

1 A bill to be entitled
2 An act relating to the Department of Children and
3 Families; amending s. 20.19, F.S.; requiring the
4 department to establish community alliances in each
5 community-based care lead agency service area;
6 requiring community alliances to adopt certain bylaws;
7 revising the membership of community alliances;
8 amending s. 39.4015, F.S.; requiring, rather than
9 authorizing, the department to develop a family-
10 finding program; removing the limitation that the
11 development of family-finding programs is subject to
12 available resources; requiring that family finding
13 begin as soon as a child is taken into custody of the
14 department; making technical changes; amending s.
15 39.4087, F.S.; requiring the department to treat
16 caregivers in a specified manner; requiring the
17 department to provide certain information to and
18 training for caregivers of children in foster care;
19 removing the requirement that such information be
20 provided subject to available resources; expanding
21 certain information that is required to be fully
22 disclosed to the caregivers to include the child's
23 issues related to behavioral health; making technical
24 changes; amending s. 39.5086, F.S.; removing the
25 limitation that the development of kinship navigator

26 | programs is subject to available resources; requiring,
27 | rather than authorizing, each community-based care
28 | lead agency to establish a kinship navigator program;
29 | amending s. 394.9082, F.S.; requiring the department
30 | to collect and post specified information on its
31 | website for each managing entity under contract with
32 | the department; defining the term "employee";
33 | providing a limitation on the managing entity
34 | employees' salaries; requiring that contracts and
35 | amendments to existing contracts between the
36 | department and managing entities include a specified
37 | provision; creating s. 394.90825, F.S.; defining
38 | terms; requiring a board member or an officer of a
39 | managing entity to disclose specified activity that
40 | may reasonably be construed as a conflict of interest;
41 | creating a rebuttable presumption of a conflict of
42 | interest if the activity was acted upon by the board
43 | without prior notice; establishing a process for the
44 | managing entity's board of directors to address the
45 | activity under certain timelines; providing for
46 | certain consequences for failure to obtain a board's
47 | approval or failure to properly disclose a contract as
48 | a conflict of interest; amending s. 409.987, F.S.;
49 | requiring the department to develop an alternative
50 | plan to contracting with a lead agency in a community

51 under certain circumstances; providing requirements
52 for the alternative plan; defining terms; requiring a
53 board member or an officer of a lead agency to
54 disclose activity that may reasonably be construed as
55 a conflict of interest; creating a rebuttable
56 presumption of a conflict of interest if the activity
57 was acted upon by the board without prior notice;
58 establishing a process for the lead agency's board of
59 directors to address the activity under certain
60 timelines; providing for certain consequences for
61 failure to obtain a board's approval or failure to
62 properly disclose a contract as a conflict of
63 interest; amending s. 409.988, F.S.; deleting a
64 requirement that lead agencies post their current
65 budgets on their websites; requiring a lead agency to
66 demonstrate the ability to adhere to all best child
67 welfare practices; amending s. 409.992, F.S.; defining
68 the term "employee"; revising a limitation on salaries
69 of community-based care lead agency employees;
70 requiring that contracts and amendments to existing
71 contracts between the department and lead agencies
72 include a specified provision; amending s. 409.996,
73 F.S.; requiring that contracts between the department
74 and lead agencies provide information to the
75 department which specifies how the lead agency will

76 | adhere to all best child welfare practices; requiring
 77 | the department to collect and post on its website
 78 | specified information relating to contracts between
 79 | lead agencies and the department; creating s. 409.998,
 80 | F.S.; providing legislative findings and intent;
 81 | requiring the department to establish a program that
 82 | consists of a child and family well-being system;
 83 | requiring the designated lead agency to carry out
 84 | programmatic functions; defining the term "child and
 85 | family well-being system"; specifying program
 86 | requirements; requiring the department, in
 87 | collaboration with specified entities, to design,
 88 | implement, and evaluate the program requirements;
 89 | requiring the Florida Institute for Child Welfare, by
 90 | a specified date, to annually submit a report to the
 91 | Governor and the Legislature; providing an effective
 92 | date.

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

96 | Section 1. Paragraphs (a), (d), and (e) of subsection (5)
 97 | of section 20.19, Florida Statutes, are amended to read:

98 | 20.19 Department of Children and Families.—There is
 99 | created a Department of Children and Families.

100 | (5) COMMUNITY ALLIANCES.—

101 (a) The department shall, in consultation with local
 102 communities, establish a community alliance ~~or similar group~~ of
 103 the stakeholders, community leaders, client representatives, and
 104 funders of human services in each community-based care lead
 105 agency service area county to provide a focal point for
 106 community participation and governance of community-based
 107 services. ~~An alliance may cover more than one county when such~~
 108 ~~arrangement is determined to provide for more effective~~
 109 ~~representation.~~ The community alliance shall represent the
 110 diversity of the community.

111 (d) Each community alliance shall adopt bylaws to
 112 determine the specific membership composition that best
 113 represents the local community served by that community
 114 alliance. The membership of ~~a~~ the community alliance must ~~in a~~
 115 ~~county shall at a minimum~~ be composed of no more than 20 members
 116 selected from the following:

- 117 1. A representative from the department.
- 118 2. Representatives ~~A representative~~ from local county
 119 government.
- 120 3. Representatives ~~A representative~~ from the school
 121 district.
- 122 4. A representative from the ~~county~~ United Way.
- 123 5. Representatives ~~A representative~~ from ~~the~~ county
 124 sheriffs' offices ~~sheriff's office~~.
- 125 6. A representative from each ~~the~~ circuit court in the

126 | lead agency service area ~~corresponding to the county.~~

127 | 7. A representative from the ~~county~~ children's services
128 | council board, if one exists.

