

CHAPTER 2021-170

Committee Substitute for Committee Substitute for Senate Bill No. 96

An act relating to child welfare; providing a directive to the Division of Law Revision; creating s. 39.101, F.S.; transferring existing provisions relating to the central abuse hotline of the Department of Children and Families; providing additional requirements relating to the central abuse hotline; revising requirements for certain statistical reports that the department is required to collect and analyze; amending s. 39.201, F.S.; revising reporting requirements for the central abuse hotline; requiring animal control officers and certain agents to provide their names to central abuse hotline counselors; requiring such counselors to advise reporters of certain information; requiring such counselors to receive specified periodic training; revising requirements relating to reports of abuse involving impregnation of children; providing requirements for reports of child abuse, abandonment, or neglect by a parent or legal custodian, child-on-child sexual abuse, juvenile sexual abuse, and children who exhibit inappropriate sexual behavior; amending s. 39.2015, F.S.; revising membership of multiagency teams; requiring the department to conduct investigations of reports of sexual abuse of children in out-of-home care under certain circumstances; providing requirements for such investigations; requiring the Secretary of Children and Families to create guidelines for such investigations; requiring a report to the secretary within a specified time; requiring the advisory committee to review the reports and investigations; amending s. 39.202, F.S.; expanding the list of entities that have access to child abuse or neglect records; requiring access to certain confidential and exempt records by legislative committees, upon request, within a specified timeframe; amending s. 39.205, F.S.; providing construction; specifying that certain persons are not relieved from the duty to report to the central abuse hotline by notifying their supervisors; creating s. 39.208, F.S.; providing legislative findings and intent; providing responsibilities for child protective investigators relating to animal cruelty; providing criminal, civil, and administrative immunity to child protective investigators who report known or suspected animal cruelty; providing responsibilities for animal control officers relating to child abuse, abandonment, and neglect; providing criminal penalties; requiring the department to develop training which relates to child abuse, abandonment, and neglect and animal cruelty; providing requirements for such training; requiring the department to adopt rules; amending s. 39.301, F.S.; conforming a cross-reference; requiring the department to continually assess child safety throughout a protective investigation; requiring a child protective investigator to take specified actions in certain protective investigations involving sexual abuse; amending s. 39.302, F.S.; conforming a cross-reference; authorizing certain persons to be represented by an attorney or accompanied by another person under certain circumstances during protective investigations of institutional child

abuse, abandonment, or neglect; providing requirements relating to such investigations; amending s. 39.3035, F.S.; providing a description of child advocacy centers; conforming cross-references; amending s. 39.4015, F.S.; requiring, rather than authorizing, the department to develop a family-finding program; removing the limitation that the development of family-finding programs is subject to available resources; requiring, rather than authorizing, that family-finding efforts begin as soon as a child is taken into the custody of the department; making technical changes; amending s. 39.4085, F.S.; revising legislative intent; specifying goals of children in shelter or foster care; providing responsibilities of the Department of Children and Families, case managers, and other staff; authorizing district school boards to establish specified educational programs for certain students and provide such programs in conjunction with other specified programs; amending s. 39.4087, F.S.; requiring the department to provide certain information to, and training for, caregivers of children in foster care; expanding certain information that is required to be fully disclosed to a caregiver; requiring a caregiver to maintain the confidentiality of certain information; making technical changes; creating s. 39.4092, F.S.; providing legislative findings; authorizing offices of criminal conflict and civil regional counsel to establish a multidisciplinary legal representation model program to serve families in the dependency system; requiring the department to collaborate with the office of criminal conflict and civil regional counsel regarding documentation for federal matching funding; requiring the department to submit such documentation upon the establishment of a model program; specifying program requirements; defining the term “parent-peer specialist”; requiring each office of criminal conflict and civil regional counsel that establishes a model program to submit an annual report by a specified date to the Office of Program Policy Analysis and Government Accountability; specifying report requirements; requiring the Office of Program Policy Analysis and Government Accountability to compile the results of the reports, conduct an analysis, and annually submit the analysis to the Governor and Legislature by a specified date; requiring offices of criminal conflict and civil regional counsel to provide additional information or data upon request; amending s. 39.5086, F.S.; removing the limitation that the development of kinship navigator programs is subject to available resources; requiring, rather than authorizing, each community-based care lead agency to establish a kinship navigator program; amending s. 39.6225, F.S.; deleting obsolete provisions; amending s. 394.9082, F.S.; requiring the department to collect and publish, and update annually, specified information on its website for each managing entity under contract with the department; defining the term “employee”; requiring managing entities to include a specified statement on their websites and in certain documents and materials; creating s. 394.90825, F.S.; providing definitions; requiring a board member or an officer of a managing entity to disclose specified activity that may reasonably be construed to be a conflict of interest; creating a rebuttable presumption of a conflict of interest if the activity was acted on by the board without prior notice; establishing a process for the managing entity’s board of directors to address the activity within certain timelines;

