable cause to believe
1075 that the child is dependent or that the court needs additional
1076 time, which may not exceed 72 hours, in which to obtain and
1077 review documents pertaining to the family in order to
1078 appropriately determine the risk to the child.

1079 5. That the department has made reasonable efforts to
1080 prevent or eliminate the need for removal of the child from the
1081 home. A finding of reasonable effort by the department to
1082 prevent or eliminate the need for removal may be made and the
1083 department is deemed to have made reasonable efforts to prevent
1084 or eliminate the need for removal if:

1085 a. The first contact of the department with the family
1086 occurs during an emergency;

1087 b. The appraisal of the home situation by the department
1088 indicates that the home situation presents a substantial and
1089 immediate danger to the child's physical, mental, or emotional
1090 health or safety which cannot be mitigated by the provision of
1091 preventive services;

1092 c. The child cannot safely remain at home, either because

1093 | there are no preventive services that can ensure the health and
1094 | safety of the child or because, even with appropriate and
1095 | available services being provided, the health and safety of the
1096 | child cannot be ensured; or

1097 | d. The parent or legal custodian is alleged to have
1098 | committed any of the acts listed as grounds for expedited
1099 | termination of parental rights in s. 39.806(1)(f)-(i).

1100 | 6. That the department has made reasonable efforts to keep
1101 | siblings together if they are removed and placed in out-of-home
1102 | care unless such placement is not in the best interest of each
1103 | child. The department shall report to the court its efforts to
1104 | place siblings together unless the court finds that such
1105 | placement is not in the best interest of a child or his or her
1106 | sibling.

1107 | ~~7.6.~~ That the court notified the parents, relatives that
1108 | are providing out-of-home care for the child, or legal
1109 | custodians of the time, date, and location of the next
1110 | dependency hearing and of the importance of the active
1111 | participation of the parents, relatives that are providing out-
1112 | of-home care for the child, or legal custodians in all
1113 | proceedings and hearings.

1114 | ~~8.7.~~ That the court notified the parents or legal
1115 | custodians of their right to counsel to represent them at the
1116 | shelter hearing and at each subsequent hearing or proceeding,
1117 | and the right of the parents to appointed counsel, pursuant to
1118 | the procedures set forth in s. 39.013.

1119 ~~9.8.~~ That the court notified relatives who are providing
1120 out-of-home care for a child as a result of the shelter petition
1121 being granted that they have the right to attend all subsequent
1122 hearings, to submit reports to the court, and to speak to the
1123 court regarding the child, if they so desire.

1124 (9) (a) At any shelter hearing, the department shall
1125 provide to the court a recommendation for scheduled contact
1126 between the child and parents, if appropriate. The court shall
1127 determine visitation rights absent a clear and convincing
1128 showing that visitation is not in the best interest of the
1129 child. Any order for visitation or other contact must conform to
1130 ~~the provisions of~~ s. 39.0139. If visitation is ordered but will
1131 not commence within 72 hours of the shelter hearing, the
1132 department shall provide justification to the court.

1133 (b) If siblings who are removed from the home cannot be
1134 placed together, the department shall provide to the court a
1135 recommendation for frequent visitation or other ongoing
1136 interaction between the siblings unless this interaction would
1137 be contrary to a sibling's safety or well-being. If visitation
1138 among siblings is ordered but will not commence within 72 hours
1139 after the shelter hearing, the department shall provide
1140 justification to the court for the delay.

1141 Section 10. Paragraph (d) of subsection (3) of section
1142 39.501, Florida Statutes, is amended to read:

1143 39.501 Petition for dependency.-

1144 (3)

1145 (d) The petitioner must state in the petition, if known,
 1146 whether:

1147 1. A parent or legal custodian named in the petition has
 1148 previously unsuccessfully participated in voluntary services
 1149 offered by the department;

1150 2. A parent or legal custodian named in the petition has
 1151 participated in mediation and whether a mediation agreement
 1152 exists;

1153 3. A parent or legal custodian has rejected the voluntary
 1154 services offered by the department;

1155 4. A parent or legal custodian named in the petition has
 1156 not fully complied with a safety plan; or

1157 ~~5.4-~~ The department has determined that voluntary services
 1158 are not appropriate for the parent or legal custodian and the
 1159 reasons for such determination.

1160
 1161 If the department is the petitioner, it shall provide all safety
 1162 assessments and safety plans involving the parent or legal
 1163 custodian to the court.

1164 Section 11. Subsections (3) and (4) of section 39.604,
 1165 Florida Statutes, are amended to read:

1166 39.604 Rilya Wilson Act; short title; legislative intent;
 1167 requirements; attendance and reporting responsibilities.-

1168 (3) REQUIREMENTS.-A child from birth to the age of ~~who is~~
 1169 ~~age 3 years to~~ school entry, under court-ordered ~~court ordered~~
 1170 protective supervision or in the custody of the Family Safety

1171 Program Office of the Department of Children and Families ~~Family~~
1172 ~~Services~~ or a community-based lead agency, and enrolled in a
1173 licensed early education or child care program must attend ~~be~~
1174 ~~enrolled to participate in~~ the program 5 days a week.

1175 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of
1176 Children and Families ~~Family Services~~ must notify operators of
1177 the licensed early education or child care program, subject to
1178 the reporting requirements of this act, of the enrollment of any
1179 child from birth to the age of age 3 years ~~to~~ school entry,
1180 under court-ordered ~~court-ordered~~ protective supervision or in
1181 the custody of the Family Safety Program Office of the
1182 Department of Children and Families ~~Family Services~~ or a
1183 community-based lead agency. When a child is enrolled in an
1184 early education or child care program regulated by the
1185 department, the child's attendance in the program must be a
1186 required action in the safety plan or the case plan developed
1187 for the ~~a~~ child pursuant to this chapter ~~who is enrolled in a~~
1188 ~~licensed early education or child care program must contain the~~
1189 ~~participation in this program as a required action.~~ An exemption
1190 to participating in the licensed early education or child care
1191 program 5 days a week may be granted by the court.

1192 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1193 (a) A child enrolled in a licensed early education or
1194 child care program who meets the requirements of subsection (3)
1195 may not be withdrawn from the program without the prior written
1196 approval of the Family Safety Program Office of the Department

1197 of Children and Families ~~Family Services~~ or the community-based
 1198 lead agency.

1199 (b)1. If a child covered by this section is absent from
 1200 the program on a day when he or she is supposed to be present,
 1201 the person with whom the child resides must report the absence
 1202 to the program by the end of the business day. If the person
 1203 with whom the child resides, whether the parent or caregiver,
 1204 fails to timely report the absence, the absence is considered to
 1205 be unexcused. The program shall report any unexcused absence or
 1206 seven consecutive excused absences of a child who is enrolled in
 1207 the program and covered by this act to the local designated
 1208 staff of the Family Safety Program Office of the Department of
 1209 Children and Families ~~Family Services~~ or the community-based
 1210 lead agency by the end of the business day following the
 1211 unexcused absence or seventh consecutive excused absence.

1212 2. The department or community-based lead agency shall
 1213 conduct a site visit to the residence of the child upon
 1214 receiving a report of two consecutive unexcused absences or
 1215 seven consecutive excused absences.

1216 3. If the site visit results in a determination that the
 1217 child is missing, the department or community-based lead agency
 1218 shall report the child as missing to a law enforcement agency
 1219 and proceed with the necessary actions to locate the child
 1220 pursuant to procedures for locating missing children.

1221 4. If the site visit results in a determination that the
 1222 child is not missing, the parent or caregiver shall be notified

1223 that failure to ensure that the child attends the licensed early
 1224 education or child care program is a violation of the safety
 1225 plan or the case plan. If more than two site visits are
 1226 conducted pursuant to this subsection, staff shall initiate
 1227 action to notify the court of the parent or caregiver's
 1228 noncompliance with the case plan.

1229 Section 12. Paragraph (c) of subsection (2) and paragraph
 1230 (a) of subsection (3) of section 39.701, Florida Statutes, are
 1231 amended to read:

1232 39.701 Judicial review.—

1233 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 1234 AGE.—

1235 (c) Review determinations.—The court and any citizen
 1236 review panel shall take into consideration the information
 1237 contained in the social services study and investigation and all
 1238 medical, psychological, and educational records that support the
 1239 terms of the case plan; testimony by the social services agency,
 1240 the parent, the foster parent or legal custodian, the guardian
 1241 ad litem or surrogate parent for educational decisionmaking if
 1242 one has been appointed for the child, and any other person
 1243 deemed appropriate; and any relevant and material evidence
 1244 submitted to the court, including written and oral reports to
 1245 the extent of their probative value. These reports and evidence
 1246 may be received by the court in its effort to determine the
 1247 action to be taken with regard to the child and may be relied
 1248 upon to the extent of their probative value, even though not

1249 competent in an adjudicatory hearing. In its deliberations, the
 1250 court and any citizen review panel shall seek to determine:

1251 1. If the parent was advised of the right to receive
 1252 assistance from any person or social service agency in the
 1253 preparation of the case plan.

1254 2. If the parent has been advised of the right to have
 1255 counsel present at the judicial review or citizen review
 1256 hearings. If not so advised, the court or citizen review panel
 1257 shall advise the parent of such right.

1258 3. If a guardian ad litem needs to be appointed for the
 1259 child in a case in which a guardian ad litem has not previously
 1260 been appointed or if there is a need to continue a guardian ad
 1261 litem in a case in which a guardian ad litem has been appointed.

1262 4. Who holds the rights to make educational decisions for
 1263 the child. If appropriate, the court may refer the child to the
 1264 district school superintendent for appointment of a surrogate
 1265 parent or may itself appoint a surrogate parent under the
 1266 Individuals with Disabilities Education Act and s. 39.0016.

1267 5. The compliance or lack of compliance of all parties
 1268 with applicable items of the case plan, including the parents'
 1269 compliance with child support orders.

1270 6. The compliance or lack of compliance with a visitation
 1271 contract between the parent and the social service agency for
 1272 contact with the child, including the frequency, duration, and
 1273 results of the parent-child visitation and the reason for any
 1274 noncompliance.

1275 7. The frequency, kind, and duration of contacts among
 1276 siblings who have been separated during placement, as well as
 1277 any efforts undertaken to reunite separated siblings if doing so
 1278 is in the best interest of the child.

1279 8.7. The compliance or lack of compliance of the parent in
 1280 meeting specified financial obligations pertaining to the care
 1281 of the child, including the reason for failure to comply, if
 1282 applicable ~~such is the case.~~

1283 ~~9.8.~~ Whether the child is receiving safe and proper care
 1284 according to s. 39.6012, including, but not limited to, the
 1285 appropriateness of the child's current placement, including
 1286 whether the child is in a setting that is as family-like and as
 1287 close to the parent's home as possible, consistent with the
 1288 child's best interests and special needs, and including
 1289 maintaining stability in the child's educational placement, as
 1290 documented by assurances from the community-based care provider
 1291 that:

1292 a. The placement of the child takes into account the
 1293 appropriateness of the current educational setting and the
 1294 proximity to the school in which the child is enrolled at the
 1295 time of placement.

1296 b. The community-based care agency has coordinated with
 1297 appropriate local educational agencies to ensure that the child
 1298 remains in the school in which the child is enrolled at the time
 1299 of placement.

1300 ~~10.9.~~ A projected date likely for the child's return home

1301 or other permanent placement.

1302 ~~11.10.~~ When appropriate, the basis for the unwillingness
 1303 or inability of the parent to become a party to a case plan. The
 1304 court and the citizen review panel shall determine if the
 1305 efforts of the social service agency to secure party
 1306 participation in a case plan were sufficient.

1307 ~~12.11.~~ For a child who has reached 13 years of age but is
 1308 not yet 18 years of age, the adequacy of the child's preparation
 1309 for adulthood and independent living.

1310 ~~13.12.~~ If amendments to the case plan are required.
 1311 Amendments to the case plan must be made under s. 39.6013.

1312 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

1313 (a) In addition to the review and report required under
 1314 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
 1315 a judicial review hearing within 90 days after a child's 17th
 1316 birthday. The court shall also issue an order, separate from the
 1317 order on judicial review, that the disability of nonage of the
 1318 child has been removed pursuant to ss. 743.044, 743.045, and
 1319 743.046, and for any of these disabilities that the court finds
 1320 is in the child's best interest to remove. The court ~~s. 743.045~~
 1321 ~~and~~ shall continue to hold timely judicial review hearings. If
 1322 necessary, the court may review the status of the child more
 1323 frequently during the year before the child's 18th birthday. At
 1324 each review hearing held under this subsection, in addition to
 1325 any information or report provided to the court by the foster
 1326 parent, legal custodian, or guardian ad litem, the child shall

1327 be given the opportunity to address the court with any
 1328 information relevant to the child's best interest, particularly
 1329 in relation to independent living transition services. The
 1330 department shall include in the social study report for judicial
 1331 review written verification that the child has:

1332 1. A current Medicaid card and all necessary information
 1333 concerning the Medicaid program sufficient to prepare the child
 1334 to apply for coverage upon reaching the age of 18, if such
 1335 application is appropriate.