129 | 8. A representative of a faith-based organization involved
130 | in efforts to prevent child maltreatment, strengthen families,
131 | or promote adoption.

132 | (e) The community alliance shall adopt bylaws that allow
133 | for the and may increase the membership of the alliance to be
134 | increased to no more than 30 members if, in the judgment of the
135 | alliance, such change is necessary to adequately represent the
136 | diversity of the population within the community alliance
137 | service circuits. The additional membership may ~~to~~ include the
138 | state attorney for the judicial circuit in which the community
139 | alliance is located, or his or her designee; ~~the public~~
140 | defender for the judicial circuit in which the community
141 | alliance is located, or his or her designee; or, ~~and~~ other
142 | individuals and organizations who otherwise represent
143 | perspectives that will enable the community alliance to
144 | accomplish the duties specified in paragraph (b). Such
145 | individuals and organizations may include, but need not be
146 | limited to, represent funding organizations, ~~are~~ community
147 | leaders, and individuals who have knowledge of community-based
148 | service issues, ~~or otherwise represent perspectives that will~~
149 | ~~enable them to accomplish the duties listed in paragraph (b),~~
150 | ~~if, in the judgment of the alliance, such change is necessary to~~

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151 ~~adequately represent the diversity of the population within the~~
152 ~~community alliance service circuits.~~

153 Section 2. Subsection (3) of section 39.4015, Florida
154 Statutes, is amended to read:

155 39.4015 Family finding.—

156 (3) FAMILY-FINDING PROGRAM.—~~Subject to available~~
157 ~~resources,~~ The department, in collaboration with sheriffs'
158 offices that conduct child protective investigations and
159 community-based care lead agencies, shall ~~may~~ develop a formal
160 family-finding program to be implemented by child protective
161 investigators and community-based care lead agencies ~~as~~
162 ~~resources permit.~~

163 (a) Family finding shall ~~may~~ begin as soon as a child is
164 taken into custody of the department, pursuant to s. 39.401, and
165 throughout the duration of the case as necessary, finding and
166 engaging with as many family members and fictive kin as possible
167 for each child who may help with care or support for the child.
168 The department or community-based care lead agency must
169 specifically document strategies taken to locate and engage
170 relatives and fictive kin. Strategies of engagement may include,
171 but are not limited to, asking the relatives and fictive kin to:

172 1. Participate in a family group decision-making
173 ~~decisionmaking~~ conference, family team conferencing, or other
174 family meetings aimed at developing or supporting the family
175 service plan;

- 176 2. Attend visitations with the child;
- 177 3. Assist in transportation of the child;
- 178 4. Provide respite or child care services; or
- 179 5. Provide actual kinship care.

180 (b) The family-finding ~~family-finding~~ program shall
 181 provide the department and the community-based care lead
 182 agencies with best practices for identifying family and fictive
 183 kin. The family-finding ~~family-finding~~ program must use diligent
 184 efforts in family finding ~~and,~~ must continue those efforts until
 185 multiple relatives and fictive kin are identified, ~~and must go~~
 186 ~~beyond basic searching tools by exploring alternative tools and~~
 187 ~~methodologies.~~ Family-finding ~~Family-finding~~ efforts by the
 188 department and the community-based care lead agency may include,
 189 but are not limited to:

- 190 1. Searching for and locating adult relatives and fictive
 191 kin.
- 192 2. Identifying and building positive connections between
 193 the child and the child's relatives and fictive kin.
- 194 3. Supporting the engagement of relatives and fictive kin
 195 in social service planning and delivery of services and creating
 196 a network of extended family support to assist in remedying the
 197 concerns that led to the child becoming involved with the child
 198 welfare system, when appropriate.
- 199 4. Maintaining family connections, when possible.
- 200 5. Keeping siblings together in care, when in the best

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201 interest of each child and when possible.

202 (c) To be compliant with this section, family-finding
203 efforts must go beyond basic searching tools by exploring
204 alternative tools and methodologies. A basic computer search
205 using the Internet or attempts to contact known relatives at a
206 last known address or telephone number do not constitute
207 effective family finding.

208 Section 3. Section 39.4087, Florida Statutes, is amended
209 to read:

210 39.4087 Department ~~goals and~~ requirements relating to
211 caregivers; dispute resolution.-

212 (1) To provide the best care to children, the Legislature
213 requires ~~establishes as goals for~~ the department to treat foster
214 parents, kinship caregivers, and nonrelative caregivers with
215 dignity, respect, and trust while ensuring delivery of child
216 welfare services is focused on the best interest of the child.
217 To that end, regarding foster parents, kinship caregivers, and
218 nonrelative caregivers caring for dependent children in their
219 home, to the extent not otherwise prohibited by state or federal
220 law ~~and to the extent of current resources,~~ the department is
221 required to do all of the following ~~will strive to:~~

222 (a) Provide a clear explanation to a caregiver on the role
223 of the department, the role of the child's biological family as
224 it relates to the delivery of child welfare services, and the
225 rights and responsibilities of the caregiver.