providing for certain consequences for failure to obtain a board's approval or failure to properly disclose a contract as a conflict of interest; creating s. 394.9086, F.S.; creating the Commission on Mental Health and Substance Abuse adjunct to the department; requiring the department to provide administrative and staff support services to the commission; providing purposes of the commission; providing for membership, term limits, meetings, and duties of the commission; requiring the commission to submit reports of its findings and recommendations to the Legislature and Governor by specified dates; providing for future repeal unless saved by the Legislature through reenactment; amending s. 409.1415, F.S.; requiring the department to make available specified training for caregivers of children in out-of-home care; requiring the department to establish the Foster Information Center for specified purposes; requiring community-based care lead agencies to provide certain resources, supports, and assistance to kinship caregivers; requiring community-based care lead agencies to provide caregivers with a certain telephone number; repealing s. 409.1453, F.S., relating to the design and dissemination of training for foster care caregivers; amending s. 409.175, F.S.; requiring the department to conduct certain assessments and grant a capacity waiver under certain conditions; authorizing the department to adopt rules; repealing s. 409.1753, F.S.; relating to duties of the department relating to foster care; amending s. 409.987, F.S.; requiring the department to develop an alternative plan for providing community-based child welfare services under certain circumstances; providing requirements for the plan; requiring the department to submit the plan and certain quarterly updates to the Governor and Legislature; providing definitions; requiring a board member or an officer of a lead agency to disclose specified activity that may reasonably be construed to be a conflict of interest; creating a rebuttable presumption of a conflict of interest if the activity was acted on by the board without prior notice; establishing a process for the lead agency's board of directors to address the activity within certain timelines; providing for certain consequences for failure to obtain a board's approval or failure to properly disclose a contract as a conflict of interest; amending s. 409.988, F.S.; deleting a requirement that lead agencies publish their current budgets on their websites; specifying additional data lead agencies must publish on their websites; requiring the department to determine a standard methodology for use in calculating specified data; requiring lead agencies to adhere to specified best child welfare practices; requiring lead agencies to include a specified statement on their websites and in certain documents and materials; amending s. 409.990, F.S.; requiring lead agencies to fund the cost of increased care under certain circumstances; amending s. 409.996, F.S.; requiring contracts between the department and community-based care lead agencies to provide specified information to the department; requiring the department to annually conduct a specified review of community-based care lead agencies; requiring such agencies to develop and maintain a specified plan; requiring the department to collect and publish on its website specified information relating to lead agencies under contract with the department; amending s. 828.27, F.S.; requiring county and

municipal animal control officers to complete specified training; requiring that animal control officers be provided with opportunities to attend such training during normal work hours; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend the educator certificate of instructional personnel and school administrators for failing to report known or suspected child abuse under certain circumstances; amending ss. 119.071 and 934.03, F.S.; conforming cross-references; providing effective dates.

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

Section 1. The Division of Law Revision is directed to add s. 39.101, Florida Statutes, as created by this act, to part II of chapter 39, Florida Statutes.

Section 2. Section 39.101, Florida Statutes, is created to read:

39.101 Central abuse hotline.—The central abuse hotline is the first step in the safety assessment and investigation process.

(1) ESTABLISHMENT AND OPERATION.—

(a) The department shall operate and maintain a central abuse hotline capable of receiving all reports of known or suspected child abuse, abandonment, or neglect and reports that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care. The hotline must accept reports 24 hours a day, 7 days a week, and such reports must be made in accordance with s. 39.201. The central abuse hotline must be capable of accepting reports made in accordance with s. 39.201 in writing, through a single statewide toll-free telephone number, or through electronic reporting. A person may use any of these methods to make a report to the central abuse hotline.

(b) The central abuse hotline must be operated in such a manner as to enable the department to:

1. Accept reports for investigation when there is reasonable cause to suspect that a child has been or is being abused or neglected or has been abandoned.

2. Determine whether the allegations made by the reporter require an immediate or a 24-hour response in accordance with subsection (2).

3. Immediately identify and locate previous reports or cases of child abuse, abandonment, or neglect through the use of the department's automated tracking system.

4. Track critical steps in the investigative process to ensure compliance with all requirements for any report or case of abuse, abandonment, or neglect.

5. When appropriate, refer reporters who do not allege child abuse, abandonment, or neglect to other organizations that may better resolve the reporter’s concerns.

6. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been abused, abandoned, or neglected.

7. Initiate and enter into agreements with other states for the purposes of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

8. Promote public awareness of the central abuse hotline through community-based partner organizations and public service campaigns.

(2) TIMEFRAMES FOR INITIATING INVESTIGATION.—After the central abuse hotline receives a report, the department must determine the timeframe in which to initiate an investigation under chapter 39. Except as provided in s. 39.302 relating to institutional investigations, the department must commence an investigation:

(a) Immediately, regardless of the time of day or night, if it appears that:

- 1. The immediate safety or well-being of a child is endangered;
- 2. The family may flee or the child may be unavailable for purposes of conducting a child protective investigation; or
- 3. The facts reported to the central abuse hotline otherwise so warrant.

(b) Within 24 hours after receipt of a report that does not involve the criteria specified in paragraph (a).

(3) COLLECTION OF INFORMATION AND DATA.—The department shall:

(a)1. Voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, abandonment, or neglect and maintain an electronic copy of each report made to the central abuse hotline through a call or electronic reporting.

2. Make the recording or electronic copy of the report made to the central abuse hotline a part of the record of the report. Notwithstanding s. 39.202, the recording or electronic copy may only be released in full to law enforcement agencies and state attorneys for the purposes of investigating and prosecuting criminal charges under s. 39.205, or to employees of the department for the purposes of investigating and seeking administrative fines under s. 39.206.

This paragraph does not prohibit central abuse hotline counselors from using the recordings or the electronic copy of reports for quality assurance or training purposes.

(b)1. Secure and install electronic equipment that automatically provides the central abuse hotline the telephone number from which the call is placed or the Internet protocol address from which the electronic report is received.

2. Enter the telephone number or Internet protocol address into the report of child abuse, abandonment, or neglect for it to become a part of the record of the report.

3. Maintain the confidentiality of such information in the same manner as given to the identity of the reporter under s. 39.202.

(c)1. Update the online form used for reporting child abuse, abandonment, or neglect to include qualifying questions in order to obtain necessary information required to assess need and the timeframes necessary for initiating an investigation under subsection (2).

2. Make the report available in its entirety to the central abuse hotline counselors as needed to update the Florida Safe Families Network or other similar systems.

(d) Monitor and evaluate the effectiveness of the reporting and investigating of suspected child abuse, abandonment, or neglect through the development and analysis of statistical and other information.

(e) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, abandonment, and neglect.

(f)1. Collect and analyze child-on-child sexual abuse reports and include such information in the aggregate statistical reports.