1336 2. A certified copy of the child's birth certificate and,
 1337 if the child does not have a valid driver license, a Florida
 1338 identification card issued under s. 322.051.

1339 3. A social security card and information relating to
 1340 social security insurance benefits if the child is eligible for
 1341 those benefits. If the child has received such benefits and they
 1342 are being held in trust for the child, a full accounting of
 1343 these funds must be provided and the child must be informed as
 1344 to how to access those funds.

1345 4. All relevant information related to the Road-to-
 1346 Independence Program, including, but not limited to, eligibility
 1347 requirements, information on participation, and assistance in
 1348 gaining admission to the program. If the child is eligible for
 1349 the Road-to-Independence Program, he or she must be advised that
 1350 he or she may continue to reside with the licensed family home
 1351 or group care provider with whom the child was residing at the
 1352 time the child attained his or her 18th birthday, in another

1353 licensed family home, or with a group care provider arranged by
 1354 the department.

1355 5. An open bank account or the identification necessary to
 1356 open a bank account and to acquire essential banking and
 1357 budgeting skills.

1358 6. Information on public assistance and how to apply for
 1359 public assistance.

1360 7. A clear understanding of where he or she will be living
 1361 on his or her 18th birthday, how living expenses will be paid,
 1362 and the educational program or school in which he or she will be
 1363 enrolled.

1364 8. Information related to the ability of the child to
 1365 remain in care until he or she reaches 21 years of age under s.
 1366 39.013.

1367 9. A letter providing the dates that the child is under
 1368 the jurisdiction of the court.

1369 10. A letter stating that the child is in compliance with
 1370 financial aid documentation requirements.

1371 11. The child's educational records.

1372 12. The child's entire health and mental health records.

1373 13. The process for accessing his or her case file.

1374 14. A statement encouraging the child to attend all
 1375 judicial review hearings occurring after the child's 17th
 1376 birthday.

1377 Section 13. Subsection (2) of section 39.802, Florida
 1378 Statutes, is amended to read:

1379 39.802 Petition for termination of parental rights;
 1380 filing; elements.-

1381 (2) The form of the petition is governed by the Florida
 1382 Rules of Juvenile Procedure. The petition must be in writing and
 1383 signed by the petitioner ~~or, if the department is the~~
 1384 ~~petitioner, by an employee of the department,~~ under oath stating
 1385 the petitioner's good faith in filing the petition.

1386 Section 14. Paragraph (g) of subsection (1) of section
 1387 63.212, Florida Statutes, is amended to read:

1388 63.212 Prohibited acts; penalties for violation.-

1389 (1) It is unlawful for any person:

1390 (g) Except an adoption entity, to advertise or offer to
 1391 the public, in any way, by any medium whatever that a minor is
 1392 available for adoption or that a minor is sought for adoption;
 1393 and, further, it is unlawful for any person to publish or
 1394 broadcast any such advertisement or assist an unlicensed person
 1395 or entity in publishing or broadcasting any such advertisement
 1396 without including a Florida license number of the agency or
 1397 attorney placing the advertisement.

1398 1. Only a person who is an attorney licensed to practice
 1399 law in this state or an adoption entity licensed under the laws
 1400 of this state may place a paid advertisement or paid listing of
 1401 the person's telephone number, on the person's own behalf, in a
 1402 telephone directory that:

- 1403 a. A child is offered or wanted for adoption; or
- 1404 b. The person is able to place, locate, or receive a child

1405 for adoption.

1406 2. A person who publishes a telephone directory that is
1407 distributed in this state~~+~~

1408 ~~a.~~ shall include, at the beginning of any classified
1409 heading for adoption and adoption services, a statement that
1410 informs directory users that only attorneys licensed to practice
1411 law in this state and licensed adoption entities may legally
1412 provide adoption services under state law.

1413 ~~3.b.~~ A person who places ~~may publish~~ an advertisement
1414 described in subparagraph 1. in a ~~the~~ telephone directory must
1415 include ~~only if the advertisement contains~~ the following
1416 information:

1417 (I) For an attorney licensed to practice law in this
1418 state, the person's Florida Bar number.

1419 (II) For a child placing agency licensed under the laws of
1420 this state, the number on the person's adoption entity license.

1421 Section 15. Subsection (1) and paragraph (c) of subsection
1422 (3) of section 383.402, Florida Statutes, are amended to read:

1423 383.402 Child abuse death review; State Child Abuse Death
1424 Review Committee; local child abuse death review committees.—

1425 (1) It is the intent of the Legislature to establish a
1426 statewide multidisciplinary, multiagency child abuse death
1427 assessment and prevention system that consists of state and
1428 local review committees. The state and local review committees
1429 shall review the facts and circumstances of all deaths of
1430 children from birth through age 18 which occur in this state and

1431 are reported to the central abuse hotline of the Department of
 1432 Children and Families ~~as the result of verified child abuse or~~
 1433 ~~neglect~~. The purpose of the review shall be to:

1434 (a) Achieve a greater understanding of the causes and
 1435 contributing factors of deaths resulting from child abuse.

1436 (b) Whenever possible, develop a communitywide approach to
 1437 address such cases and contributing factors.

1438 (c) Identify any gaps, deficiencies, or problems in the
 1439 delivery of services to children and their families by public
 1440 and private agencies which may be related to deaths that are the
 1441 result of child abuse.

1442 (d) Make and implement recommendations for changes in law,
 1443 rules, and policies, as well as develop practice standards that
 1444 support the safe and healthy development of children and reduce
 1445 preventable child abuse deaths.

1446 (3) The State Child Abuse Death Review Committee shall:

1447 (c) Prepare an annual statistical report on the incidence
 1448 and causes of death resulting from reported child abuse in the
 1449 state during the prior calendar year. The state committee shall
 1450 submit a copy of the report by October 1 ~~December 31~~ of each
 1451 year to the Governor, the President of the Senate, and the
 1452 Speaker of the House of Representatives. The report must include
 1453 recommendations for state and local action, including specific
 1454 policy, procedural, regulatory, or statutory changes, and any
 1455 other recommended preventive action.

1456 Section 16. Subsection (5) of section 402.40, Florida

1457 Statutes, is amended, and paragraph (g) is added to subsection
 1458 (3) of that section, to read:

1459 402.40 Child welfare training and certification.—

1460 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
 1461 shall approve one or more third-party credentialing entities for
 1462 the purpose of developing and administering child welfare
 1463 certification programs for persons who provide child welfare
 1464 services. A third-party credentialing entity shall request such
 1465 approval in writing from the department. In order to obtain
 1466 approval, the third-party credentialing entity must:

1467 (g) Maintain an advisory committee, including
 1468 representatives from each region of the department, each
 1469 sheriff's office providing child protective services, and each
 1470 community-based care lead agency, who shall be appointed by the
 1471 organization they represent. The third-party credentialing
 1472 entity may appoint additional members to the advisory committee.

1473 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

1474 (a) The Department of Children and Families ~~Family~~
 1475 ~~Services~~ shall approve the core competencies and related
 1476 preservice curricula that ensures that each person delivering
 1477 child welfare services obtains the knowledge, skills, and
 1478 abilities to competently carry out his or her work
 1479 responsibilities.

1480 (b) The identification of these core competencies and
 1481 development of preservice curricula shall be a collaborative
 1482 effort that includes professionals who have expertise in child

1483 welfare services, department-approved third-party credentialing
1484 entities, and providers that will be affected by the curriculum,
1485 including, but not limited to, representatives from the
1486 community-based care lead agencies, sheriffs' offices conducting
1487 child protection investigations, and child welfare legal
1488 services providers.

1489 (c) Community-based care agencies, sheriffs' offices, and
1490 the department may contract for the delivery of preservice and
1491 any additional training for persons delivering child welfare
1492 services if the curriculum satisfies the department-approved
1493 core competencies.

1494 (d) The department may also approve certifications
1495 involving specializations in serving specific populations or in
1496 skills relevant to child protection to be awarded to persons
1497 delivering child welfare services by a third-party credentialing
1498 entity approved pursuant to subsection (3).

1499 (e) ~~(d)~~ Department-approved credentialing entities shall,
1500 for a period of at least 12 months after implementation of the
1501 third-party child welfare certification programs, grant
1502 reciprocity and award a child welfare certification to
1503 individuals who hold current department-issued child welfare
1504 certification in good standing, at no cost to the department or
1505 the certificateholder.

1506 Section 17. Section 402.402, Florida Statutes, is created
1507 to read:

1508 402.402 Child protection and child welfare personnel;

1509 attorneys employed by the department.-

1510 (1) DEFINITIONS.-As used in this section, the term:

1511 (a) "Child protection and child welfare personnel"

1512 includes child protective investigators and child protective
 1513 investigator supervisors employed by the department or,
 1514 beginning July 1, 2018, a sheriff's office, and case managers
 1515 and case manager supervisors employed by a community-based care
 1516 lead agency or a subcontractor of a community-based care lead
 1517 agency.

1518 (b) "Human services-related field" means psychology,
 1519 sociology, counseling, special education, human development,
 1520 child development, family development, marriage and family
 1521 therapy, and nursing.

1522 (c) "Relevant coursework" means coursework that imparts
 1523 knowledge and leads to the development of skills with direct
 1524 application to the child protection and child welfare field from
 1525 a college or university social work program accredited by the
 1526 Council on Social Work Education.

1527 (2) CHILD PROTECTION AND CHILD WELFARE PERSONNEL
 1528 REQUIREMENTS.-

1529 (a) Child protection and child welfare personnel hired on
 1530 or after July 1, 2014, must have one of the following:

1531 1. A bachelor's degree or a master's degree in social work
 1532 from a college or university social work program accredited by
 1533 the Council on Social Work Education. The individual shall have
 1534 at least 12 credit hours of relevant coursework.

1535 2. A bachelor's degree or a master's degree in a human
1536 services-related field and at least 12 credit hours of relevant
1537 coursework.

1538 3. A bachelor's degree or a master's degree in a human
1539 services-related field. Within 3 years after hire, the
1540 individual must complete 12 credit hours of relevant coursework.
1541 The sequence of courses may be designed to provide in-depth
1542 knowledge in serving a specific subpopulation or developing a
1543 specific set of skills relevant to child protection and child
1544 welfare. The department shall consult with the Florida Institute
1545 for Child Welfare established pursuant to s. 1004.615 to
1546 identify courses available through the consortium of public and
1547 private universities in the state offering degrees in social
1548 work that fulfill this requirement.

1549 4. At a minimum, a bachelor's degree and 5 years of
1550 experience directly relevant to child protection, if the
1551 individual will be employed as a child protective investigator
1552 or child protective investigator supervisor, or child welfare,
1553 if the individual will be employed as a case manager or case
1554 manager supervisor, and demonstrated competence regarding
1555 required skills and aptitudes.

1556 (b) All child protective investigators and child
1557 protective investigation supervisors employed by the department
1558 or a sheriff's office must complete specialized training either
1559 focused on serving a specific population, including, but not
1560 limited to, medically fragile children, sexually exploited

1561 children, children under 3 years of age, or families with a
1562 history of domestic violence, mental illness, or substance
1563 abuse, or focused on performing certain aspects of child
1564 protection practice, including, but not limited to,
1565 investigation techniques and analysis of family dynamics. The
1566 specialized training may be used to fulfill continuing education
1567 requirements under s. 402.40(3)(e). Individuals hired before
1568 July 1, 2014, shall complete the specialized training by June
1569 30, 2016, and individuals hired on or after July 1, 2014, shall
1570 complete the specialized training within 2 years after hire. An
1571 individual may receive specialized training in multiple areas.

1572 (3) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
1573 WELFARE CASES.—Attorneys employed by the department to handle
1574 child welfare cases hired on or after July 1, 2014, shall:

1575 (a) Receive, at a minimum, the same core preservice
1576 training provided to child protective investigators.

1577 (b) Within 60 days after hire, shadow an experienced child
1578 protective investigator and an experienced case manager for at
1579 least 8 hours each.

1580 Section 18. Section 402.403, Florida Statutes, is created
1581 to read:

1582 402.403 Child Protection and Child Welfare Personnel
1583 Tuition Exemption Program.—

1584 (1) There is established within the department the Child
1585 Protection and Child Welfare Personnel Tuition Exemption Program
1586 for the purpose of recruiting and retaining high-performing

1587 individuals who are employed as child protection and child
 1588 welfare personnel, as defined in s. 402.402, and who do not have
 1589 a bachelor's degree or a master's degree in social work or the
 1590 required hours of relevant coursework, as defined in and
 1591 required by s. 402.402.