226 (b) Provide training and support to the caregiver to help
227 meet the necessary requirements for the daily care of the child
228 and any special needs the child may have.

229 (c)1. Fully disclose all relevant information regarding
230 the child and the background of his or her biological family. ~~A~~
231 ~~caregiver must maintain the confidentiality of any information~~
232 ~~as required by law.~~ Such disclosure includes, but is not limited
233 to:

234 ~~a.1.~~ Any issues relative to the child that may jeopardize
235 the health and safety of the caregiver or other individuals
236 residing in the household or alter the manner in which the
237 caregiver would normally provide care.

238 ~~b.2.~~ Any delinquency or criminal record of the child,
239 including, but not limited to, any pending petitions or
240 adjudications of delinquency when the conduct constituting the
241 delinquent act, if committed by an adult, would constitute
242 murder in the first degree, murder in the second degree, rape,
243 robbery, or kidnapping.

244 ~~c.3.~~ Information about any physical or sexual abuse the
245 child has experienced.

246 ~~d.4.~~ Any behavioral issues that may affect the care and
247 supervision of the child.

248 ~~e.5.~~ With parental consent to the extent required by law,
249 any known health history and medical, psychological, or
250 behavioral ~~mental~~ health issues or needs of the child,

251 including, but not limited to, current infectious diseases the
252 child has or any episodes of hospitalization due to mental or
253 physical illness.

254 2. A caregiver must maintain the confidentiality of any
255 information as required by law.

256 (d) Allow caregivers to communicate with professionals who
257 work with the child, including, but not limited to, therapists
258 and other behavioral health professionals, physicians and other
259 health care professionals, and teachers.

260 (e) Provide a means by which a caregiver may contact the
261 community-based care lead agency 24 hours a day, 7 days a week,
262 for the purpose of receiving assistance from the lead agency.

263 (f) Solicit and consider caregiver input on a child's case
264 plan.

265 (g) Provide a clear, written explanation to a caregiver of
266 any plan concerning the placement of a child in the caregiver's
267 home. If a plan was not developed before the placement, the
268 department must provide a clear, written explanation to the
269 caregiver once the plan is developed.

270 (h) Provide information, when it becomes available, on any
271 emergency situation that requires a child to be placed in the
272 caregiver's home.

273 (i) Allow a caregiver to request the removal of a child
274 from the home without retaliation. However, the caregiver must
275 be open to receiving training or other support services that may

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276 mitigate the need for the child's removal. If removal occurs,
277 the caregiver shall cooperate with any transition that is in the
278 best interest of the child to the extent that doing so is safe
279 for the caregiver and other individuals in the caregiver's home.

280 (j) Inform the caregiver as soon as possible of any
281 decision made by a court or child-caring agency relating to a
282 child who is placed with the caregiver.

283 (k) Give at least 7 days' notice to a caregiver, to the
284 extent possible, of any meeting or court hearing related to a
285 child in his or her care. The notice must ~~shall~~ include, at
286 minimum, but is not limited to, the name of the judge or hearing
287 officer, the docket number, and the purpose and location of the
288 hearing or meeting. If the department is providing such
289 information to a child's biological parent, the department shall
290 provide notice to the caregiver at the same time as the
291 biological parent.

292 (l) ~~If the caregiver agrees,~~ Consider the caregiver as a
293 placement option for a child if such child, who was formerly
294 placed with the caregiver, reenters out-of-home care and the
295 caregiver agrees to the child being placed with the caregiver
296 upon reentry and reenters out-of-home care.

297 (m) Upon reasonable notice from a caregiver, allow him or
298 her a period of respite.

299 (n) Upon request, provide a caregiver with copies of all
300 information in the department's records relating to the

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301 caregiver.

302 (2) (a) If a caregiver believes that the department, an
303 employee of the department, an agency under contract with the
304 department, or an employee of such agency has violated this
305 section, and that the violation has harmed or could harm a child
306 who is or was in the custody of the department, or that the
307 violation inhibited the caregiver's ability to meet the child's
308 needs as set forth in the case plan, the caregiver may notify
309 the liaison assigned to the caregiver or the child's case
310 manager. The liaison or case manager must make every attempt to
311 resolve the dispute.

312 (b) If a caregiver believes the dispute is not adequately
313 resolved by the case manager, the caregiver or the liaison for
314 the caregiver may contact the supervisor of the liaison or the
315 supervisor of the case manager. If the caregiver or the liaison
316 for the caregiver contacts a supervisor in writing, he or she
317 may copy the department on the communication, and the department
318 shall maintain a record of any such communication received.

319 (c) If a caregiver believes that the supervisor of the
320 liaison or the supervisor of the case manager did not adequately
321 resolve the dispute, the caregiver may contact the department,
322 and the department must conduct a review and respond to the
323 caregiver in writing within 30 days after being contacted.