2. Collect and analyze, in separate statistical reports, those reports of child abuse, sexual abuse, and juvenile sexual abuse which are reported from or which occurred on or at:

a. School premises;

b. School transportation;

c. School-sponsored off-campus events;

d. A school readiness program provider determined to be eligible under s. 1002.88;

e. A private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51(7) and (8), respectively;

f. A public K-12 school as described in s. 1000.04;

g. A private school as defined in s. 1002.01;

h. A Florida College System institution or a state university, as those terms are defined in s. 1000.21(3) and (6), respectively; or

i. A school, as defined in s. 1005.02.

(4) USE OF INFORMATION RECEIVED BY THE CENTRAL ABUSE HOTLINE.—

(a) Information received by the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

(b) Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

(c) Information in the central abuse hotline may also be used by the Department of Education for purposes of educator certification discipline and review pursuant to s. 39.202(2)(q).

(5) QUALITY ASSURANCE.—On an ongoing basis, the department's quality assurance program shall review screened-out reports involving three or more unaccepted reports on a single child, when jurisdiction applies, in order to detect such things as harassment and situations that warrant an investigation because of the frequency of the reports or the variety of the sources of the reports. A component of the quality assurance program must analyze unaccepted reports to the central abuse hotline by identified relatives as a part of the review of screened-out reports. The Assistant Secretary for Child Welfare may refer a case for investigation when it is determined, as a result of such review, that an investigation may be warranted.

Section 3. Section 39.201, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 39.201, F.S., for present text.)

39.201 Required reports of child abuse, abandonment, or neglect, sexual abuse of a child, and juvenile sexual abuse; required reports of death; reports involving a child who has exhibited inappropriate sexual behavior.—

(1) MANDATORY REPORTING.—

(a)1. A person is required to report immediately to the central abuse hotline established in s. 39.101, in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect, that any of the following has occurred:

a. Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.

b. Child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.

2. Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse shall report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.

Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

(b)1. A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.

2. A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:

a. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

b. Health care professional or mental health professional other than a person listed in sub-subparagraph a.;

c. Practitioner who relies solely on spiritual means for healing;

d. School teacher or other school official or personnel;

e. Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;

f. Law enforcement officer;

g. Judge; or

h. Animal control officer as defined in s. 828.27(1)(b) or agent appointed under s. 828.03.

(c) Central abuse hotline counselors shall advise persons under subparagraph (b)2. who are making a report to the central abuse hotline that, while their names must be entered into the record of the report, the names of

reporters are held confidential and exempt as provided in s. 39.202. Such counselors must receive periodic training in encouraging all reporters to provide their names when making a report.

(2) EXCEPTIONS TO REPORTING.—

(a) An additional report of child abuse, abandonment, or neglect is not required to be made by:

1. A professional who is hired by or who enters into a contract with the department for the purpose of treating or counseling a person as a result of a report of child abuse, abandonment, or neglect if such person was the subject of the referral for treatment or counseling.

2. An officer or employee of the judicial branch when the child is currently being investigated by the department, when there is an existing dependency case, or when the matter has previously been reported to the department if there is reasonable cause to believe that the information is already known to the department. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to such officer or employee in the course of carrying out his or her official duties.

3. An officer or employee of a law enforcement agency when the incident under investigation by the law enforcement agency was reported to law enforcement by the central abuse hotline through the electronic transfer of the report or telephone call. The department's central abuse hotline is not required to electronically transfer calls or reports received under subparagraph (1)(a)1.b. to the county sheriff's office if the matter was initially reported to the department by the county sheriff's office or by another law enforcement agency. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to the officer or employee of a law enforcement agency or central abuse hotline counselor in the course of carrying out his or her official duties.

(b) Nothing in this section or in the contract with community-based care providers for foster care and related services as specified in s. 409.987 may be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a known or suspected case of child abuse, abandonment, or neglect to the department's central abuse hotline.

(3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

(a) Abuse occurring out of state.—

1. Except as provided in subparagraph 2., the central abuse hotline may not take a report or call of known or suspected child abuse, abandonment, or neglect when the report or call is related to abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and alleged victim do

not live in this state. The central abuse hotline must instead transfer the information in the report or call to the appropriate state or country.

2. If the alleged victim is currently being evaluated in a medical facility in this state, the central abuse hotline must accept the report or call for investigation and must transfer the information in the report or call to the appropriate state or country.

(b) Reports received from emergency room physicians.—The department must initiate an investigation when it receives a report from an emergency room physician.

(c) Abuse involving impregnation of a child.—A report must be immediately electronically transferred to the appropriate county sheriff's office or other appropriate law enforcement agency by the central abuse hotline if the report is of an instance of known or suspected child abuse involving impregnation of a child 15 years of age or younger by a person 21 years of age or older under s. 827.04(3). If the report is of known or suspected child abuse under s. 827.04(3), subsection (1) does not apply to health care professionals or other professionals who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of such medical or counseling services.

(d) Institutional child abuse or neglect.—Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this section.

(e) Surrendered newborn infants.—

1. The central abuse hotline must receive reports involving surrendered newborn infants as described in s. 383.50.

2.a. A report may not be considered a report of child abuse, abandonment, or neglect solely because the infant has been left at a hospital, emergency medical services station, or fire station under s. 383.50.

b. If the report involving a surrendered newborn infant does not include indications of child abuse, abandonment, or neglect other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the central abuse hotline must provide to the person making the report the name of an eligible licensed child-placing agency that is required to accept physical custody of and to place surrendered newborn infants. The department shall provide names of eligible licensed child-placing agencies on a rotating basis.

3. If the report includes indications of child abuse, abandonment, or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report must be considered as a report of child abuse, abandonment, or neglect and, notwithstanding chapter 383, is subject to s. 39.395 and all other relevant provisions of this chapter.