1592 (2) The employer of the child protection and child welfare
 1593 personnel may approve the exemption from tuition and fees for a
 1594 state university for child protection and child welfare
 1595 personnel who:

1596 (a) Have been employed as child protection and child
 1597 welfare personnel for at least 1 year and who are determined by
 1598 their employers to have a high level of performance.

1599 (b) Are accepted in an upper-division undergraduate or
 1600 graduate level college or university social work program
 1601 accredited by the Council on Social Work Education which leads
 1602 to either a bachelor's degree or a master's degree in social
 1603 work, or who are completing 12 credit hours of relevant
 1604 coursework as required under s. 402.402(2)(a)3.

1605 Section 19. Section 402.404, Florida Statutes, is created
 1606 to read:

1607 402.404 Child Protective Investigator and Supervisor
 1608 Student Loan Forgiveness Program.—

1609 (1) There is established within the department the Child
 1610 Protective Investigator and Supervisor Student Loan Forgiveness
 1611 Program. The purpose of the program is to increase employment
 1612 and retention of high-performing individuals who have either a

1613 bachelor's degree or a master's degree in social work as a child
1614 protective investigator or child protective investigation
1615 supervisor with the department or the sheriff's office by making
1616 payments toward loans received by students from federal or state
1617 programs or commercial lending institutions for the support of
1618 prior postsecondary study in accredited social work programs.

1619 (2) To be eligible for the program, a candidate must be
1620 employed as a child protective investigator or a child
1621 protective investigation supervisor by the department or,
1622 beginning July 1, 2018, by a sheriff's office for at least 1
1623 year, must be determined by the department or the sheriff's
1624 office to have a high level of performance, and must have
1625 graduated from an accredited social work program with either a
1626 bachelor's degree or a master's degree in social work.

1627 (3) Only loans to pay the costs of tuition, books, fees,
1628 and living expenses shall be covered.

1629 (4) The department may make loan payments of up to \$3,000
1630 each year for up to 4 years on behalf of selected graduates of
1631 an accredited social work program from the funds appropriated
1632 for this purpose. All payments are contingent upon continued
1633 proof of employment as a child protective investigator or a
1634 child protective investigation supervisor with the department or
1635 the sheriff's office and shall be made directly to the holder of
1636 the loan.

1637 (5) A student who receives a tuition exemption pursuant to
1638 s. 402.403 is not eligible to participate in the Child

1639 Protective Investigator and Supervisor Student Loan Forgiveness
 1640 Program.

1641 (6) A community-based care lead agency may provide loan
 1642 forgiveness for case managers and case manager supervisors whom
 1643 it employs or who are employed by its subcontractors.

1644 Section 20. Section 409.165, Florida Statutes, is amended
 1645 to read:

1646 409.165 Alternate care for children.—

1647 (1) Within funds appropriated, the department shall
 1648 establish and supervise a program of emergency shelters, runaway
 1649 shelters, foster homes, group homes, agency-operated group
 1650 treatment homes, nonpsychiatric residential group care
 1651 facilities, psychiatric residential treatment facilities, and
 1652 other appropriate facilities to provide shelter and care for
 1653 dependent children who must be placed away from their families.
 1654 The department, in accordance with outcome ~~established~~ goals
 1655 established in s. 409.986, shall contract for the provision of
 1656 such shelter and care by counties, municipalities, nonprofit
 1657 corporations, and other entities capable of providing needed
 1658 services if:

1659 (a) The services ~~se~~ provided comply with all department
 1660 standards, policies, and procedures ~~are available~~;

1661 (b) The services can be ~~se~~ provided at a reasonable cost
 1662 ~~are more cost-effective than those provided by the department~~;
 1663 and

1664 (c) Unless otherwise provided by law, such providers of

1665 shelter and care are licensed by the department.

1666

1667 ~~It is the legislative intent that the~~

1668 (2) Funds appropriated for the alternate care of children
 1669 as described in this section may be used to meet the needs of
 1670 children in their own homes or those of relatives if the
 1671 children can be safely served in such settings ~~their own homes,~~
 1672 ~~or the homes of relatives,~~ and the expenditure of funds in such
 1673 manner is equal to or less than the cost of out-of-home
 1674 placement ~~calculated by the department to be an eventual cost~~
 1675 ~~savings over placement of children.~~

1676 (3) ~~(2)~~ The department shall ~~may~~ cooperate with all child
 1677 service institutions or agencies within the state which meet the
 1678 department's standards in order to maintain a comprehensive,
 1679 coordinated, and inclusive system for promoting and protecting
 1680 the well-being of children, consistent with the goals
 1681 established in s. 409.986 ~~rules for proper care and supervision~~
 1682 ~~prescribed by the department for the well-being of children.~~

1683 (a) The department shall work with the Department of
 1684 Health in the development, utilization, and monitoring of
 1685 medical foster homes for medically complex children.

1686 (b) The department shall collaborate with all relevant
 1687 state and local agencies to provide such supports and services
 1688 as may be necessary to maintain medically complex children in
 1689 the least restrictive and most nurturing environment.

1690 (4) ~~(3)~~ With the written consent of parents, custodians, or

1691 guardians, or in accordance with those provisions in chapter 39
 1692 that relate to dependent children, the department, under rules
 1693 properly adopted, may place a child:

1694 (a) With a relative;

1695 (b) With an adult nonrelative approved by the court for
 1696 long-term custody;

1697 (c) With a person who is considering the adoption of a
 1698 child in the manner provided for by law;

1699 (d) When limited, except as provided in paragraph (b), to
 1700 temporary emergency situations, with a responsible adult
 1701 approved by the court;

1702 (e) With a person or family approved by the department to
 1703 serve as a medical foster home;

1704 (f)~~(e)~~ With a person or agency licensed by the department
 1705 in accordance with s. 409.175; or

1706 (g)~~(f)~~ In a subsidized independent living situation,
 1707 subject to the provisions of s. 409.1451(4)(c),

1708
 1709 under such conditions as are determined to be for the best
 1710 interests or the welfare of the child. Any child placed in an
 1711 institution or in a family home by the department or its agency
 1712 may be removed by the department or its agency, and such other
 1713 disposition may be made as is for the best interest of the
 1714 child, including transfer of the child to another institution,
 1715 another home, or the home of the child. Expenditure of funds
 1716 appropriated for out-of-home care can be used to meet the needs

1717 of a child in the child's own home or the home of a relative if
1718 the child can be safely served in the child's own home or that
1719 of a relative if placement can be avoided by the expenditure of
1720 such funds, and if the expenditure of such funds in this manner
1721 is equal to or less than the cost of out-of-home placement
1722 ~~calculated by the department to be a potential cost savings.~~

1723 Section 21. The Department of Children and Families and
1724 the Agency for Health Care Administration shall jointly produce
1725 a report that includes detailed operational and spending plans
1726 for requiring managed care plans serving children in the care
1727 and custody of the department to provide complete medical,
1728 dental, and behavioral health information for inclusion in the
1729 state's child welfare data system. The report shall, at a
1730 minimum, identify a range of possible methods for sharing this
1731 information, document existing methods used by managed care
1732 plans to share this information with the department or
1733 community-based care organizations, and identify ways to build
1734 upon existing methods. The Department of Children and Families
1735 shall submit the report to the President of the Senate and the
1736 Speaker of the House of Representatives by December 1, 2014.

1737 Section 22. Part V of chapter 409, Florida Statutes,
1738 consisting of ss. 409.986-409.998, is created and entitled
1739 "COMMUNITY-BASED CHILD WELFARE."

1740 Section 23. Section 409.986, Florida Statutes, is created
1741 to read:

1742 409.986 Legislative findings and intent; child protection

1743 and child welfare outcomes; definitions.-

1744 (1) LEGISLATIVE FINDINGS AND INTENT.-

1745 (a) It is the intent of the Legislature that the
 1746 Department of Children and Families provide child protection and
 1747 child welfare services to children through contracting with
 1748 community-based care lead agencies. It is the further intent of
 1749 the Legislature that communities have responsibility for and
 1750 participate in ensuring safety, permanence, and well-being for
 1751 all children in the state.

1752 (b) The Legislature finds that when private entities
 1753 assume responsibility for the care of children in the child
 1754 protection and child welfare system, adequate oversight of the
 1755 programmatic, administrative, and fiscal operation of those
 1756 entities is essential. The Legislature further finds that the
 1757 appropriate care of children is ultimately the responsibility of
 1758 the state and that outsourcing such care does not relieve the
 1759 state of its responsibility to ensure that appropriate care is
 1760 provided.

1761 (2) CHILD PROTECTION AND CHILD WELFARE OUTCOMES.-It is the
 1762 goal of the department to achieve the following outcomes in
 1763 conjunction with the community-based care lead agency,
 1764 community-based subcontractors, and the community alliance:

1765 (a) Children are first and foremost protected from abuse
 1766 and neglect.

1767 (b) Children are safely maintained in their homes, if
 1768 possible and appropriate.

1769 (c) Services are provided to protect children and prevent
1770 their removal from their home.

1771 (d) Children have permanency and stability in their living
1772 arrangements.

1773 (e) Family relationships and connections are preserved for
1774 children.

1775 (f) Families have enhanced capacity to provide for their
1776 children's needs.

1777 (g) Children receive appropriate services to meet their
1778 educational needs.

1779 (h) Children receive adequate services to meet their
1780 physical and mental health needs.

1781 (i) Children develop the capacity for independent living
1782 and competence as an adult.

1783 (3) DEFINITIONS.—As used in this part, except as otherwise
1784 provided, the term:

1785 (a) "Care" means services of any kind that are designed to
1786 facilitate a child remaining safely in his or her own home,
1787 returning safely to his or her own home if he or she is removed
1788 from the home, or obtaining an alternative permanent home if he
1789 or she cannot remain at home or be returned home. The term
1790 includes, but is not be limited to, prevention, diversion, and
1791 related services.

1792 (b) "Child" or "children" has the same meaning as provided
1793 in s. 39.01.

1794 (c) "Community alliance" or "alliance" means the group of

1795 stakeholders, community leaders, client representatives, and
1796 fundlers of human services established pursuant to s. 20.19(5) to
1797 provide a focal point for community participation and oversight
1798 of community-based services.

1799 (d) "Community-based care lead agency" or "lead agency"
1800 means a single entity with which the department has a contract
1801 for the provision of care for children in the child protection
1802 and child welfare system in a community that is no smaller than
1803 a county and no larger than two contiguous judicial circuits.
1804 The secretary of the department may authorize more than one
1805 eligible lead agency within a single county if doing so will
1806 result in more effective delivery of services to children.

1807 (e) "Dependent child" means a child who is determined by
1808 the court to be in need of care due to allegations of abuse,
1809 neglect, or abandonment.

1810 (f) "Related services" includes, but is not limited to,
1811 family preservation, independent living, emergency shelter,
1812 residential group care, foster care, therapeutic foster care,
1813 intensive residential treatment, foster care supervision, case
1814 management, coordination of mental health services,
1815 postplacement supervision, permanent foster care, and family
1816 reunification.

1817 Section 24. Section 409.987, Florida Statutes, is created
1818 to read:

1819 409.987 Lead agency procurement.—

1820 (1) Community-based care lead agencies shall be procured

1821 by the department through a competitive process as required by
1822 chapter 287.

1823 (2) The department shall produce a schedule for the
1824 procurement of community-based care lead agencies and provide
1825 the schedule to the community alliances established pursuant to
1826 s. 409.998 and post the schedule on the department's website.

1827 (3) Notwithstanding s. 287.057, the department shall use
1828 5-year contracts with lead agencies.

1829 (4) In order to serve as a lead agency, an entity must:

1830 (a) Be organized as a Florida corporation or a
1831 governmental entity.

1832 (b) Be governed by a board of directors or a board
1833 committee composed of board members. The membership of the board
1834 of directors or board committee must be described in the bylaws
1835 or articles of incorporation of each lead agency, which must
1836 provide that at least 75 percent of the membership of the board
1837 of directors or board committee must be composed of persons
1838 residing in this state, and at least 51 percent of the state
1839 residents on the board of directors must reside within the
1840 service area of the lead agency. However, for procurements of
1841 lead agency contracts initiated on or after July 1, 2014:

1842 1. At least 75 percent of the membership of the board of
1843 directors must be persons residing in this state, and at least
1844 51 percent of the membership of the board of directors must be
1845 persons residing within the service area of the lead agency. If
1846 a board committee governs the lead agency, 100 percent of its

1847 membership must be persons residing within the service area of
1848 the lead agency.

1849 2. The powers of the board of directors or board committee
1850 must include, but need not be limited to, approving the lead
1851 agency's budget and setting the lead agency's operational policy
1852 and procedures. A board of directors must additionally have the
1853 power to hire the lead agency's executive director, unless a
1854 board committee governs the lead agency, in which case the board
1855 committee must have the power to confirm the selection of the
1856 lead agency's executive director.

1857 (c) Demonstrate financial responsibility through an
1858 organized plan for regular fiscal audits and the posting of a
1859 performance bond.