324 Section 4. Paragraph (b) of subsection (2) of section
325 39.5086, Florida Statutes, is amended to read:

326 39.5086 Kinship navigator programs.—

327 (2) PURPOSE AND SERVICES.—

328 (b) ~~Subject to available resources,~~ Each community-based
 329 care lead agency shall ~~may~~ establish a kinship navigator program
 330 that:

331 1. Coordinates with other state or local agencies that
 332 promote service coordination or provide information and referral
 333 services, including any entities that participate in the Florida
 334 211 Network, to avoid duplication or fragmentation of services
 335 to kinship care families;

336 2. Is planned and operated in consultation with kinship
 337 caregivers and organizations representing them, youth raised by
 338 kinship caregivers, relevant governmental agencies, and relevant
 339 community-based or faith-based organizations;

340 3. Has a toll-free telephone hotline to provide
 341 information to link kinship caregivers, kinship support group
 342 facilitators, and kinship service providers to:

343 a. One another;

344 b. Eligibility and enrollment information for federal,
 345 state, and local benefits;

346 c. Relevant training to assist kinship caregivers in
 347 caregiving and in obtaining benefits and services; and

348 d. Relevant knowledge related to legal options available
 349 for child custody, other legal assistance, and help in obtaining
 350 legal services.

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351 4. Provides outreach to kinship care families, including
352 by establishing, distributing, and updating a kinship care
353 website, or other relevant guides or outreach materials; and

354 5. Promotes partnerships between public and private
355 agencies, including schools, community-based or faith-based
356 organizations, and relevant governmental agencies, to increase
357 their knowledge of the needs of kinship care families to promote
358 better services for those families.

359 Section 5. Present paragraphs (f) through (j) of
360 subsection (4) of section 394.9082, Florida Statutes, are
361 redesignated as paragraphs (h) through (l), respectively,
362 paragraph (m) is added to subsection (3) and new paragraphs (f)
363 and (g) are added to subsection (4) of that section, and
364 paragraph (a) of subsection (6) of that section is amended, to
365 read:

366 394.9082 Behavioral health managing entities.—

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

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

371 1. Current salaries, bonuses, and other compensation paid,
372 by position, for any employee who receives a salary from state-
373 appropriated funds, including state-appropriated federal funds,
374 whether base pay or base pay combined with any bonus or
375 incentive payments, in excess of 100 percent of the annual

376 salary paid to the secretary of the Department of Children and
377 Families. For purposes of this subparagraph, the term "employee"
378 includes, but is not limited to, the chief executive officer,
379 chief financial officer, and chief operating officer, or any
380 other executive staff of the managing entity.

381 2. Annual expenses, reported as both a percentage of total
382 managing entity funds and as a total dollar amount, as follows:

383 a. Program expenses, including, but not limited to, costs
384 directly related to carrying out the managing entity's mission,
385 which result in services being provided;

386 b. Administrative expenses, including, but not limited to,
387 costs of board of director meetings, general legal services,
388 accounting, insurance, office management, auditing, human
389 resources, and other centralized services; and

390 c. Fundraising expenses, including, but not limited to,
391 costs for publicizing and conducting fundraising campaigns,
392 maintaining donor mailing lists, conducting special fundraising
393 events, and any other activities that involve soliciting
394 contributions.

395 (4) CONTRACT WITH MANAGING ENTITIES.—

396 (f)1. For purposes of this paragraph, the term "employee"
397 includes, but is not limited to, the chief executive officer,
398 chief financial officer, and chief operating officer, or any
399 other executive staff of the managing entity.

400 2. Notwithstanding any other law, a managing entity

401 employee may not receive a salary from state-appropriated funds,
402 including state-appropriated federal funds, whether base pay or
403 base pay combined with any bonus or incentive payments,
404 including the base pay or base pay combined with any bonus or
405 incentive payments received as a result of employment with more
406 than one community-based care lead agency or managing entity, in
407 excess of 100 percent of the annual salary paid to the secretary
408 of the Department of Children and Families.

409 3. This paragraph does not prohibit any party from
410 providing cash that is not from appropriated state funds to a
411 managing entity employee.

412 (g) Upon the execution of a new contract or in any
413 amendment to an existing contract, the department shall include
414 a provision that includes the limitation on compensation
415 specified in paragraph (f).

416 (6) NETWORK ACCREDITATION AND SYSTEMS COORDINATION
417 AGREEMENTS.—

418 (a)1. The department shall identify acceptable
419 accreditations which address coordination within a network and,
420 if possible, between the network and major systems and programs
421 with which the network interacts, such as the child welfare
422 system, the courts system, and the Medicaid program. In
423 identifying acceptable accreditations, the department shall
424 consider whether the accreditation facilitates integrated
425 strategic planning, resource coordination, technology

426 integration, performance measurement, and increased value to
427 consumers through choice of and access to services, improved
428 coordination of services, and effectiveness and efficiency of
429 service delivery.

430 2. All managing entities under contract with the state by
431 July 1, 2016, shall earn accreditation deemed acceptable by the
432 department pursuant to subparagraph 1. by June 30, 2019.
433 Managing entities whose initial contract with the state is
434 executed after July 1, 2016, shall earn network accreditation
435 within 3 years after the contract execution date. Pursuant to
436 paragraph (4) (1) ~~(4) (j)~~, the department may continue the
437 contract of a managing entity under contract as of July 1, 2016,
438 that earns the network accreditation within the required
439 timeframe and maintains it throughout the contract term.

440 Section 6. Section 394.90825, Florida Statutes, is created
441 to read:

442 394.90825 Boards of managing entities; conflicts of
443 interest.-

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

445 (a) "Activity" includes, but is not limited to, a contract
446 for goods and services, a contract for the purchase of any real
447 or tangible property, or an agreement to engage with the
448 managing entity for the benefit of a third party in exchange for
449 an interest in real or tangible property, a monetary benefit, or
450 an in-kind contribution.