(4) REPORTS OF CHILD ABUSE, ABANDONMENT, OR NEGLECT BY A PARENT, LEGAL CUSTODIAN, CAREGIVER, OR OTHER PERSON RESPONSIBLE FOR A CHILD’S WELFARE.—

(a)1. Upon receiving a report made to the central abuse hotline, the department shall determine if the received report meets the statutory criteria for child abuse, abandonment, or neglect.

2. Any report meeting the statutory criteria for child abuse, abandonment, or neglect must be accepted for a child protective investigation pursuant to part III of this chapter.

(b)1. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the central abuse hotline for response to ameliorate a potential future risk of harm to a child.

2. The department must refer the parent or legal custodian for appropriate voluntary community services if it is determined by the department that a need for community services exists.

(5) REPORTS OF SEXUAL ABUSE OF A CHILD OR JUVENILE SEXUAL ABUSE; REPORTS OF A CHILD WHO HAS EXHIBITED INAPPROPRIATE SEXUAL BEHAVIOR.—

(a)1. Sexual abuse of a child or juvenile sexual abuse must be reported immediately to the central abuse hotline, including any alleged incident involving a child who is in the custody of or under the protective supervision of the department. Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

2. Within 48 hours after the central abuse hotline receives a report under subparagraph 1., the department shall conduct an assessment, assist the family in receiving appropriate services under s. 39.307, and send a written report of the allegation to the appropriate county sheriff’s office.

(b) Reports involving a child who has exhibited inappropriate sexual behavior must be made and received by the central abuse hotline. Within 48 hours after receiving a report under this paragraph, the department shall conduct an assessment, assist the family in receiving appropriate services under s. 39.307, and send a written report of the allegation to the appropriate county sheriff’s office.

(c) The services identified in the assessment conducted under paragraph (a) or paragraph (b) must be provided in the least restrictive environment possible and must include, but are not limited to, child advocacy center services under s. 39.3035 and sexual abuse treatment programs developed and coordinated by the Children’s Medical Services Program in the Department of Health under s. 39.303.

(d) The department shall ensure that the facts and results of any investigation of sexual abuse of a child or juvenile sexual abuse involving a child in the custody of or under the protective supervision of the department are made known to the court at the next hearing and are included in the next report to the court concerning the child.

(e)1. In addition to conducting an assessment and assisting the family in receiving appropriate services, the department shall conduct a child protective investigation under part III of this chapter if the incident leading to a report occurs on school premises, on school transportation, at a school-sponsored off-campus event, at a public or private school readiness or prekindergarten program, at a public K-12 school, at a private school, at a Florida College System institution, at a state university, or at any other school. The child protective investigation must include an interview with the child's parent or legal custodian.

2. The department shall orally notify the Department of Education; the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located; and, as appropriate, the superintendent of the school district in which the school is located, the administrative officer of the private school, or the owner of the private school readiness or prekindergarten program provider.

3. The department shall make a full written report to the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located within 3 business days after making the oral report. Whenever possible, any criminal investigation must be coordinated with the department's child protective investigation. Any interested person who has information regarding sexual abuse of a child or juvenile sexual abuse may forward a statement to the department.

(6) MANDATORY REPORTS OF A CHILD DEATH.—Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements under s. 39.202.

Section 4. Effective October 1, 2021, subsection (11) of section 39.2015, Florida Statutes, is renumbered as subsection (12), present subsections (3), (7), and (11) of that section are amended, and a new subsection (11) is added to that section, to read:

39.2015 Critical incident rapid response team; sexual abuse report investigations.—

(3) Each investigation shall be conducted by a multiagency team of at least five professionals with expertise in child protection, child welfare, and organizational management. The team may consist of employees of the department, community-based care lead agencies, Children's Medical Services, and community-based care provider organizations; faculty from the institute consisting of public and private universities offering degrees in social work established pursuant to s. 1004.615; or any other person with the required expertise. The team shall include, at a minimum, a Child Protection Team medical director, a representative from a child advocacy center under s. 39.3035 who has specialized training in sexual abuse of a child if sexual abuse of the child who is the subject of the report is alleged, or a combination of such specialists if deemed appropriate. The majority of the team must reside in judicial circuits outside the location of the incident. The secretary shall appoint a team leader for each group assigned to an investigation.

(7) The secretary shall develop cooperative agreements with other entities and organizations as necessary to facilitate the work required under this section of the team.

(11) The department shall conduct investigations of reports of sexual abuse of children in out-of-home care. The purpose of such investigations is to identify root causes and to rapidly determine the need to change policies and practices related to preventing and addressing sexual abuse of children in out-of-home care.

(a) At a minimum, the department shall investigate a verified report of sexual abuse of a child in out-of-home care under this subsection if the child was the subject of a verified report of abuse or neglect during the previous 6 months. The investigation must be initiated as soon as possible, but not later than 2 business days after a determination of verified findings of sexual abuse or immediately if a case has been open for 45 days. One investigation shall be initiated for an allegation of sexual abuse that is based on the same act, criminal episode, or transaction regardless of the number of reports that are made about the allegations to the central abuse hotline.

(b) Each investigation must be conducted by, at a minimum, a trained department employee and one or more professionals who are employees of other organizations and who are involved in conducting critical incident rapid response investigations. The investigation, or any part thereof, may be conducted remotely. Subsections (5), (6), (8), and (10) apply to investigations conducted under this subsection. The secretary, in consultation with the institute established under s. 1004.615, shall develop any necessary guidelines specific to such investigations.

(c) A preliminary report on each case must be provided to the secretary no later than 45 days after the investigation begins.