1860 (5) The department's procurement team procuring any lead
1861 agencies' contracts must include individuals from the community
1862 alliance in the area to be served under the contract. All
1863 meetings at which vendors make presentations to or negotiate
1864 with the procurement team shall be held in the area to be served
1865 by the contract.

1866 Section 25. Section 409.988, Florida Statutes, is created
1867 to read:

1868 409.988 Lead agency duties; general provisions.—

1869 (1) DUTIES.—A lead agency:

1870 (a) Shall serve all children referred as a result of a
1871 report of abuse, neglect, or abandonment to the department's
1872 central abuse hotline, including, but not limited to, children

1873 who are the subjects of verified reports and children who are
 1874 not the subjects of verified reports but who are at moderate to
 1875 extremely high risk of abuse, neglect, or abandonment, as
 1876 determined using the department's risk assessment instrument,
 1877 regardless of the level of funding allocated to the lead agency
 1878 by the state if all related funding is transferred. The lead
 1879 agency may also serve children who have not been subjects of
 1880 reports of abuse, neglect, or abandonment, but who are at risk
 1881 of abuse, neglect, or abandonment, to prevent their entry into
 1882 the child protection and child welfare system.

1883 (b) Shall provide accurate and timely information
 1884 necessary for oversight by the department pursuant to the child
 1885 welfare results-oriented accountability system required by s.
 1886 409.997.

1887 (c) Shall follow the financial guidelines developed by the
 1888 department and provide for a regular independent auditing of its
 1889 financial activities. Such financial information shall be
 1890 provided to the community alliance established under s. 409.998.

1891 (d) Shall post on its website the current budget for the
 1892 lead agency, including the salaries, bonuses, and other
 1893 compensation paid, by position, for the agency's chief executive
 1894 officer, chief financial officer, chief operating officer, or
 1895 their equivalents.

1896 (e) Shall prepare all judicial reviews, case plans, and
 1897 other reports necessary for court hearings for dependent
 1898 children, except those related to the investigation of a

1899 referral from the department's central abuse hotline, and shall
 1900 provide testimony as required for dependency court proceedings.
 1901 This duty does not include the preparation of legal pleadings or
 1902 other legal documents, which shall remain the responsibility of
 1903 the department.

1904 (f) Shall ensure that all individuals providing care for
 1905 dependent children receive appropriate training and meet the
 1906 minimum employment standards established by the department.

1907 (g) Shall maintain eligibility to receive all available
 1908 federal child welfare funds.

1909 (h) Shall maintain written agreements with Healthy
 1910 Families Florida lead entities in its service area pursuant to
 1911 s. 409.153 to promote cooperative planning for the provision of
 1912 prevention and intervention services.

1913 (i) Shall comply with federal and state statutory
 1914 requirements and agency rules in the provision of contractual
 1915 services.

1916 (j) May subcontract for the provision of services required
 1917 by the contract with the lead agency and the department;
 1918 however, the subcontracts must specify how the provider will
 1919 contribute to the lead agency meeting the performance standards
 1920 established pursuant to the child welfare results-oriented
 1921 accountability system required by s. 409.997. The lead agency
 1922 shall directly provide no more than 35 percent of all child
 1923 welfare services provided.

1924 (k) Shall post on its website by the 15th day of each

1925 month at a minimum the information contained in subparagraphs
1926 1.-4. for the preceding calendar month regarding its case
1927 management services. The following information shall be reported
1928 by each individual subcontracted case management provider, by
1929 the lead agency, if the lead agency provides case management
1930 services, and in total for all case management services
1931 subcontracted or directly provided by the lead agency:

1932 1. The average caseload of case managers, including only
1933 filled positions;

1934 2. The turnover rate for case managers and case management
1935 supervisors for the previous 12 months;

1936 3. The percentage of required home visits completed; and

1937 4. The performance on outcome measures required pursuant
1938 to s. 409.997 for the previous 12 months.

1939 (2) LICENSURE.—

1940 (a) A lead agency must be licensed as a child-caring or
1941 child-placing agency by the department under this chapter.

1942 (b) Each foster home, therapeutic foster home, emergency
1943 shelter, or other placement facility operated by the lead agency
1944 must be licensed by the department under chapter 402 or this
1945 chapter.

1946 (c) Substitute care providers who are licensed under s.
1947 409.175 and who have contracted with a lead agency are also
1948 authorized to provide registered or licensed family day care
1949 under s. 402.313 if such care is consistent with federal law and
1950 if the home has met the requirements of s. 402.313.

1951 (d) In order to eliminate or reduce the number of
 1952 duplicate inspections by various program offices, the department
 1953 shall coordinate inspections required for licensure of agencies
 1954 under this subsection.

1955 (e) The department may adopt rules to administer this
 1956 subsection.

1957 (3) SERVICES.—A lead agency shall prioritize the use of
 1958 services supported by research and shall use evidence-based
 1959 services whenever possible. A decision to use a service that has
 1960 not yet been substantiated to be effective through research
 1961 shall be based on factors, including, but not limited to,
 1962 whether the theory on which the service is based and the
 1963 service's practice are consistent with current knowledge about
 1964 effective interventions, whether the service meets the specific
 1965 needs of the children and families being served, and whether the
 1966 agency can implement the service in a high-quality manner. A
 1967 lead agency may not use a service if its effectiveness has been
 1968 clearly disproven through research. Lead agencies shall work
 1969 with the institute established in s. 1004.615 to learn about
 1970 advancements in research on services as well as innovative
 1971 approaches.

1972 (4) LEAD AGENCY ACTING AS GUARDIAN.—

1973 (a) If a lead agency or other provider has accepted case
 1974 management responsibilities for a child who is sheltered or
 1975 found to be dependent and who is assigned to the care of the
 1976 lead agency or other provider, the agency or provider may act as

1977 the child's guardian for the purpose of registering the child in
1978 school if a parent or guardian of the child is unavailable and
1979 his or her whereabouts cannot reasonably be ascertained.

1980 (b) The lead agency or other provider may also seek
1981 emergency medical attention for the child, but only if a parent
1982 or guardian of the child is unavailable, the parent or
1983 guardian's whereabouts cannot reasonably be ascertained, and a
1984 court order for such emergency medical services cannot be
1985 obtained because of the severity of the emergency or because it
1986 is after normal working hours.

1987 (c) A lead agency or other provider may not consent to
1988 sterilization, abortion, or termination of life support.

1989 (d) If a child's parents' rights have been terminated, the
1990 lead agency shall act as guardian of the child in all
1991 circumstances.

1992 Section 26. Section 409.990, Florida Statutes, is created
1993 to read:

1994 409.990 Funding for lead agencies.—A contract established
1995 between the department and a lead agency must be funded by a
1996 grant of general revenue, other applicable state funds, or
1997 applicable federal funding sources.

1998 (1) The method of payment for a fixed-price contract with
1999 a lead agency must provide for a 2-month advance payment at the
2000 beginning of each fiscal year and equal monthly payments
2001 thereafter.

2002 (2) Notwithstanding s. 215.425, all documented federal

2003 funds earned for the current fiscal year by the department and
 2004 lead agencies that exceed the amount appropriated by the
 2005 Legislature shall be distributed to all entities that
 2006 contributed to the excess earnings based on a schedule and
 2007 methodology developed by the department and approved by the
 2008 Executive Office of the Governor.

2009 (a) Distribution shall be pro rata based on total earnings
 2010 and shall be made only to those entities that contributed to
 2011 excess earnings.

2012 (b) Excess earnings of lead agencies shall be used only in
 2013 the service district in which they were earned.

2014 (c) Additional state funds appropriated by the Legislature
 2015 for lead agencies or made available pursuant to the budgetary
 2016 amendment process described in s. 216.177 shall be transferred
 2017 to the lead agencies.

2018 (d) The department shall amend a lead agency's contract to
 2019 permit expenditure of the funds.

2020 (3) Notwithstanding any other provision of this section,
 2021 the amount of the annual contract for a lead agency may be
 2022 increased by excess federal funds earned in accordance with s.
 2023 216.181(11).

2024 (4) Each contract with a lead agency shall provide for the
 2025 payment by the department to the lead agency of a reasonable
 2026 administrative cost in addition to funding for the provision of
 2027 services.

2028 (5) A lead agency may carry forward documented unexpended

2029 state funds from one fiscal year to the next; however, the
 2030 cumulative amount carried forward may not exceed 8 percent of
 2031 the total contract. Any unexpended state funds in excess of that
 2032 percentage must be returned to the department.

2033 (a) The funds carried forward may not be used in any way
 2034 that would create increased recurring future obligations, and
 2035 such funds may not be used for any type of program or service
 2036 that is not currently authorized by the existing contract with
 2037 the department.

2038 (b) Expenditures of funds carried forward must be
 2039 separately reported to the department.

2040 (c) Any unexpended funds that remain at the end of the
 2041 contract period shall be returned to the department.

2042 (d) Funds carried forward may be retained through any
 2043 contract renewals and any new procurements as long as the same
 2044 lead agency is retained by the department.

2045 (6) It is the intent of the Legislature to improve
 2046 services and local participation in community-based care
 2047 initiatives by fostering community support and providing
 2048 enhanced prevention and in-home services, thereby reducing the
 2049 risk otherwise faced by lead agencies. A community partnership
 2050 matching grant program is established and shall be operated by
 2051 the department to encourage local participation in community-
 2052 based care for children in the child welfare system. A
 2053 children's services council or another local entity that makes a
 2054 financial commitment to a community-based care lead agency may

2055 be eligible for a matching grant. The total amount of the local
2056 contribution may be matched on a one-to-one basis up to a
2057 maximum annual amount of \$500,000 per lead agency. Awarded
2058 matching grant funds may be used for any prevention or in-home
2059 services that can be reasonably expected to reduce the number of
2060 children entering the child welfare system. Funding available
2061 for the matching grant program is subject to legislative
2062 appropriation of nonrecurring funds provided for this purpose.

2063 (7) (a) The department, in consultation with the Florida
2064 Coalition for Children, Inc., shall develop and implement a
2065 community-based care risk pool initiative to mitigate the
2066 financial risk to eligible lead agencies. This initiative must
2067 include:

2068 1. A risk pool application and protocol developed by the
2069 department that outlines submission criteria, including, but not
2070 limited to, financial and program management, descriptive data
2071 requirements, and timeframes for submission of applications.
2072 Requests for funding from risk pool applicants must be based on
2073 relevant and verifiable service trends and changes that have
2074 occurred during the current fiscal year. The application must
2075 confirm that expenditure of approved risk pool funds by the lead
2076 agency will be completed within the current fiscal year.

2077 2. A risk pool peer review committee, appointed by the
2078 secretary and consisting of department staff and representatives
2079 from at least three nonapplicant lead agencies, that reviews and
2080 assesses all risk pool applications. Upon completion of each

2081 application review, the peer review committee shall report its
2082 findings and recommendations to the secretary, providing, at a
2083 minimum, the following information:

2084 a. Justification for the specific funding amount required
2085 by the risk pool applicant based on the current year's service
2086 trend data, including validation that the applicant's financial
2087 need was caused by circumstances beyond the control of the lead
2088 agency management;

2089 b. Verification that the proposed use of risk pool funds
2090 meets at least one of the purposes in paragraph (c); and

2091 c. Evidence of technical assistance provided in an effort
2092 to avoid the need to access the risk pool and recommendations
2093 for technical assistance to the lead agency to ensure that risk
2094 pool funds are expended effectively and that the agency's need
2095 for future risk pool funding is diminished.

2096 (b) Upon approval by the secretary of a risk pool
2097 application, the department may request funds from the risk pool
2098 in accordance with s. 216.181(6) (a).

2099 (c) The purposes for which the community-based care risk
2100 pool shall be used include:

2101 1. Significant changes in the number or composition of
2102 clients eligible to receive services.

2103 2. Significant changes in the services that are eligible
2104 for reimbursement.

2105 3. Continuity of care in the event of failure,
2106 discontinuance of service, or financial misconduct by a lead

2107 agency.

2108 4. Significant changes in the mix of available funds.

2109 (d) The department may also request in its annual

2110 legislative budget request, and the Governor may recommend, that

2111 the funding necessary to carry out paragraph (c) be appropriated

2112 to the department. In addition, the department may request the

2113 allocation of funds from the community-based care risk pool in

2114 accordance with s. 216.181(6) (a). Funds from the pool may be

2115 used to match available federal dollars.

2116 1. Such funds shall constitute partial security for

2117 contract performance by lead agencies and shall be used to

2118 offset the need for a performance bond.

2119 2. The department may separately require a bond to

2120 mitigate the financial consequences of potential acts of

2121 malfeasance or misfeasance or criminal violations by the service

2122 provider.