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

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

456 2. Holds a direct or indirect interest in a corporation,
 457 limited liability corporation, partnership, limited liability
 458 partnership, or other business entity that conducts business
 459 with the managing entity or proposes to enter into a contract or
 460 other transaction with the managing entity. For purposes of this
 461 paragraph, "indirect interest" has the same meaning as provided
 462 in s. 112.312.

463 3. Knowingly obtains a direct or indirect personal,
 464 financial, professional, or other benefit as a result of the
 465 relationship of such member or officer, or relative of the
 466 member or officer, with the managing entity. For purposes of
 467 this paragraph, the term "benefit" does not include per diem and
 468 travel expenses paid or reimbursed to board members in
 469 connection with their service on the board.

470 (c) "Managing entity" has the same meaning as in s.
 471 394.9082.

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

474 (2) (a) For any activity that is presented to the board of
 475 a managing entity for its initial consideration and approval

476 after July 1, 2021, or any activity that involves a contract
477 that is being considered for renewal on or after July 1, 2021,
478 and before January 1, 2022, a board member or an officer of a
479 managing entity shall disclose to the board any activity that
480 may reasonably be construed to be a conflict of interest before
481 such activity is initially considered and approved or renewed by
482 the board. A rebuttable presumption of a conflict of interest
483 exists if the activity was acted upon by the board without prior
484 notice as required under subsection (3).

485 (b) For contracts with a managing entity which are in
486 existence on July 1, 2021, and are not subject to renewal before
487 January 1, 2022, a board member or an officer shall disclose to
488 the board any activity that may reasonably be construed to be a
489 conflict of interest under this section by December 31, 2021.

490 (3) (a) If a board member or an officer, or a relative of a
491 member or an officer, proposes to engage in an activity as
492 described in (2) (a), the proposed activity must be listed on the
493 meeting agenda for the next general or special meeting of the
494 members, and copies of all contracts and transactional documents
495 related to the proposed activity must be included in the agenda.
496 The meeting agenda must clearly identify the existence of a
497 potential conflict of interest for the proposed activity. Before
498 a member or an officer, or a relative of a member or an officer,
499 engages in the proposed activity, the activity and contract or
500 other transaction documents must be approved by an affirmative

501 vote of two-thirds of all other members present.

502 (b) If a member or an officer notifies the board of a
503 potential conflict of interest with the member or officer, or a
504 relative of the member or officer, under an existing contract as
505 described in paragraph (2) (b), the board must notice the
506 activity on a meeting agenda for the next general or special
507 meeting of the members, and copies of all contracts and
508 transactional documents related to the activity must be
509 attached. The meeting agenda must clearly identify the existence
510 of a potential conflict of interest. The board must be given the
511 opportunity to approve or disapprove the conflict of interest by
512 a vote of two-thirds of all other members present.

513 (4) (a) If the board votes against the proposed activity
514 pursuant to paragraph (3) (a), the board member or officer, or
515 the relative of the member or officer, must notify the board in
516 writing of his or her intention, or his or her relative's
517 intention, not to pursue the proposed activity, or the member or
518 officer shall withdraw from office before the next scheduled
519 board meeting. If the board finds that an officer or a member
520 has violated this paragraph, the officer or member shall be
521 deemed removed from office before the next scheduled board
522 meeting.

523 (b) In the event that the board does not approve of a
524 conflict of interest as required in paragraph (3) (b), the
525 parties to the activity may opt to cancel the activity or, in

526 the alternative, the member or officer must resign from the
527 board before the next scheduled board meeting. If the activity
528 canceled is a contract, the managing entity is only liable for
529 the reasonable value of the goods and services provided up to
530 the time of cancellation and is not liable for any termination
531 fee, liquidated damages, or other form of penalty for such
532 cancellation.

533 (5) A board member or an officer, or a relative of a
534 member or an officer, who is a party to, or has an interest in,
535 an activity that is a possible conflict of interest may attend
536 the meeting at which the activity is considered by the board and
537 is authorized to make a presentation to the board regarding the
538 activity. After the presentation, the member or officer, or the
539 relative of the member or officer, shall leave the meeting
540 during the discussion of, and the vote on, the activity. A
541 member or an officer who is a party to, or has an interest in,
542 the activity shall recuse himself or herself from the vote.

543 (6) A contract entered into between a board member or an
544 officer, or a relative of a member or an officer, and the
545 managing entity which has not been properly disclosed as a
546 conflict of interest or potential conflict of interest under
547 this section is voidable and terminates upon the filing of a
548 written notice terminating the contract with the board of
549 directors which contains the consent of at least 20 percent of
550 the voting interests of the managing entity.

551 Section 7. Section 409.987, Florida Statutes, is amended
552 to read:

553 409.987 Lead agency procurement; boards; conflicts of
554 interest.—

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

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

562 (3) Notwithstanding s. 287.057, the department shall use
563 5-year contracts with lead agencies.

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

565 (a) Be organized as a Florida corporation or a
566 governmental entity.

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

576 contracts initiated on or after July 1, 2014:

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

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

592 (c) Demonstrate financial responsibility through an
593 organized plan for regular fiscal audits and the posting of a
594 performance bond.