~~(12)~~(11) The secretary shall appoint an advisory committee made up of experts in child protection and child welfare, including, but not limited to,

the Statewide Medical Director for Child Protection under the Department of Health, a representative from the institute established under pursuant to s. 1004.615, an expert in organizational management, and an attorney with experience in child welfare, to conduct an independent review of investigative reports from the critical incident rapid response teams and sexual abuse report investigations and to make recommendations to improve policies and practices related to child protection and child welfare services. The advisory committee shall meet at least once each quarter to review the critical incident rapid response teams' reports and sexual abuse report investigations and shall submit quarterly reports to the secretary which include findings and recommendations. The secretary shall submit each report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 5. Subsections (7) through (9) of section 39.202, Florida Statutes, are renumbered as subsections (8) through (10), respectively, paragraphs (a) and (h) of subsection (2) are amended, and a new subsection (7) is added to that section, to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect; exception.—

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, the office of Early Learning, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Early intervention and prevention services;
4. Healthy Start services;
5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapters 393 and 394 ~~chapter 393~~, family day care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children;
6. Employment screening for caregivers in residential group homes and facilities licensed under chapters 393, 394, and 409; or

7. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

(h) Any appropriate official of the department, the Agency for Health Care Administration, or the Agency for Persons with Disabilities who is responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an employee of the department or the agency who is alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or

3. Employing and continuing employment of personnel of the department or the agency.

(7) Custodians of records made confidential and exempt under this section must grant access to such records within 7 business days after such records are requested by a legislative committee under s. 11.143, if requested within that timeframe.

Section 6. Subsections (1), (3), and (4) of section 39.205, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

(1) A person who is ~~required to report known or suspected child abuse, abandonment, or neglect and who~~ knowingly and willfully fails to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect ~~do so~~, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A judge subject to discipline pursuant to s. 12, Art. V of the State Florida Constitution may ~~shall~~ not be subject to criminal prosecution when the information was received in the course of official duties.

(3) Any Florida College System institution, state university, or non-public college, university, or school, as defined in s. 1000.21 or s. 1005.02, whose administrators ~~knowingly and willfully~~, upon receiving information from faculty, staff, or other institution employees, knowingly and willfully fail to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect committed on the property of the university,

college, or school, or during an event or function sponsored by the university, college, or school, or who knowingly and willfully prevent another person from doing so, shall be subject to fines of \$1 million for each such failure.

(a) A Florida College System institution subject to a fine shall be assessed by the State Board of Education.

(b) A state university subject to a fine shall be assessed by the Board of Governors.

(c) A nonpublic college, university, or school subject to a fine shall be assessed by the Commission for Independent Education.

(4) Any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02, whose law enforcement agency fails to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school; or during an event or function sponsored by the university, college, or school, shall be subject to fines of \$1 million for each such failure, assessed in the same manner as specified in subsection (3).

(11) This section may not be construed to remove or reduce the requirement of any person, including, but not limited to, any employee of a school readiness program provider determined to be eligible under s. 1002.88; a private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51; a public K-12 school as described in s. 1000.04; a private school as defined in s. 1002.01; a Florida College System institution or a state university, as those terms are defined in s. 1000.21; a college as defined in s. 1005.02; or a school as defined in s. 1005.02, to directly report a known or suspected case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department's central abuse hotline. A person required to report to the central abuse hotline is not relieved of such obligation by notifying his or her supervisor.

Section 7. Section 39.208, Florida Statutes, is created to read:

39.208 Cross-reporting child abuse, abandonment, or neglect and animal cruelty.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature recognizes that animal cruelty of any kind is a type of interpersonal violence that often co-occurs with child abuse and other forms of family violence, including elder abuse and domestic violence. Early identification of animal cruelty is an important tool in safeguarding children from abuse, abandonment, and neglect; providing needed support to families; and protecting animals.

(b) The Legislature finds that education and training for child protective investigators and animal control officers should include information on the

link between the welfare of animals in the family and child safety and protection.

(c) Therefore, it is the intent of the Legislature to require reporting and cross-reporting protocols and collaborative training between child protective investigators and animal control officers to help protect the safety and well-being of children, their families, and their animals.

(2) RESPONSIBILITIES OF CHILD PROTECTIVE INVESTIGATORS.

(a) Any person who is required to investigate child abuse, abandonment, or neglect under this chapter and who, while acting in his or her professional capacity or within the scope of employment, knows or has reasonable cause to suspect that animal cruelty, as those terms are defined in s. 828.27(1)(a) and (d), respectively, has occurred at the same address shall report such knowledge or suspicion within 72 hours after the child protective investigator becomes aware of the known or suspected animal cruelty to his or her supervisor who shall submit the report to a local animal control agency. The report must include all of the following information:

1. A description of the animal and of the known or suspected animal cruelty.

2. The name and address of the animal's owner or keeper, if that information is available to the child protective investigator.

3. Any other information available to the child protective investigator which might assist an animal control officer, as defined in s. 828.27(1)(b), or law enforcement officer in establishing the cause of the animal cruelty and the manner in which it occurred.

(b) A child protective investigator who makes a report under this section is presumed to have acted in good faith. An investigator acting in good faith who makes a report under this section or who cooperates in an investigation of known or suspected animal cruelty is immune from any civil or criminal liability or administrative penalty or sanction that might otherwise be incurred in connection with making the report or otherwise cooperating.

(3) RESPONSIBILITIES OF ANIMAL CONTROL OFFICERS.—Any person who is required to investigate animal cruelty under chapter 828 and who, while acting in his or her professional capacity or within the scope of employment, knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or that a child is in need of supervision and care and does not have a parent, a legal custodian, or a responsible adult relative immediately known and available to provide supervision and care to that child shall immediately report such knowledge or suspicion to the department's central abuse hotline.

(4) PENALTIES.—

(a) A child protective investigator who is required to report known or suspected animal cruelty under subsection (2) and who knowingly and willfully fails to do so commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An animal control officer, as defined in s. 828.27(1)(b), who is required to report known or suspected abuse, abandonment, or neglect of a child under subsection (3) and who knowingly and willfully fails to report an incident of known or suspected abuse, abandonment, or neglect, as required by s. 39.201 is subject to the penalties under s. 39.205.