2123 Section 27. Section 409.16713, Florida Statutes, is

2124 transferred, renumbered as section 409.991, Florida Statutes,

2125 and paragraph (a) of subsection (1) of that section is amended

2126 to read:

2127 409.991 ~~409.16713~~ Allocation of funds for community-based

2128 care lead agencies.—

2129 (1) As used in this section, the term:

2130 (a) "Core services funding" means all funds allocated to

2131 community-based care lead agencies operating under contract with

2132 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the

2133 following exceptions:

- 2134 1. Funds appropriated for independent living;
- 2135 2. Funds appropriated for maintenance adoption subsidies;
- 2136 3. Funds allocated by the department for protective
- 2137 investigations training;
- 2138 4. Nonrecurring funds;
- 2139 5. Designated mental health wrap-around services funds;
- 2140 and
- 2141 6. Funds for special projects for a designated community-
- 2142 based care lead agency.

2143 Section 28. Section 409.992, Florida Statutes, is created
2144 to read:

2145 409.992 Lead agency expenditures.—

2146 (1) The procurement of commodities or contractual services
2147 by lead agencies shall be governed by the financial guidelines
2148 developed by the department which comply with applicable state
2149 and federal law and follow good business practices. Pursuant to
2150 s. 11.45, the Auditor General may provide technical advice in
2151 the development of the financial guidelines.

2152 (2) Notwithstanding any other provision of law, a
2153 community-based care lead agency may make expenditures for staff
2154 cellular telephone allowances, contracts requiring deferred
2155 payments and maintenance agreements, security deposits for
2156 office leases, related agency professional membership dues other
2157 than personal professional membership dues, promotional
2158 materials, and grant writing services. Expenditures for food and

2159 refreshments, other than those provided to clients in the care
 2160 of the agency or to foster parents, adoptive parents, and
 2161 caseworkers during training sessions, are not allowable.

2162 (3) A lead community-based care agency and its
 2163 subcontractors are exempt from state travel policies as provided
 2164 in s. 112.061(3)(a) for their travel expenses incurred in order
 2165 to comply with the requirements of this section.

2166 Section 29. Section 409.993, Florida Statutes, is created
 2167 to read:

2168 409.993 Lead agencies and subcontractor liability.—

2169 (1) FINDINGS.—

2170 (a) The Legislature finds that the state has traditionally
 2171 provided foster care services to children who are the
 2172 responsibility of the state. As such, foster children have not
 2173 had the right to recover for injuries beyond the limitations
 2174 specified in s. 768.28. The Legislature has determined that
 2175 foster care and related services should be outsourced pursuant
 2176 to this section and that the provision of such services is of
 2177 paramount importance to the state. The purpose of such
 2178 outsourcing is to increase the level of safety, security, and
 2179 stability of children who are or become the responsibility of
 2180 the state. One of the components necessary to secure a safe and
 2181 stable environment for such children is the requirement that
 2182 private providers maintain liability insurance. As such,
 2183 insurance needs to be available and remain available to
 2184 nongovernmental foster care and related services providers

2185 without the resources of such providers being significantly
2186 reduced by the cost of maintaining such insurance.

2187 (b) The Legislature further finds that, by requiring the
2188 following minimum levels of insurance, children in outsourced
2189 foster care and related services will gain increased protection
2190 and rights of recovery in the event of injury than currently
2191 provided in s. 768.28.

2192 (2) LEAD AGENCY LIABILITY.—

2193 (a) Other than an entity to which s. 768.28 applies, an
2194 eligible community-based care lead agency, or its employees or
2195 officers, except as otherwise provided in paragraph (b), must,
2196 as a part of its contract, obtain a minimum of \$1 million per
2197 claim and \$3 million per incident in general liability insurance
2198 coverage. The department shall verify the community-based care
2199 lead agency's insurance coverage through its monitoring
2200 processes. The community-based care lead agency must also
2201 require that staff who transport client children and families in
2202 their personal automobiles in order to carry out their job
2203 responsibilities obtain minimum bodily injury liability
2204 insurance in the amount of \$100,000 per claim and \$300,000 per
2205 incident on their personal automobiles. In lieu of personal
2206 motor vehicle insurance, the lead agency's casualty, liability,
2207 or motor vehicle insurance carrier may provide nonowned
2208 automobile liability coverage. Such insurance provides liability
2209 insurance for automobiles that the provider uses in connection
2210 with the agency's business but does not own, lease, rent, or

2211 borrow. Such coverage includes automobiles owned by the
 2212 employees of the lead agency or a member of the employee's
 2213 household but only while the automobiles are used in connection
 2214 with the agency's business. The nonowned automobile coverage for
 2215 the lead agency applies as excess coverage over any other
 2216 collectible insurance. The personal automobile policy for the
 2217 employee of the lead agency must be primary insurance, and the
 2218 nonowned automobile coverage of the agency acts as excess
 2219 insurance to the primary insurance. The lead agency shall
 2220 provide a minimum limit of \$1 million in nonowned automobile
 2221 coverage. In a tort action brought against such an eligible
 2222 community-based care lead agency or employee, net economic
 2223 damages shall be limited to \$1 million per liability claim and
 2224 \$100,000 per automobile claim, including, but not limited to,
 2225 past and future medical expenses, wage loss, and loss of earning
 2226 capacity, offset by any collateral source payment paid or
 2227 payable. In any tort action brought against such an eligible
 2228 community-based care lead agency, noneconomic damages shall be
 2229 limited to \$200,000 per claim. A claim bill may be brought on
 2230 behalf of a claimant pursuant to s. 768.28 for any amount
 2231 exceeding the limits specified in this paragraph. Any offset of
 2232 collateral source payments made as of the date of the settlement
 2233 or judgment shall be in accordance with s. 768.76. The
 2234 community-based care lead agency is not liable in tort for the
 2235 acts or omissions of its subcontractors or the officers, agents,
 2236 or employees of its subcontractors.

2237 (b) The liability of an eligible community-based care lead
 2238 agency described in this section shall be exclusive and in place
 2239 of all other liability of such lead agency. The same immunities
 2240 from liability enjoyed by such lead agencies shall extend to
 2241 each employee of the lead agency when such employee is acting in
 2242 furtherance of the agency's business, including the
 2243 transportation of clients served, as described in this
 2244 subsection, in privately owned vehicles. Such immunities are not
 2245 applicable to a lead agency or an employee who acts in a
 2246 culpably negligent manner or with willful and wanton disregard
 2247 or unprovoked physical aggression if such acts result in injury
 2248 or death or if such acts proximately cause such injury or death.
 2249 Such immunities are not applicable to employees of the same lead
 2250 agency when each is operating in the furtherance of the agency's
 2251 business but they are assigned primarily to unrelated work
 2252 within private or public employment. The same immunity
 2253 provisions enjoyed by a lead agency also apply to any sole
 2254 proprietor, partner, corporate officer or director, supervisor,
 2255 or other person who in the course and scope of his or her duties
 2256 acts in a managerial or policymaking capacity and the conduct
 2257 that caused the alleged injury arose within the course and scope
 2258 of those managerial or policymaking duties. As used in this
 2259 subsection and subsection (3), the term "culpably negligent
 2260 manner" means reckless indifference or grossly careless
 2261 disregard of human life.

2262 (3) SUBCONTRACTOR LIABILITY.—

2263 (a) A subcontractor of an eligible community-based care
2264 lead agency that is a direct provider of foster care and related
2265 services to children and families, and its employees or
2266 officers, except as otherwise provided in paragraph (b), must,
2267 as a part of its contract, obtain a minimum of \$1 million per
2268 claim and \$3 million per incident in general liability insurance
2269 coverage. The subcontractor of an eligible community-based care
2270 lead agency must also require that staff who transport client
2271 children and families in their personal automobiles in order to
2272 carry out their job responsibilities obtain minimum bodily
2273 injury liability insurance in the amount of \$100,000 per claim
2274 and \$300,000 per incident on their personal automobiles. In lieu
2275 of personal motor vehicle insurance, the subcontractor's
2276 casualty, liability, or motor vehicle insurance carrier may
2277 provide nonowned automobile liability coverage. Such insurance
2278 provides liability insurance for automobiles that the
2279 subcontractor uses in connection with the subcontractor's
2280 business but does not own, lease, rent, or borrow. Such coverage
2281 includes automobiles owned by the employees of the subcontractor
2282 or a member of the employee's household but only while the
2283 automobiles are used in connection with the subcontractor's
2284 business. The nonowned automobile coverage for the subcontractor
2285 applies as excess coverage over any other collectible insurance.
2286 The personal automobile policy for the employee of the
2287 subcontractor shall be primary insurance, and the nonowned
2288 automobile coverage of the subcontractor acts as excess

2289 insurance to the primary insurance. The subcontractor shall
2290 provide a minimum limit of \$1 million in nonowned automobile
2291 coverage. In a tort action brought against such subcontractor or
2292 employee, net economic damages shall be limited to \$1 million
2293 per liability claim and \$100,000 per automobile claim,
2294 including, but not limited to, past and future medical expenses,
2295 wage loss, and loss of earning capacity, offset by any
2296 collateral source payment paid or payable. In a tort action
2297 brought against such subcontractor, noneconomic damages shall be
2298 limited to \$200,000 per claim. A claims bill may be brought on
2299 behalf of a claimant pursuant to s. 768.28 for any amount
2300 exceeding the limits specified in this paragraph. Any offset of
2301 collateral source payments made as of the date of the settlement
2302 or judgment shall be in accordance with s. 768.76.

2303 (b) The liability of a subcontractor of an eligible
2304 community-based care lead agency that is a direct provider of
2305 foster care and related services as described in this section
2306 shall be exclusive and in place of all other liability of such
2307 provider. The same immunities from liability enjoyed by such
2308 subcontractor provider shall extend to each employee of the
2309 subcontractor when such employee is acting in furtherance of the
2310 subcontractor's business, including the transportation of
2311 clients served, as described in this subsection, in privately
2312 owned vehicles. Such immunities are not applicable to a
2313 subcontractor or an employee who acts in a culpably negligent
2314 manner or with willful and wanton disregard or unprovoked

2315 physical aggression if such acts result in injury or death or if
 2316 such acts proximately cause such injury or death. Such
 2317 immunities are not applicable to employees of the same
 2318 subcontractor when each is operating in the furtherance of the
 2319 subcontractor's business but they are assigned primarily to
 2320 unrelated works within private or public employment. The same
 2321 immunity provisions enjoyed by a subcontractor also apply to any
 2322 sole proprietor, partner, corporate officer or director,
 2323 supervisor, or other person who in the course and scope of his
 2324 or her duties acts in a managerial or policymaking capacity and
 2325 the conduct that caused the alleged injury arose within the
 2326 course and scope of those managerial or policymaking duties.

2327 Section 30. Section 409.1675, Florida Statutes, is
 2328 transferred, renumbered as section 409.994, Florida Statutes,
 2329 and amended to read:

2330 409.994 ~~409.1675~~ ~~Lead~~ Community-based care lead agencies
 2331 ~~providers~~; receivership.—

2332 (1) The Department of Children and Families ~~Family~~
 2333 ~~Services~~ may petition a court of competent jurisdiction for the
 2334 appointment of a receiver for a ~~lead~~ community-based care lead
 2335 agency provider established pursuant to s. 409.987 ~~if s.~~
 2336 ~~409.1671~~ ~~when~~ any of the following conditions exist:

2337 (a) The lead agency ~~community-based provider~~ is operating
 2338 without a license as a child-placing agency.

2339 (b) The lead agency ~~community-based provider~~ has given
 2340 less than 120 days' notice of its intent to cease operations,

2341 and arrangements have not been made for another lead agency
 2342 ~~community-based provider~~ or for the department to continue the
 2343 uninterrupted provision of services.

2344 (c) The department determines that conditions exist in the
 2345 lead agency ~~community-based provider~~ which present an imminent
 2346 danger to the health, safety, or welfare of the dependent
 2347 children under that agency's ~~provider's~~ care or supervision.
 2348 Whenever possible, the department shall make a reasonable effort
 2349 to facilitate the continued operation of the program.

2350 (d) The lead agency ~~community-based provider~~ cannot meet
 2351 its current financial obligations to its employees, contractors,
 2352 or foster parents. Issuance of bad checks or the existence of
 2353 delinquent obligations for payment of salaries, utilities, or
 2354 invoices for essential services or commodities shall constitute
 2355 prima facie evidence that the lead agency ~~community-based~~
 2356 ~~provider~~ lacks the financial ability to meet its financial
 2357 obligations.

2358 (2) (a) The petition for receivership shall take precedence
 2359 over other court business unless the court determines that some
 2360 other pending proceeding, having statutory precedence, has
 2361 priority.

2362 (b) A hearing shall be conducted within 5 days after the
 2363 filing of the petition, at which time interested parties shall
 2364 have the opportunity to present evidence as to whether a
 2365 receiver should be appointed. The department shall give
 2366 reasonable notice of the hearing on the petition to the lead

2367 agency ~~community-based provider~~.