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

601 (6) In communities where conditions make it impossible or
602 not feasible to competitively contract with a lead agency, the
603 department shall develop an alternative plan, in collaboration
604 with the local community alliance, that may include establishing
605 an innovative consortia of partners which may include, but is
606 not limited to, private entities, local and county governmental
607 entities, and the department. The plan must detail how the
608 community will continue to implement community-based care
609 through competitively procuring either the specific components
610 of foster care and related services or comprehensive services
611 for defined eligible populations of children and families from
612 qualified licensed agencies as part of the community's efforts
613 to develop the local capacity for a community-based system of
614 coordinated care. The plan must ensure local control over the
615 management and administration of the service provision in
616 accordance with the intent of this section and may adhere to
617 recognized best business practices, including, but not limited
618 to, the use of public or private partnerships.

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

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

626 2. "Conflict of interest" means when a board member or an
627 officer, or a relative of a member or an officer, of the lead
628 agency does any of the following:

629 a. Enters into a contract or other transaction for goods
630 or services with the lead agency.

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

638 c. Knowingly obtains a direct or indirect personal,
639 financial, professional, or other benefit as a result of the
640 relationship of such member or officer, or relative of the
641 member or officer, with the lead agency. For purposes of this
642 subparagraph, the term "benefits" does not include per diem and
643 travel expenses paid or reimbursed to board members in
644 connection with their service on the board.

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

647 (b)1. For any activity that is presented to the board for
648 its initial consideration and approval on or after July 1, 2021,
649 or any activity that involves a contract which is being
650 considered for renewal on or after July 1, 2021, and before

651 January 1, 2022, a board member or an officer of a lead agency
652 must disclose to the board any activity that may reasonably be
653 construed to be a conflict of interest before such activity is
654 initially considered and approved or renewed by the board. A
655 rebuttable presumption of a conflict of interest exists if the
656 activity was acted upon by the board without prior notice, as
657 required in paragraph (c).

658 2. For contracts with a lead agency which are in existence
659 on July 1, 2021, and are not subject to renewal before January
660 1, 2022, a board member or officer shall disclose to the board
661 any activity that may reasonably be construed to be a conflict
662 of interest under this section by December 31, 2021.

663 (c)1. If a member or an officer, or a relative of a member
664 or an officer, proposes to engage in an activity that is covered
665 by subparagraph (b)1., the proposed activity must be listed on
666 the meeting agenda for the next general or special meeting of
667 the members, and copies of all contracts and transactional
668 documents related to the proposed activity must be included in
669 the agenda. The meeting agenda must clearly identify the
670 existence of a potential conflict of interest for the proposed
671 activity. Before a member or an officer, or a relative of a
672 member or an officer, engages in the proposed activity, the
673 activity and contract or other transaction documents must be
674 approved by an affirmative vote of two-thirds of all other
675 members present.

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

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

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

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

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

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

724 Section 8. Subsection (1) of section 409.988, Florida
725 Statutes, is amended to read:

726 409.988 Lead agency duties; general provisions.—
 727 (1) DUTIES.—A lead agency:
 728 (a) Shall serve all children referred as a result of a
 729 report of abuse, neglect, or abandonment to the department's
 730 central abuse hotline, including, but not limited to, children
 731 who are the subject of verified reports and children who are not
 732 the subject of verified reports but who are at moderate to
 733 extremely high risk of abuse, neglect, or abandonment, as
 734 determined using the department's risk assessment instrument,
 735 regardless of the level of funding allocated to the lead agency
 736 by the state if all related funding is transferred. The lead
 737 agency may also serve children who have not been the subject of
 738 reports of abuse, neglect, or abandonment, but who are at risk
 739 of abuse, neglect, or abandonment, to prevent their entry into
 740 the child protection and child welfare system.
 741 (b) Shall provide accurate and timely information
 742 necessary for oversight by the department pursuant to the child
 743 welfare results-oriented accountability system required by s.
 744 409.997.
 745 (c) Shall follow the financial guidelines developed by the
 746 department and provide for a regular independent auditing of its
 747 financial activities. Such financial information shall be
 748 provided to the community alliance established under s.
 749 20.19(5).
 750 (d) ~~Shall post on its website the current budget for the~~

751 ~~lead agency, including the salaries, bonuses, and other~~
752 ~~compensation paid, by position, for the agency's chief executive~~
753 ~~officer, chief financial officer, and chief operating officer,~~
754 ~~or their equivalents.~~

755 ~~(e)~~ Shall prepare all judicial reviews, case plans, and
756 other reports necessary for court hearings for dependent
757 children, except those related to the investigation of a
758 referral from the department's child abuse hotline, and shall
759 submit these documents timely to the department's attorneys for
760 review, any necessary revision, and filing with the court. The
761 lead agency shall make the necessary staff available to
762 department attorneys for preparation for dependency proceedings,
763 and shall provide testimony and other evidence required for
764 dependency court proceedings in coordination with the
765 department's attorneys. This duty does not include the
766 preparation of legal pleadings or other legal documents, which
767 remain the responsibility of the department.

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

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

776 2. Contact information for the local mobile response team
777 established under s. 394.495.

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

780 (g) Shall demonstrate the ability to adhere to all best
781 child welfare practices pursuant to ss. 39.4087, 39.523,
782 409.1415, and 409.145.

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

787 (i) Shall comply with federal and state statutory
788 requirements and agency rules in the provision of contractual
789 services.