(5) TRAINING.—The department, in consultation with animal welfare associations, shall develop or adapt and use already available training materials in a 1-hour training course for all child protective investigators and animal control officers on the accurate and timely identification and reporting of child abuse, abandonment, or neglect or animal cruelty and the interconnectedness of such abuse, abandonment, or neglect. The department shall incorporate into the required training for child protective investigators information on the identification of harm to and neglect of animals and the relationship of such activities to child welfare case practice. The 1-hour training course developed for animal control officers must include a component that advises such officers of the mandatory duty to report any known or suspected child abuse, abandonment, or neglect under this section and s. 39.201 and the criminal penalties associated with a violation of failing to report known or suspected child abuse, abandonment, or neglect which is punishable as provided under s. 39.205.

(6) RULEMAKING.—The department shall adopt rules to implement this section.

Section 8. Subsection (6) and paragraph (a) of subsection (9) of section 39.301, Florida Statutes, are amended, and subsection (24) is added to that section, to read:

39.301 Initiation of protective investigations.—

(6) Upon commencing an investigation under this part, if a report was received from a reporter under ~~s. 39.201(1)(a)2.~~ ~~s. 39.201(1)(b),~~ the protective investigator must provide his or her contact information to the reporter within 24 hours after being assigned to the investigation. The investigator must also advise the reporter that he or she may provide a written summary of the report made to the central abuse hotline to the investigator which shall become a part of the electronic child welfare case file.

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

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

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

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

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

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

6. Document the present and impending dangers to each child based on the identification of inadequate protective capacity through utilization of a standardized safety assessment instrument. If present or impending danger is identified, the child protective investigator must implement a safety plan or take the child into custody. If present danger is identified and the child is not removed, the child protective investigator shall create and implement a

safety plan before leaving the home or the location where there is present danger. If impending danger is identified, the child protective investigator shall create and implement a safety plan as soon as necessary to protect the safety of the child. The child protective investigator may modify the safety plan if he or she identifies additional impending danger.

a. If the child protective investigator implements a safety plan, the plan must be specific, sufficient, feasible, and sustainable in response to the realities of the present or impending danger. A safety plan may be an in-home plan or an out-of-home plan, or a combination of both. A safety plan may include tasks or responsibilities for a parent, caregiver, or legal custodian. However, a safety plan may not rely on promissory commitments by the parent, caregiver, or legal custodian who is currently not able to protect the child or on services that are not available or will not result in the safety of the child. A safety plan may not be implemented if for any reason the parents, guardian, or legal custodian lacks the capacity or ability to comply with the plan. If the department is not able to develop a plan that is specific, sufficient, feasible, and sustainable, the department shall file a shelter petition. A child protective investigator shall implement separate safety plans for the perpetrator of domestic violence, if the investigator, using reasonable efforts, can locate the perpetrator to implement a safety plan, and for the parent who is a victim of domestic violence as defined in s. 741.28. Reasonable efforts to locate a perpetrator include, but are not limited to, a diligent search pursuant to the same requirements as in s. 39.503. If the perpetrator of domestic violence is not the parent, guardian, or legal custodian of any child in the home and if the department does not intend to file a shelter petition or dependency petition that will assert allegations against the perpetrator as a parent of a child in the home, the child protective investigator shall seek issuance of an injunction authorized by s. 39.504 to implement a safety plan for the perpetrator and impose any other conditions to protect the child. The safety plan for the parent who is a victim of domestic violence may not be shared with the perpetrator. If any party to a safety plan fails to comply with the safety plan resulting in the child being unsafe, the department shall file a shelter petition.

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

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

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

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

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

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

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

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

d. The department may file a petition for shelter or dependency without a new child protective investigation or the concurrence of the child protective investigator if the child is unsafe but for the use of a safety plan and the parent or caregiver has not sufficiently increased protective capacities within 90 days after the transfer of the safety plan to the lead agency.

(24) At the beginning of and throughout an investigation of an allegation of sexual abuse of a child placed in out-of-home care, the child protective investigator must assess and take appropriate protective actions to address the safety of other children in the out-of-home placement, or who are accessible to the alleged perpetrator, who are not the subject of the allegation.

Section 9. Subsections (1) and (2) of section 39.302, Florida Statutes, are amended to read:

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

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(37) or (54), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the time-frame established under s. 39.101(2) ~~s. 39.201(5)~~ and notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced

visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian. The department shall make a full written report to the state attorney within 3 ~~business~~ working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) During an investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the other person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202. The absence of an attorney or accompanying person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse, abandonment, or neglect cases when the institution is not operational and the child cannot otherwise be located, the investigation must commence immediately upon the institution resuming operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to such state attorney or agency.

~~(c)~~(b) Upon completion of the department's child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

Section 10. Subsections (1), (2), and (3) of section 39.3035, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, present subsection (3) is amended, and a new subsection (1) is added to that section, to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) Child advocacy centers are facilities that offer multidisciplinary services in a community-based, child-focused environment to children who are alleged to be victims of child abuse, abandonment, or neglect. The children served by such centers may have experienced a variety of types of child abuse, abandonment, or neglect, including, but not limited to, sexual abuse or severe physical abuse. The centers bring together, often in one location, child protective investigators, law enforcement officers, prosecutors, health care professionals, and mental health professionals to provide a coordinated, comprehensive response to victims and their caregivers.

~~(4)~~(3) A child advocacy center within this state may not receive the funds generated pursuant to s. 938.10, state or federal funds administered by a state agency, or any other funds appropriated by the Legislature unless all of the standards of subsection (2) ~~(1)~~ are met and the screening requirement of subsection (3) ~~(2)~~ is met. The Florida Network of Children's Advocacy Centers, Inc., shall be responsible for tracking and documenting compliance with subsections (2) and (3) ~~(1) and (2)~~ for any of the funds it administers to member child advocacy centers.