2368 (c) The court shall grant the petition upon finding that
2369 one or more of the conditions in subsection (1) exists and the
2370 continued existence of the condition or conditions jeopardizes
2371 the health, safety, or welfare of dependent children. A receiver
2372 may be appointed ex parte when the court determines that one or
2373 more of the conditions in subsection (1) exists. After such
2374 finding, the court may appoint any person, including an employee
2375 of the department who is qualified by education, training, or
2376 experience to carry out the duties of the receiver pursuant to
2377 this section, except that the court may ~~shall~~ not appoint any
2378 member of the governing board or any officer of the lead agency
2379 ~~community-based provider~~. The receiver may be selected from a
2380 list of persons qualified to act as receivers which is developed
2381 by the department and presented to the court with each petition
2382 of receivership.

2383 (d) A receiver may be appointed for up to 90 days, and the
2384 department may petition the court for additional 30-day
2385 extensions. Sixty days after appointment of a receiver and every
2386 30 days thereafter until the receivership is terminated, the
2387 department shall submit to the court an assessment of the lead
2388 agency's ~~community-based provider's~~ ability to ensure the
2389 health, safety, and welfare of the dependent children under its
2390 supervision.

2391 (3) The receiver shall take such steps as are reasonably
2392 necessary to ensure the continued health, safety, and welfare of

2393 the dependent children under the supervision of the lead agency
2394 ~~community-based provider~~ and shall exercise those powers and
2395 perform those duties set out by the court, including, but not
2396 limited to:

2397 (a) Taking such action as is reasonably necessary to
2398 protect or conserve the assets or property of the lead agency
2399 ~~community-based provider~~. The receiver may use the assets and
2400 property and any proceeds from any transfer thereof only in the
2401 performance of the powers and duties provided ~~set forth~~ in this
2402 section and by order of the court.

2403 (b) Using the assets of the lead agency ~~community-based~~
2404 ~~provider~~ in the provision of care and services to dependent
2405 children.

2406 (c) Entering into contracts and hiring agents and
2407 employees to carry out the powers and duties of the receiver
2408 under this section.

2409 (d) Having full power to direct, manage, hire, and
2410 discharge employees of the lead agency ~~community-based provider~~.
2411 The receiver shall hire and pay new employees at the rate of
2412 compensation, including benefits, approved by the court.

2413 (e) Honoring all leases, mortgages, and contractual
2414 obligations of the lead agency ~~community-based provider~~, but
2415 only to the extent of payments that become due during the period
2416 of the receivership.

2417 (4) (a) The receiver shall deposit funds received in a
2418 separate account and shall use this account for all

2419 disbursements.

2420 (b) A payment to the receiver of any sum owing to the lead
2421 agency ~~community-based provider~~ shall discharge any obligation
2422 to the provider to the extent of the payment.

2423 (5) A receiver may petition the court for temporary relief
2424 from obligations entered into by the lead agency ~~community-based~~
2425 ~~provider~~ if the rent, price, or rate of interest required to be
2426 paid under the agreement was substantially in excess of a
2427 reasonable rent, price, or rate of interest at the time the
2428 contract was entered into, or if any material provision of the
2429 agreement was unreasonable when compared to contracts negotiated
2430 under similar conditions. Any relief in this form provided by
2431 the court shall be limited to the life of the receivership,
2432 unless otherwise determined by the court.

2433 (6) The court shall set the compensation of the receiver,
2434 which shall be considered a necessary expense of a receivership
2435 and may grant to the receiver such other authority necessary to
2436 ensure the health, safety, and welfare of the children served.

2437 (7) A receiver may be held liable in a personal capacity
2438 only for the receiver's own gross negligence, intentional acts,
2439 or breaches of fiduciary duty. This section may ~~shall~~ not be
2440 interpreted to be a waiver of sovereign immunity should the
2441 department be appointed receiver.

2442 (8) If the receiver is not the department, the court may
2443 require a receiver to post a bond to ensure the faithful
2444 performance of these duties.

2445 (9) The court may terminate a receivership when:
 2446 (a) The court determines that the receivership is no
 2447 longer necessary because the conditions that gave rise to the
 2448 receivership no longer exist; or
 2449 (b) The department has entered into a contract with a new
 2450 lead agency ~~community-based provider~~ pursuant to s. 409.987 ~~s.~~
 2451 ~~409.1671~~, and that contractor is ready and able to assume the
 2452 duties of the previous lead agency ~~provider~~.
 2453 (10) Within 30 days after the termination, unless this
 2454 time period is extended by the court, the receiver shall give
 2455 the court a complete accounting of all property of which the
 2456 receiver has taken possession, of all funds collected and
 2457 disbursed, and of the expenses of the receivership.
 2458 (11) ~~Nothing in~~ This section does not ~~shall be construed~~
 2459 ~~to~~ relieve any employee of the lead agency ~~community-based~~
 2460 ~~provider~~ placed in receivership of any civil or criminal
 2461 liability incurred, or any duty imposed by law, by reason of
 2462 acts or omissions of the employee before ~~prior to~~ the
 2463 appointment of a receiver, ~~and; nor shall anything contained in~~
 2464 this section does not ~~be construed to~~ suspend during the
 2465 receivership any obligation of the employee for payment of taxes
 2466 or other operating or maintenance expenses of the lead agency
 2467 ~~community-based provider~~ or for the payment of mortgages or
 2468 liens. The lead agency ~~community-based provider~~ shall retain the
 2469 right to sell or mortgage any facility under receivership,
 2470 subject to the prior approval of the court that ordered the

2471 receivership.

2472 Section 31. Section 409.996, Florida Statutes, is created
2473 to read:

2474 409.996 Duties of the Department of Children and
2475 Families.—The department shall contract for the delivery,
2476 administration, or management of care for children in the child
2477 protection and child welfare system. In doing so, the department
2478 retains responsibility for the quality of contracted services
2479 and programs and shall ensure that services are delivered in
2480 accordance with applicable federal and state statutes and
2481 regulations.

2482 (1) The department shall enter into contracts with lead
2483 agencies to perform the duties of a lead agency pursuant to s.
2484 409.988. At a minimum, the contracts must:

2485 (a) Provide for the services needed to accomplish the
2486 duties established in s. 409.988 and provide information to the
2487 department that is necessary to meet the requirements for a
2488 quality assurance program pursuant to subsection (18) and the
2489 child welfare results-oriented accountability system pursuant to
2490 s. 409.997.

2491 (b) Provide for graduated penalties for failure to comply
2492 with contract terms. Such penalties may include financial
2493 penalties, enhanced monitoring and reporting, corrective action
2494 plans, and early termination of contracts or other appropriate
2495 action to ensure contract compliance. The financial penalties
2496 shall require a lead agency to reallocate funds from

2497 administrative costs to direct care for children.

2498 (c) Ensure that the lead agency shall furnish current and
 2499 accurate information on its activities in all cases in client
 2500 case records in the state's statewide automated child welfare
 2501 information system.

2502 (d) Specify the procedures to be used by the parties to
 2503 resolve differences in interpreting the contract or to resolve
 2504 disputes as to the adequacy of the parties' compliance with
 2505 their respective obligations under the contract.

2506 (2) The department must adopt written policies and
 2507 procedures for monitoring the contract for delivery of services
 2508 by lead agencies which must be posted on the department's
 2509 website. These policies and procedures must, at a minimum,
 2510 address the evaluation of fiscal accountability and program
 2511 operations, including provider achievement of performance
 2512 standards, provider monitoring of subcontractors, and timely
 2513 follow up of corrective actions for significant monitoring
 2514 findings related to providers and subcontractors. These policies
 2515 and procedures must also include provisions for reducing the
 2516 duplication of the department's program monitoring activities
 2517 both internally and with other agencies, to the extent possible.
 2518 The department's written procedures must ensure that the written
 2519 findings, conclusions, and recommendations from monitoring the
 2520 contract for services of lead agencies are communicated to the
 2521 director of the provider agency and the community alliance as
 2522 expeditiously as possible.

2523 (3) The department shall receive federal and state funds
 2524 as appropriated for the operation of the child welfare system
 2525 and shall transmit these funds to the lead agencies as agreed to
 2526 in the contract. The department retains responsibility for the
 2527 appropriate spending of these funds. The department shall
 2528 monitor lead agencies to assess compliance with the financial
 2529 guidelines established pursuant to s. 409.992 and other
 2530 applicable state and federal laws.

2531 (4) The department shall provide technical assistance and
 2532 consultation to lead agencies in the provision of care to
 2533 children in the child protection and child welfare system.

2534 (5) The department retains the responsibility for the
 2535 review, approval or denial, and issuances of all foster home
 2536 licenses.

2537 (6) The department shall process all applications
 2538 submitted by lead agencies for the Interstate Compact on the
 2539 Placement of Children and the Interstate Compact on Adoption and
 2540 Medical Assistance.

2541 (7) The department shall assist lead agencies with access
 2542 to and coordination with other service programs within the
 2543 department.

2544 (8) The department shall determine Medicaid eligibility
 2545 for all referred children and shall coordinate services with the
 2546 Agency for Health Care Administration.

2547 (9) The department shall develop, in cooperation with the
 2548 lead agencies and the third-party credentialing entity approved

2549 pursuant to s. 402.40(3), a standardized competency-based
2550 curriculum for certification training for child protection
2551 staff.

2552 (10) The department shall maintain the statewide adoptions
2553 website and provide information and training to the lead
2554 agencies relating to the website.

2555 (11) The department shall provide training and assistance
2556 to lead agencies regarding the responsibility of lead agencies
2557 relating to children receiving supplemental security income,
2558 social security, railroad retirement, or veterans' benefits.

2559 (12) With the assistance of a lead agency, the department
2560 shall develop and implement statewide and local interagency
2561 agreements needed to coordinate services for children and
2562 parents involved in the child welfare system who are also
2563 involved with the Agency for Persons with Disabilities, the
2564 Department of Juvenile Justice, the Department of Education, the
2565 Department of Health, and other governmental organizations that
2566 share responsibilities for children or parents in the child
2567 welfare system.

2568 (13) With the assistance of a lead agency, the department
2569 shall develop and implement a working agreement between the lead
2570 agency and the substance abuse and mental health managing entity
2571 to integrate services and supports for children and parents
2572 serviced in the child welfare system.

2573 (14) The department shall work with the Agency for Health
2574 Care Administration to provide each Medicaid-eligible child with

2575 early and periodic screening, diagnosis, and treatment,
2576 including 72-hour screening, periodic child health checkups, and
2577 prescribed follow up for ordered services, including, but not
2578 limited to, medical, dental, and vision care.

2579 (15) The department shall assist lead agencies in
2580 developing an array of services in compliance with the Title IV-
2581 E waiver and shall monitor the provision of such services.

2582 (16) The department shall provide a mechanism to allow
2583 lead agencies to request a waiver of department policies and
2584 procedures that create inefficiencies or inhibit the performance
2585 of the lead agency's duties.

2586 (17) The department shall directly or through contract
2587 provide attorneys to prepare and present cases in dependency
2588 court and shall ensure that the court is provided with adequate
2589 information for informed decisionmaking in dependency cases,
2590 including a fact sheet for each case that lists the names and
2591 contact information for any child protective investigator, child
2592 protective investigation supervisor, case manager, and case
2593 manager supervisor, and the regional department official
2594 responsible for the lead agency contract. For the Sixth Judicial
2595 Circuit, the department shall contract with the state attorney
2596 for the provision of these services.

2597 (18) The department, in consultation with lead agencies,
2598 shall establish a quality assurance program for contracted
2599 services to dependent children. The quality assurance program
2600 shall be based on standards established by federal and state law

2601 and national accrediting organizations.

2602 (a) The department must evaluate each lead agency under
 2603 contract at least annually. These evaluations shall cover the
 2604 programmatic, operational, and fiscal operations of the lead
 2605 agency and must be consistent with the child welfare results-
 2606 oriented accountability system required by s. 409.997. The
 2607 department must consult with dependency judges in the circuit or
 2608 circuits served by the lead agency on the performance of the
 2609 lead agency.

2610 (b) The department shall, to the extent possible, use
 2611 independent financial audits provided by the lead agency to
 2612 eliminate or reduce the ongoing contract and administrative
 2613 reviews conducted by the department. If the department
 2614 determines that such independent financial audits are
 2615 inadequate, other audits, as necessary, may be conducted by the
 2616 department. This paragraph does not abrogate the requirements of
 2617 s. 215.97.

2618 (c) The department may suggest additional items to be
 2619 included in such independent financial audits to meet the
 2620 department's needs.

2621 (d) The department may outsource programmatic,
 2622 administrative, or fiscal monitoring oversight of lead agencies.

2623 (e) A lead agency must assure that all subcontractors are
 2624 subject to the same quality assurance activities as the lead
 2625 agency.

2626 Section 32. Section 409.997, Florida Statutes, is created

2627 to read:

2628 409.997 Child welfare results-oriented accountability
2629 system.—

2630 (1) The department and its contract providers, including
2631 lead agencies, community-based care providers, and other
2632 community partners participating in the state's child protection
2633 and child welfare system, share the responsibility for achieving
2634 the outcome goals specified in s. 409.986(2).