790 (j) May subcontract for the provision of services required
791 by the contract with the lead agency and the department;
792 however, the subcontracts must specify how the provider will
793 contribute to the lead agency meeting the performance standards
794 established pursuant to the child welfare results-oriented
795 accountability system required by s. 409.997. The lead agency
796 shall directly provide no more than 35 percent of all child
797 welfare services provided unless it can demonstrate a need,
798 within the lead agency's geographic service area, to exceed this
799 threshold. The local community alliance in the geographic
800 service area in which the lead agency is seeking to exceed the

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801 threshold shall review the lead agency's justification for need
802 and recommend to the department whether the department should
803 approve or deny the lead agency's request for an exemption from
804 the services threshold. If there is not a community alliance
805 operating in the geographic service area in which the lead
806 agency is seeking to exceed the threshold, such review and
807 recommendation shall be made by representatives of local
808 stakeholders, including at least one representative from each of
809 the following:

- 810 1. The department.
- 811 2. The county government.
- 812 3. The school district.
- 813 4. The county United Way.
- 814 5. The county sheriff's office.
- 815 6. The circuit court corresponding to the county.
- 816 7. The county children's board, if one exists.

817 (k) Shall post on its website by the 15th day of each
818 month at a minimum the information contained in subparagraphs
819 1.-4. for the preceding calendar month regarding its case
820 management services. The following information shall be reported
821 by each individual subcontracted case management provider, by
822 the lead agency, if the lead agency provides case management
823 services, and in total for all case management services
824 subcontracted or directly provided by the lead agency:

- 825 1. The average caseload of case managers, including only

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826 filled positions;

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

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

830 4. Performance on outcome measures required pursuant to s.
831 409.997 for the previous 12 months.

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

841 Section 9. Subsection (3) of section 409.992, Florida
842 Statutes, is amended, and subsection (5) is added to that
843 section, to read:

844 409.992 Lead agency expenditures.—

845 (3) (a) For purposes of this subsection, the term
846 "employee" includes, but is not limited to, the chief executive
847 officer, chief financial officer, and chief operating officer,
848 or any other executive staff of the community-based care lead
849 agency.

850 (b) Notwithstanding any other ~~provision of law, a~~

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851 community-based care lead agency ~~administrative~~ employee may not
852 receive a salary from state-appropriated funds, including state-
853 appropriated federal funds, whether base pay or base pay
854 combined with any bonus or incentive payments, including the
855 base pay or base pay combined with any bonus or incentive
856 payments received as a result of employment with more than one
857 community-based care lead agency or managing entity, in excess
858 of 100 ~~150~~ percent of the annual salary paid to the secretary of
859 the Department of Children and Families ~~from state-appropriated~~
860 ~~funds, including state-appropriated federal funds.~~

861 (c) This subsection does not prohibit any party from
862 providing cash that is not from appropriated state funds to a
863 community-based care lead agency ~~administrative~~ employee.

864 (5) Upon the execution of a new contract or in any
865 amendment to an existing contract with a lead agency, the
866 department shall include a provision that includes the
867 limitation on compensation specified in subsection (3).

868 Section 10. Present subsections (3) through (25) of
869 section 409.996, Florida Statutes, are redesignated as
870 subsections (4) through (26), respectively, a new subsection (3)
871 is added to that section, and subsections (1) and (2) and
872 paragraph (d) of present subsection (25) are amended, to read:

873 409.996 Duties of the Department of Children and
874 Families.—The department shall contract for the delivery,
875 administration, or management of care for children in the child

876 protection and child welfare system. In doing so, the department
 877 retains responsibility for the quality of contracted services
 878 and programs and shall ensure that, at a minimum, services are
 879 delivered in accordance with applicable federal and state
 880 statutes and regulations and the performance standards and
 881 metrics specified in the strategic plan created under s.
 882 20.19(1).

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

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

889 (b) Provide information to the department which specifies
 890 how the lead agency will adhere to all best child welfare
 891 practices pursuant to ss. 39.4087, 39.523, 409.1415, and
 892 409.145.

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

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

- 901 1. Enhanced monitoring and reporting.
- 902 2. Corrective action plans.
- 903 3. Requirements to accept technical assistance and
 904 consultation from the department under subsection (5) ~~(4)~~.
- 905 4. Financial penalties, which shall require a lead agency
 906 to reallocate funds from administrative costs to direct care for
 907 children.
- 908 5. Early termination of contracts, as provided in s.
 909 402.1705(3)(f).
- 910 (e)~~(d)~~ Ensure that the lead agency shall furnish current
 911 and accurate information on its activities in all cases in
 912 client case records in the state's statewide automated child
 913 welfare information system.
- 914 (f)~~(d)~~ Specify the procedures to be used by the parties to
 915 resolve differences in interpreting the contract or to resolve
 916 disputes as to the adequacy of the parties' compliance with
 917 their respective obligations under the contract.
- 918 (2) The department must adopt written policies and
 919 procedures for monitoring the contract for delivery of services
 920 by lead agencies which must be posted on the department's
 921 website. These policies and procedures must, at a minimum,
 922 address the evaluation of fiscal accountability and program
 923 operations, including provider achievement of performance
 924 standards, provider monitoring of subcontractors, and timely
 925 follow-up ~~followup~~ of corrective actions for significant

926 monitoring findings related to providers and subcontractors.
927 These policies and procedures must also include provisions for
928 reducing the duplication of the department's program monitoring
929 activities both internally and with other agencies, to the
930 extent possible. The department's written procedures must ensure
931 that the written findings, conclusions, and recommendations from
932 monitoring the contract for services of lead agencies are
933 communicated to the director of the provider agency and the
934 community alliance as expeditiously as possible.