(a) Funds for the specific purpose of funding children's advocacy centers shall be appropriated to the Department of Children and Families from funds collected from the additional court cost imposed in cases of certain crimes against minors under s. 938.10. Funds shall be disbursed to the Florida Network of Children's Advocacy Centers, Inc., as established under this section, for the purpose of providing community-based services that augment, but do not duplicate, services provided by state agencies.

(b) The board of directors of the Florida Network of Children's Advocacy Centers, Inc., shall retain 10 percent of all revenues collected to be used to match local contributions, at a rate not to exceed an equal match, in communities establishing children's advocacy centers. The board of directors may use up to 5 percent of the remaining funds to support the activities of the network office and must develop funding criteria and an allocation methodology that ensures an equitable distribution of remaining funds among network participants. The criteria and methodologies must take into account factors that include, but need not be limited to, the center's accreditation status with respect to the National Children's Alliance, the

number of clients served, and the population of the area being served by the children's advocacy center.

(c) At the end of each fiscal year, each children's advocacy center receiving revenue as provided in this section must provide a report to the board of directors of the Florida Network of Children's Advocacy Centers, Inc., which reflects center expenditures, all sources of revenue received, and outputs that have been standardized and agreed upon by network members and the board of directors, such as the number of clients served, client demographic information, and number and types of services provided. The Florida Network of Children's Advocacy Centers, Inc., must compile reports from the centers and provide a report to the President of the Senate and the Speaker of the House of Representatives in August of each year.

Section 11. Subsection (3) of section 39.4015, Florida Statutes, is amended to read:

39.4015 Family finding.—

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

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

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;
2. Attend visitations with the child;
3. Assist in transportation of the child;
4. Provide respite or child care services; or
5. Provide actual kinship care.

(b) The ~~family-finding~~ family finding program shall provide the department and the community-based care lead agencies with best practices for identifying family and fictive kin. The ~~family-finding~~ family finding program must use diligent efforts in family finding and, must continue those efforts

until multiple relatives and fictive kin are identified, ~~and must go beyond basic searching tools by exploring alternative tools and methodologies.~~ Family-finding Family finding efforts by the department and the community-based care lead agency may include, but are not limited to:

1. Searching for and locating adult relatives and fictive kin.
2. Identifying and building positive connections between the child and the child’s relatives and fictive kin.
3. Supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child welfare system, when appropriate.
4. Maintaining family connections, when possible.
5. Keeping siblings together in care, when in the best interest of each child and when possible.

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

Section 12. Section 39.4085, Florida Statutes, is amended to read:

~~39.4085 Legislative findings and declaration of intent for Goals for dependent children; responsibilities; education.—~~

(1) The Legislature finds ~~and declares~~ that the design and delivery of child welfare services should be directed by the principle that the health and safety of children, including the freedom from abuse, abandonment, or neglect, is ~~should be~~ of paramount concern and, therefore, establishes the following goals for children in shelter or foster care:

~~(a)~~(1) To receive a copy of this act and have it fully explained to them when they are placed in the custody of the department.

~~(b)~~(2) To enjoy individual dignity, liberty, pursuit of happiness, and the protection of their civil and legal rights as persons in the custody of the state.

~~(c)~~(3) To have their privacy protected, have their personal belongings secure and transported with them, and, unless otherwise ordered by the court, have uncensored communication, including receiving and sending unopened communications and having access to a telephone.

~~(d)~~(4) To have personnel providing services who are sufficiently qualified and experienced to assess the risk children face before ~~prior to~~ removal from

their homes and to meet the needs of the children once they are in the custody of the department.

~~(e)~~(5) To remain in the custody of their parents or legal custodians unless and until there has been a determination by a qualified person exercising competent professional judgment that removal is necessary to protect their physical, mental, or emotional health or safety.

~~(f)~~(6) To have a full risk, health, educational, medical, and psychological screening and, if needed, assessment and testing upon adjudication into foster care; and to have their photograph and fingerprints included in their case management file.

~~(g)~~(7) To be referred to and receive services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identification of the need for such services by the screening and assessment process.

~~(h)~~(8) To be placed in a home with no more than one other child, unless they are part of a sibling group.

~~(i)~~(9) To be placed away from other children known to pose a threat of harm to them, either because of their own risk factors or those of the other child.

~~(j)~~(10) To be placed in a home where the shelter or foster caregiver is aware of and understands the child's history, needs, and risk factors.

~~(k)~~(11) To be the subject of a plan developed by the counselor and the shelter or foster caregiver to deal with identified behaviors that may present a risk to the child or others.

~~(l)~~(12) To be involved and incorporated, ~~if where~~ appropriate, in the development of the case plan, to have a case plan which will address their specific needs, and to object to any of the provisions of the case plan.

~~(m)~~(13) To receive meaningful case management and planning that will quickly return the child to his or her family or move the child on to other forms of permanency.

~~(n)~~(14) To receive regular communication with a case manager ~~ease-worker~~, at least once a month, which shall include meeting with the child alone and conferring with the shelter or foster caregiver.

~~(o)~~(15) To enjoy regular visitation, at least once a week, with their siblings unless the court orders otherwise.

~~(p)~~(16) To enjoy regular visitation with their parents, at least once a month, unless the court orders otherwise.

(q)(17) To receive a free and appropriate education; minimal disruption to their education and retention in their home school, if appropriate; referral to the child study team; all special educational services, including, if where appropriate, the appointment of a parent surrogate; and the sharing of all necessary information between the school board and the department, including information on attendance and educational progress.

(r)(18) To be able to raise grievances with the department over the care they are receiving from their caregivers, case managers caseworkers, or other service providers.

(s)(19) To be heard by the court, if appropriate, at all review hearings.