2635 (2) The department shall issue a request for information
2636 for a comprehensive, results-oriented accountability system to
2637 assess the achievement of the outcome goals specified in s.
2638 409.986(2). The department shall use the request for information
2639 to identify system development and implementation approaches,
2640 technical and operational solutions, timeframes for
2641 implementation, pricing and costs, and implementation
2642 considerations; assess respondents' experience in providing
2643 similar systems and interest in providing this system; and
2644 generate any other information determined by the department to
2645 be of use in establishing the system. The purpose of the system
2646 is to monitor and measure the use of resources, the quality and
2647 amount of services provided, and child and family outcomes
2648 through data analysis, research review, and evaluation. The
2649 system shall provide information about individual entities'
2650 performance as well as the performance of groups of entities
2651 working together as an integrated system of care on a local,
2652 regional, and statewide basis. Data generated by the system

2653 shall inform the department's development and maintenance of an
2654 inclusive, interactive, and evidence-supported program of
2655 quality improvement that promotes individual skill building as
2656 well as organizational learning. Additionally, data generated by
2657 the system shall provide the basis for payment of performance
2658 incentives if funds for such payments are made available through
2659 the General Appropriations Act. The request for information
2660 shall generate information for a system that must incorporate,
2661 at a minimum:

2662 (a) Valid and reliable outcome measures for each of the
2663 goals specified in this subsection. The outcome data set must
2664 consist of a limited number of understandable measures using
2665 available data to quantify outcomes as children move through the
2666 system of care. Such measures may aggregate multiple variables
2667 that affect the overall achievement of the outcome goals. Valid
2668 and reliable measures must be based on adequate sample sizes, be
2669 gathered over suitable time periods, and reflect authentic
2670 rather than spurious results, and may not be susceptible to
2671 manipulation.

2672 (b) A monitoring system to track the identified outcome
2673 measures on a statewide, regional, and provider-specific basis.
2674 The monitoring system must identify trends and chart progress
2675 toward achievement of the goals specified in this subsection.
2676 The accountability system may not rank or compare performance
2677 among community-based care regions unless adequate and specific
2678 adjustments are adopted that account for the diversity in

2679 regions' demographics, resources, and other relevant
2680 characteristics. The requirements of the monitoring system may
2681 be incorporated into the quality assurance program required
2682 under s. 409.996(18).

2683 (c) An analytical system that builds on the outcomes
2684 monitoring system to assess the statistical validity of observed
2685 associations between child welfare interventions and the
2686 measured outcomes. The analysis must use quantitative methods to
2687 adjust for variations in demographic or other conditions. The
2688 analysis must include longitudinal studies to evaluate longer
2689 term outcomes, such as continued safety, family permanence, and
2690 transition to self-sufficiency. The analysis may also include
2691 qualitative research methods to provide insight into statistical
2692 patterns.

2693 (d) A program of research review to identify interventions
2694 that are supported by evidence as causally linked to improved
2695 outcomes.

2696 (e) An ongoing process of evaluation to determine the
2697 efficacy and effectiveness of various interventions. Efficacy
2698 evaluation is intended to determine the validity of a causal
2699 relationship between an intervention and an outcome.
2700 Effectiveness evaluation is intended to determine the extent to
2701 which the results can be generalized.

2702 (f) A method for making the results of the accountability
2703 system transparent for all parties involved in the child welfare
2704 system as well as policymakers and the public, which shall be

2705 made available to the public at least quarterly through
2706 publication on the department's website in a manner that allows
2707 custom searches of the performance data. The presentation of the
2708 data shall provide a comprehensible, visual report card for the
2709 state and each community-based care region, indicating the
2710 current status of the outcomes relative to each goal and trends
2711 in that status over time. The presentation shall identify and
2712 report outcome measures that assess the performance of the
2713 department, the community-based care lead agencies, and their
2714 subcontractors working together as an integrated system of care.

2715 (g) Collaboration with the department to produce an annual
2716 report on the statewide and individual community-based care lead
2717 agency results for child protection and child welfare systems.
2718 The department shall use the accountability system and consult
2719 with the community alliance and the dependency judge or judges
2720 in the community-based care service area to prepare the report,
2721 and shall submit the report to the Governor, the President of
2722 the Senate, and the Speaker of the House of Representatives by
2723 October 1 of each year.

2724 (3) The department shall establish a technical advisory
2725 panel consisting of representatives from the Florida Institute
2726 for Child Welfare established pursuant to s. 1004.615, lead
2727 agencies, community-based care providers, other contract
2728 providers, community alliances, and family representatives. The
2729 President of the Senate and the Speaker of the House of
2730 Representatives shall each appoint a member to serve as a

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2731 legislative liaison to the panel. The technical advisory panel
2732 shall advise the department on meeting the requirements of this
2733 section.

2734 Section 33. The Department of Children and Families shall
2735 submit a report to the Governor, the President of the Senate,
2736 and the Speaker of the House of Representatives by February 1,
2737 2015, summarizing the responses to the request for information
2738 required by s. 409.997, Florida Statutes, and providing the
2739 department's recommendations regarding procurement, expected
2740 system costs, and implementation of the child welfare results-
2741 oriented accountability system.

2742 Section 34. Section 409.998, Florida Statutes, is created
2743 to read:

2744 409.998 Community-based care; oversight by community
2745 alliances.—To provide independent, community-focused oversight
2746 of child protection and child welfare services and the local
2747 system of community-based care, community alliances created in
2748 s. 20.19(5) shall, with the assistance of the department,
2749 perform the following duties:

2750 (1) Conduct a needs assessment and establish community
2751 priorities for child protection and child welfare services.

2752 (2) Review the performance of the department, the
2753 sheriff's office, if the office provides child protective
2754 services, and the lead agency individually and as an integrated
2755 system of care, and advise the department, the sheriff's office,
2756 if applicable, and the lead agency regarding concerns and

2757 suggested areas of improvement.

2758 (3) Recommend a competitive procurement for the lead
 2759 agency if programmatic or financial performance is poor. The
 2760 community alliance shall make recommendations on the development
 2761 of the procurement document for such competitive procurement and
 2762 may suggest specific requirements relating to local needs and
 2763 services.

2764 (4) Recommend a contract extension for the lead agency if
 2765 programmatic and financial performance is superior.

2766 (5) In partnership with the Florida Institute for Child
 2767 Welfare established pursuant to s. 1004.615, develop
 2768 recommendations and submit such recommendations to the
 2769 department and the community-based care lead agency to improve
 2770 child protection and child welfare policies and practices.

2771 (6) Promote greater community involvement in community-
 2772 based care through participation in community-based care lead
 2773 agency services and activities, recruitment and retention of
 2774 community volunteers, and public awareness efforts.

2775 Section 35. Section 827.10, Florida Statutes, is created
 2776 to read:

2777 827.10 Unlawful abandonment of a child.—

2778 (1) As used in this section, the term:

2779 (a) "Abandons" or "abandonment" means to leave a child in
 2780 a place or with a person other than a relative with the intent
 2781 not to return to the child and with the intent not to provide
 2782 for the care of the child.

2783 (b) "Care" means support and services necessary to
 2784 maintain the child's physical and mental health, including, but
 2785 not limited to, food, nutrition, clothing, shelter, supervision,
 2786 medicine, and medical services that a prudent person would
 2787 consider essential for the well-being of the child.

2788 (c) "Caregiver" has the same meaning as provided in s.
 2789 39.01(10).

2790 (d) "Child" means a child for whose care the caregiver is
 2791 legally responsible.

2792 (e) "Relative" has the same meaning as provided in s.
 2793 39.01(64).

2794 (2) A caregiver who abandons a child under circumstances
 2795 in which the caregiver knew or should have known that the
 2796 abandonment exposes the child to unreasonable risk of harm
 2797 commits a felony of the third degree, punishable as provided in
 2798 s. 775.082, s. 775.083, or s. 775.084.

2799 (3) This section does not apply to a person who surrenders
 2800 a newborn infant in compliance with s. 383.50.

2801 (4) This section does not preclude prosecution for a
 2802 criminal act under any other law, including, but not limited to,
 2803 prosecution of child abuse or neglect of a child under s.
 2804 827.03.

2805 Section 36. Section 1004.615, Florida Statutes, is created
 2806 to read:

2807 1004.615 Florida Institute for Child Welfare.—

2808 (1) There is established the Florida Institute for Child

2809 Welfare within the Florida State University College of Social
 2810 Work. The purpose of the institute is to advance the well-being
 2811 of children and families by improving the performance of child
 2812 protection and child welfare services through research, policy
 2813 analysis, evaluation, and leadership development. The institute
 2814 shall consist of a consortium of public and private universities
 2815 offering degrees in social work and shall be housed within the
 2816 Florida State University College of Social Work.

2817 (2) Using such resources as authorized in the General
 2818 Appropriations Act, the Department of Children and Families
 2819 shall contract with the institute for performance of the duties
 2820 described in subsection (4).

2821 (3) The institute shall work with the department, sheriffs
 2822 providing child protective investigative services, community-
 2823 based care lead agencies, community-based care provider
 2824 organizations, the court system, the Department of Juvenile
 2825 Justice, the federally recognized statewide association for
 2826 Florida's certified domestic violence centers, and other
 2827 partners who contribute to and participate in providing child
 2828 protection and child welfare services.

2829 (4) The institute shall:

2830 (a) Maintain a program of research that contributes to
 2831 scientific knowledge and informs both policy and practice
 2832 related to child safety, permanency, and child and family well-
 2833 being.

2834 (b) Advise the department and other organizations

2835 participating in the child protection and child welfare system
2836 regarding scientific evidence on policy and practice related to
2837 child safety, permanency, and child and family well-being.

2838 (c) Provide advice regarding management practices and
2839 administrative processes used by the department and other
2840 organizations participating in the child protection and child
2841 welfare system and recommend improvements that reduce
2842 burdensome, ineffective requirements for frontline staff and
2843 their supervisors while enhancing their ability to effectively
2844 investigate, analyze, problem-solve, and supervise.

2845 (d) Assess the performance of child protection and child
2846 welfare services based on specific outcome measures.

2847 (e) Evaluate the scope and effectiveness of preservice and
2848 inservice training for child protection and child welfare
2849 employees and advise and assist the department in efforts to
2850 improve such training.

2851 (f) Assess the readiness of social work graduates to
2852 assume job responsibilities in the child protection and child
2853 welfare system and identify gaps in education that can be
2854 addressed through the modification of curricula or the
2855 establishment of industry certifications.

2856 (g) Develop and maintain a program of professional support
2857 including training courses and consulting services that assist
2858 both individuals and organizations in implementing adaptive and
2859 resilient responses to workplace stress.

2860 (h) Participate in the department's critical incident

2861 response team, assist in the preparation of reports about such
2862 incidents, and support the committee review of reports and
2863 development of recommendations.

2864 (i) Identify effective policies and promising practices,
2865 including, but not limited to, innovations in coordination
2866 between entities participating in the child protection and child
2867 welfare system, data analytics, working with the local
2868 community, and management of human service organizations and
2869 communicate these findings to the department and other
2870 organizations participating in the child protection and child
2871 welfare system.

2872 (5) The President of the Florida State University shall
2873 appoint a director of the institute. The director must be a
2874 child welfare professional with a doctoral degree in social work
2875 who holds a faculty appointment in the Florida State University
2876 College of Social Work. The institute shall be administered by
2877 the director, and the director's office shall be located at the
2878 Florida State University. The director is responsible for
2879 overall management of the institute and for developing and
2880 executing the work of the institute consistent with the
2881 responsibilities in subsection (4). The director shall engage
2882 individuals in other state universities with accredited colleges
2883 of social work to participate in the institute. Individuals from
2884 other university programs relevant to the institute's work,
2885 including, but not limited to, economics, management, law,
2886 medicine, and education, may also be invited by the director to

2887 contribute to the institute. The universities involved in the
2888 institute shall provide facilities, staff, and other resources
2889 to the institute to establish statewide access to institute
2890 programs and services.

2891 (6) By October 1 of each year, the institute shall provide
2892 a written report to the Governor, the President of the Senate,
2893 and the Speaker of the House of Representatives that outlines
2894 its activities in the preceding year, reports significant
2895 research findings, as well as results of other programs, and
2896 provides specific recommendations for improving child protection
2897 and child welfare services.

2898 (a) The institute shall include an evaluation of the
2899 results of the educational and training requirements for child
2900 protection and child welfare personnel established under this
2901 act and recommendations for application of the results to child
2902 protection personnel employed by sheriff's offices providing
2903 child protection services in its report due October 1, 2017.

2904 (b) The institute shall include an evaluation of the
2905 effects of the other provisions of this act and recommendations
2906 for improvements in child protection and child welfare services
2907 in its report due October 1, 2018.