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

938 (a) Current salaries, bonuses, and other compensation
939 paid, by position, for any employee who receives a salary from
940 state-appropriated funds, including state-appropriated federal
941 funds, whether base pay or base pay combined with any bonus or
942 incentive payments, in excess of 100 percent of the annual
943 salary paid to the secretary of the Department of Children and
944 Families. For purposes of this paragraph, the term "employee"
945 includes, but is not limited to, the chief executive officer,
946 chief financial officer, and chief operating officer, or any
947 other executive staff of the community-based care lead agency.

948 (b) Annual expenses, reported as both a percentage of
949 total lead agency funds and as a total dollar amount, as
950 follows:

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951 1. Program expenses, including, but not limited to, costs
952 directly related to carrying out the lead agency's mission and
953 which result in services being provided;

954 2. Administrative expenses, including, but not limited to,
955 costs of board of directors' meetings, general legal services,
956 accounting, insurance, office management, auditing, human
957 resources, and other centralized services; and

958 3. Fundraising expenses, including, but not limited to,
959 costs for publicizing and conducting fundraising campaigns,
960 maintaining donor mailing lists, conducting special fundraising
961 events, and any other activities that involve soliciting
962 contributions.

963 (26) ~~(25)~~ Subject to an appropriation, for the 2020-2021
964 and 2021-2022 fiscal years, the department shall implement a
965 pilot project in the Sixth and Thirteenth Judicial Circuits,
966 respectively, aimed at improving child welfare outcomes.

967 (d) The department shall include the results of the pilot
968 projects in the report required in subsection (25) ~~(24)~~ of this
969 section. The report must include the department's findings and
970 recommendations relating to the pilot projects.

971 Section 11. Section 409.998, Florida Statutes, is created
972 to read:

973 409.998 Child and family well-being.-

974 (1) LEGISLATIVE FINDINGS AND INTENT.-

975 (a) The Legislature finds that every child deserves a

976 safe, stable, and permanent family and that all families deserve
977 the opportunities and supports to raise their children safely
978 and successfully in their own homes and communities.

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

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

987 (d) It is the intent of the Legislature that the state
988 establish a child and family well-being system that shifts the
989 focus from child welfare to child well-being by allowing all
990 sectors of a community and the state to work together to
991 reallocate resources into services and supports that reduce the
992 need for out-of-home care and that improve the well-being of
993 children and families.

994 (2) ESTABLISHMENT OF PROGRAM.—The department shall
995 establish a program that consists of a child and family well-
996 being system to serve children and their families through a
997 contract with a designated lead agency operating in accordance
998 with s. 409.987. The lead agency shall carry out all
999 programmatically necessary to fulfill the intent of this
1000 section. As used in this section, the term "child and family

1001 well-being system" means a system that recognizes the difference
1002 between poverty and neglect and that provides mentoring and
1003 supports to biological parents as they develop the skills and
1004 resources necessary to adequately care for their children.

1005 (3) PROGRAM REQUIREMENTS.—The creation of a child and
1006 family well-being system requires a fundamental change that
1007 refocuses all aspects of child welfare on supporting the
1008 family's role in caring for children. Successful implementation
1009 will result in a community-based network of support where the
1010 trauma of child removal is prevented and children are thriving
1011 in their own safe, permanent, and nurturing families. The
1012 designated lead agency shall collaborate with national experts
1013 that specialize in child welfare systems change to create a
1014 program that is required to do all of the following:

1015 (a) Designate lead agency leadership that will identify a
1016 core group of agency individuals to develop a plan for creating
1017 necessary change in the way the agency works.

1018 (b) Recognize that change of this magnitude is difficult
1019 and time-consuming and determine steps necessary to attend to
1020 the well-being of individuals involved early on in the process
1021 to reduce undesired staff turnover and burnout and increase
1022 staff satisfaction and well-being.

1023 (c) Develop a plan for creating a change in the way all
1024 partners in the process think about how to best keep families
1025 and children safe and together.

1026 (d) Build working relationships throughout the process of
1027 change, including some unexpected or unconventional partners,
1028 allies, and mentors in the community.

1029 (e) Provide regular and ongoing opportunities for the
1030 workforce to interact to discuss new ideas and principles that
1031 are needed for change to become permanent.

1032 (f) Redirect resources toward primary prevention and away
1033 from removing children from their families.

1034 (4) IMPLEMENTATION.—The department shall, in collaboration
1035 with the designated lead agency, the community alliance, and the
1036 Florida Institute for Child Welfare, design, implement, and
1037 evaluate the program requirements specified in subsection (3).

1038 (5) REPORTING REQUIREMENTS.—By October 1, 2021, and
1039 annually thereafter, the Florida Institute for Child Welfare
1040 shall submit a report to the Governor, the President of the
1041 Senate, and the Speaker of the House of Representatives which
1042 evaluates the child and family well-being program, including,
1043 but not limited to, whether the program is in compliance with
1044 this section and the outcomes of the children served by the
1045 child and family well-being program.

1046 Section 12. This act shall take effect July 1, 2021.