2908 (7) (a) The institute, or the Florida State University
2909 College of Social Work until the institute is operational, shall
2910 convene a task force to make recommendations for improving the
2911 state's child welfare system. The task force shall include, but
2912 not be limited to, representatives of the department, the

2913 Department of Juvenile Justice, community-based care lead
2914 agencies, the Florida Coalition for Children, Inc., child
2915 welfare services providers, including case management providers,
2916 the court system, the federally recognized statewide association
2917 for Florida's certified domestic violence centers, and child
2918 welfare advocates. The task force shall include individuals
2919 working directly with children and families, administrators, and
2920 experts. Individual members of the task force shall be
2921 responsible for their own travel expenses. The task force may
2922 meet in person, telephonically, through web-based technology, or
2923 through any combination thereof.

2924 (b) The task force shall establish individual workgroups
2925 on the following topics, which may include additional members
2926 with directly relevant experience and expertise to make specific
2927 recommendations:

2928 1. Reducing paperwork and increasing the retention of case
2929 managers.

2930 2. Care of medically complex children within the child
2931 welfare system, with the goal of allowing the child to remain in
2932 the least restrictive and most nurturing environment.

2933 (c) The institute, or the Florida State University College
2934 of Social Work until the institute is operational, shall submit
2935 interim reports from the task force and workgroups by February
2936 1, 2015, and final reports by November 1, 2015, to the Governor,
2937 the President of the Senate, and the Speaker of the House of
2938 Representatives.

2939 Section 37. Paragraph (h) is added to subsection (1) of
 2940 section 1009.25, Florida Statutes, to read:

2941 1009.25 Fee exemptions.—

2942 (1) The following students are exempt from the payment of
 2943 tuition and fees, including lab fees, at a school district that
 2944 provides workforce education programs, Florida College System
 2945 institution, or state university:

2946 (h) Pursuant to s. 402.403, child protection and child
 2947 welfare personnel, as defined in s. 402.402(1)(a), who are
 2948 enrolled in an accredited bachelor's degree or master's degree
 2949 in social work program or completing coursework required
 2950 pursuant to s. 402.402(2)(a)2. and 3., provided that the student
 2951 attains at least a grade of "B" in all courses for which tuition
 2952 and fees are exempted.

2953 Section 38. Section 409.1671, Florida Statutes, is
 2954 repealed.

2955 Section 39. Section 409.16745, Florida Statutes, is
 2956 repealed.

2957 Section 40. Paragraph (g) of subsection (1) of section
 2958 39.201, Florida Statutes, is amended to read:

2959 39.201 Mandatory reports of child abuse, abandonment, or
 2960 neglect; mandatory reports of death; central abuse hotline.—

2961 (1)

2962 (g) Nothing in this chapter or in the contracting with
 2963 community-based care providers for foster care and related
 2964 services as specified in s. 409.987 ~~s. 409.1671~~ shall be

2965 construed to remove or reduce the duty and responsibility of any
 2966 person, including any employee of the community-based care
 2967 provider, to report a suspected or actual case of child abuse,
 2968 abandonment, or neglect or the sexual abuse of a child to the
 2969 department's central abuse hotline.

2970 Section 41. Paragraph (a) of subsection (1) of section
 2971 409.16713, Florida Statutes, is amended to read:

2972 409.16713 Allocation of funds for community-based care
 2973 lead agencies.—

2974 (1) As used in this section, the term:

2975 (a) "Core services funding" means all funds allocated to
 2976 community-based care lead agencies operating under contract with
 2977 the department pursuant to s. 409.987 ~~s. 409.1671~~, with the
 2978 following exceptions:

- 2979 1. Funds appropriated for independent living;
- 2980 2. Funds appropriated for maintenance adoption subsidies;
- 2981 3. Funds allocated by the department for protective
 2982 investigations training;
- 2983 4. Nonrecurring funds;
- 2984 5. Designated mental health wrap-around services funds;
- 2985 and
- 2986 6. Funds for special projects for a designated community-
 2987 based care lead agency.

2988 Section 42. Subsection (1) and paragraph (b) of subsection
 2989 (9) of section 409.1675, Florida Statutes, are amended to read:

2990 409.1675 Lead community-based providers; receivership.—

2991 (1) The Department of Children and Families ~~Family~~
 2992 ~~Services~~ may petition a court of competent jurisdiction for the
 2993 appointment of a receiver for a lead community-based provider
 2994 established pursuant to s. 409.987 ~~s. 409.1671~~ when any of the
 2995 following conditions exist:

2996 (a) The lead community-based provider is operating without
 2997 a license as a child-placing agency.

2998 (b) The lead community-based provider has given less than
 2999 120 days' notice of its intent to cease operations, and
 3000 arrangements have not been made for another lead community-based
 3001 provider or for the department to continue the uninterrupted
 3002 provision of services.

3003 (c) The department determines that conditions exist in the
 3004 lead community-based provider which present an imminent danger
 3005 to the health, safety, or welfare of the dependent children
 3006 under that provider's care or supervision. Whenever possible,
 3007 the department shall make a reasonable effort to facilitate the
 3008 continued operation of the program.

3009 (d) The lead community-based provider cannot meet its
 3010 current financial obligations to its employees, contractors, or
 3011 foster parents. Issuance of bad checks or the existence of
 3012 delinquent obligations for payment of salaries, utilities, or
 3013 invoices for essential services or commodities shall constitute
 3014 prima facie evidence that the lead community-based provider
 3015 lacks the financial ability to meet its financial obligations.

3016 (9) The court may terminate a receivership when:

3017 (b) The department has entered into a contract with a new
 3018 lead community-based provider pursuant to s. 409.987 ~~s.~~
 3019 ~~409.1671~~, and that contractor is ready and able to assume the
 3020 duties of the previous provider.

3021 Section 43. Subsections (1), (3), and (5) of section
 3022 409.1676, Florida Statutes, are amended to read:

3023 409.1676 Comprehensive residential group care services to
 3024 children who have extraordinary needs.—

3025 (1) It is the intent of the Legislature to provide
 3026 comprehensive residential group care services, including
 3027 residential care, case management, and other services, to
 3028 children in the child protection system who have extraordinary
 3029 needs. These services are to be provided in a residential group
 3030 care setting by a not-for-profit corporation or a local
 3031 government entity under a contract with the Department of
 3032 Children and Families ~~Family Services~~ or by a lead agency as
 3033 described in s. 409.987 ~~s. 409.1671~~. These contracts should be
 3034 designed to provide an identified number of children with access
 3035 to a full array of services for a fixed price. Further, it is
 3036 the intent of the Legislature that the Department of Children
 3037 and Families ~~Family Services~~ and the Department of Juvenile
 3038 Justice establish an interagency agreement by December 1, 2002,
 3039 which describes respective agency responsibilities for referral,
 3040 placement, service provision, and service coordination for
 3041 dependent and delinquent youth who are referred to these
 3042 residential group care facilities. The agreement must require

3043 interagency collaboration in the development of terms,
 3044 conditions, and performance outcomes for residential group care
 3045 contracts serving the youth referred who have been adjudicated
 3046 both dependent and delinquent.

3047 (3) The department, in accordance with a specific
 3048 appropriation for this program, shall contract with a not-for-
 3049 profit corporation, a local government entity, or the lead
 3050 agency that has been established in accordance with s. 409.987
 3051 ~~s. 409.1671~~ for the performance of residential group care
 3052 services described in this section. A lead agency that is
 3053 currently providing residential care may provide this service
 3054 directly with the approval of the local community alliance. The
 3055 department or a lead agency may contract for more than one site
 3056 in a county if that is determined to be the most effective way
 3057 to achieve the goals set forth in this section.

3058 (5) The department may transfer all casework
 3059 responsibilities for children served under this program to the
 3060 entity that provides this service, including case management and
 3061 development and implementation of a case plan in accordance with
 3062 current standards for child protection services. When the
 3063 department establishes this program in a community that has a
 3064 lead agency as described in s. 409.987 ~~s. 409.1671~~, the casework
 3065 responsibilities must be transferred to the lead agency.

3066 Section 44. Subsection (2) of section 409.1677, Florida
 3067 Statutes, is amended to read:

3068 409.1677 Model comprehensive residential services

3069 programs.—

3070 (2) The department shall establish a model comprehensive
 3071 residential services program in Manatee and Miami-Dade Counties
 3072 through a contract with the designated lead agency established
 3073 in accordance with s. 409.987 ~~s. 409.1671~~ or with a private
 3074 entity capable of providing residential group care and home-
 3075 based care and experienced in the delivery of a range of
 3076 services to foster children, if no lead agency exists. These
 3077 model programs are to serve that portion of eligible children
 3078 within each county which is specified in the contract, based on
 3079 funds appropriated, to include a full array of services for a
 3080 fixed price. The private entity or lead agency is responsible
 3081 for all programmatic functions necessary to carry out the intent
 3082 of this section.

3083 Section 45. Subsection (24) of section 409.906, Florida
 3084 Statutes, is amended to read:

3085 409.906 Optional Medicaid services.—Subject to specific
 3086 appropriations, the agency may make payments for services which
 3087 are optional to the state under Title XIX of the Social Security
 3088 Act and are furnished by Medicaid providers to recipients who
 3089 are determined to be eligible on the dates on which the services
 3090 were provided. Any optional service that is provided shall be
 3091 provided only when medically necessary and in accordance with
 3092 state and federal law. Optional services rendered by providers
 3093 in mobile units to Medicaid recipients may be restricted or
 3094 prohibited by the agency. Nothing in this section shall be

3095 construed to prevent or limit the agency from adjusting fees,
 3096 reimbursement rates, lengths of stay, number of visits, or
 3097 number of services, or making any other adjustments necessary to
 3098 comply with the availability of moneys and any limitations or
 3099 directions provided for in the General Appropriations Act or
 3100 chapter 216. If necessary to safeguard the state's systems of
 3101 providing services to elderly and disabled persons and subject
 3102 to the notice and review provisions of s. 216.177, the Governor
 3103 may direct the Agency for Health Care Administration to amend
 3104 the Medicaid state plan to delete the optional Medicaid service
 3105 known as "Intermediate Care Facilities for the Developmentally
 3106 Disabled." Optional services may include:

3107 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency
 3108 for Health Care Administration, in consultation with the
 3109 Department of Children and Families ~~Family Services~~, may
 3110 establish a targeted case-management project in those counties
 3111 identified by the Department of Children and Families ~~Family~~
 3112 ~~Services~~ and for all counties with a community-based child
 3113 welfare project, as authorized under s. 409.987 ~~s. 409.1671~~,
 3114 which have been specifically approved by the department. The
 3115 covered group of individuals who are eligible to receive
 3116 targeted case management include children who are eligible for
 3117 Medicaid; who are between the ages of birth through 21; and who
 3118 are under protective supervision or postplacement supervision,
 3119 under foster-care supervision, or in shelter care or foster
 3120 care. The number of individuals who are eligible to receive

3121 targeted case management is limited to the number for whom the
 3122 Department of Children and Families ~~Family Services~~ has matching
 3123 funds to cover the costs. The general revenue funds required to
 3124 match the funds for services provided by the community-based
 3125 child welfare projects are limited to funds available for
 3126 services described under s. 409.990 ~~s. 409.1671~~. The Department
 3127 of Children and Families ~~Family Services~~ may transfer the
 3128 general revenue matching funds as billed by the Agency for
 3129 Health Care Administration.

3130 Section 46. Paragraph (d) of subsection (1) of section
 3131 420.628, Florida Statutes, is amended to read:

3132 420.628 Affordable housing for children and young adults
 3133 leaving foster care; legislative findings and intent.—

3134 (1)

3135 (d) The Legislature intends that the Florida Housing
 3136 Finance Corporation, agencies within the State Housing
 3137 Initiative Partnership Program, local housing finance agencies,
 3138 public housing authorities, and their agents, and other
 3139 providers of affordable housing coordinate with the Department
 3140 of Children and Families ~~Family Services~~, their agents, and
 3141 community-based care providers who provide services under s.
 3142 409.987 ~~s. 409.1671~~ to develop and implement strategies and
 3143 procedures designed to make affordable housing available
 3144 whenever and wherever possible to young adults who leave the
 3145 child welfare system.

3146 Section 47. For the 2014-2015 fiscal year, the sum of

CS/HB 7169

2014

3147 \$3,291,903 in recurring funds and \$85,161 in nonrecurring funds
3148 from the General Revenue Fund, and \$560,000 in recurring funds
3149 from the Federal Grants Trust fund, are appropriated to the
3150 Department of Children and Families, and 21 full-time equivalent
3151 positions with associated salary rate of 999,991 are authorized,
3152 for the purpose of implementing this act.

3153 Section 48. For the 2014-2015 fiscal year, the sum of
3154 \$122,936 in recurring funds from the General Revenue Fund are
3155 appropriated to the Department of Health for the purpose of
3156 implementing this act.

3157 Section 49. This act shall take effect July 1, 2014.