(t)(20) To have a guardian ad litem appointed to represent, within reason, their best interests and, if where appropriate, an attorney ad litem appointed to represent their legal interests; the guardian ad litem and attorney ad litem shall have immediate and unlimited access to the children they represent.

(u)(21) To have all their records available for review by their guardian ad litem and attorney ad litem if they deem such review necessary.

(v)(22) To organize as a group for purposes of ensuring that they receive the services and living conditions to which they are entitled and to provide support for one another while in the custody of the department.

(w)(23) To be afforded prompt access to all available state and federal programs, including, but not limited to: Early Periodic Screening, Diagnosis, and Testing (EPSDT) services, developmental services programs, Medicare and supplemental security income, Children's Medical Services, and programs for severely emotionally disturbed children.

~~The provisions of This subsection establishes section-establish~~ goals and rights. ~~Nothing in This subsection does not require section-shall be interpreted as requiring~~ the delivery of any particular service or level of service in excess of existing appropriations. ~~A No person does not shall~~ have a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents, based upon the adoption of or failure to provide adequate funding for the achievement of these goals by the Legislature. ~~This subsection does not Nothing herein shall~~ require the expenditure of funds to meet the goals established in this subsection ~~herein~~ except those funds specifically appropriated for such purpose.

(2) The department shall operate with the understanding that the rights of children in shelter or foster care are critical to their safety, permanency, and well-being. The department shall work with all stakeholders to help such children become knowledgeable about their rights.

(3)(a) The case manager or other staff shall provide verbal and written instructions to a child entering shelter or foster care to educate the child on identifying and reporting abuse, abandonment, or neglect. The verbal and

written instructions must use words and phrasing that each child can understand and must occur in a manner that is most effective for each child. The written instructions are only required if the child is of a sufficient age and understanding to receive such instructions. The case manager or other staff must give each child the opportunity to ask questions about his or her rights and how to identify and report abuse, abandonment, or neglect. The case manager or other staff shall document in court reports and case notes the date the information was provided to the child. The case manager or other staff must review the information with the child every 6 months and upon every placement change until the child leaves shelter or foster care.

(b) District school boards are authorized and encouraged to establish educational programs for students ages 5 through 18 relating to identifying and reporting abuse, abandonment, or neglect and the effects of such abuse, abandonment, or neglect on a child. The district school boards may provide such programs in conjunction with the youth mental health awareness and assistance training program required under s. 1012.584, any other mental health education program offered by the school district, or any of the educational instruction required under s. 1003.42(2).

Section 13. Paragraphs (c), (k), and (l) of subsection (1) of section 39.4087, Florida Statutes, are amended to read:

39.4087 Department goals and requirements relating to caregivers; dispute resolution.—

(1) To provide the best care to children, the Legislature establishes as goals for the department to treat foster parents, kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring delivery of child welfare services is focused on the best interest of the child. To that end, regarding foster parents, kinship caregivers, and nonrelative caregivers caring for dependent children in their home, to the extent not otherwise prohibited by state or federal law and to the extent of current resources, the department will strive to:

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

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

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

c.3- Information about any physical or sexual abuse the child has experienced.

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

e.5. With parental consent to the extent required by law, any known health history and medical, psychological, or behavioral ~~mental~~ health issues or needs of the child, including, but not limited to, current infectious diseases the child has or any episodes of hospitalization due to mental or physical illness.

2. A caregiver must maintain the confidentiality of any information provided under this paragraph as required by law.

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

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

Section 14. Section 39.4092, Florida Statutes, is created to read:

39.4092 Multidisciplinary legal representation model program for parents of children in the dependency system.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that the use of a specialized team that includes an attorney, a social worker, and a parent-peer specialist, also known as a multidisciplinary legal representation model program, in dependency judicial matters is effective in reducing safety risks to children and providing families with better outcomes, such as significantly reducing the time the children spend in out-of-home care and achieving permanency more quickly.

(b) The Legislature finds that parents in dependency court often suffer from multiple challenges, such as mental illness, substance use disorder, domestic violence or other trauma, unstable housing, or unemployment. These challenges are often a contributing factor to children experiencing instability or safety risks. While these challenges may result in legal involvement or require legal representation, addressing the underlying challenges in a manner that achieves stability often falls within the core functions of the practice of social work.

(c) The Legislature also finds that social work professionals have a unique skill set, including client assessment and clinical knowledge of family dynamics. This unique skill set allows these professionals to interact and engage with families in meaningful and unique ways that are distinct from the ways in which the families interact with attorneys or other professional staff involved in dependency matters. Additionally, social work professionals are skilled at quickly connecting families facing crisis to resources that can address the specific underlying challenges.

(d) The Legislature finds that there is a great benefit to using parent-peer specialists in the dependency system, which allows parents who have successfully navigated the dependency system and have been successfully reunified with their children to be paired with parents whose children are currently involved in the dependency system. By working with someone who has personally lived the experience of overcoming great personal crisis, parents currently involved in the dependency system have a greater ability to address the underlying challenges that resulted in the instability and safety risk to their children, to provide a safe and stable home environment, and to be successfully reunified.

(e) The Legislature further finds that current federal law authorizes the reimbursement of a portion of the cost of attorneys for parents and children in eligible cases, whereas such funds were formerly restricted to foster care administrative costs.

(f) The Legislature finds it is necessary to encourage and facilitate the use of a multidisciplinary legal representation model for parents and their children in order to improve outcomes for those families involved in the dependency system and to provide the families who find themselves in a crisis with the best opportunity to be successful in creating safe and stable homes for their children.

(2) ESTABLISHMENT.—Each office of criminal conflict and civil regional counsel established under s. 27.511 may establish a multidisciplinary legal representation model program to serve families in the dependency system.

(3) DUTIES.—

(a) The department shall collaborate with the office of criminal conflict and civil regional counsel to determine and execute any necessary documentation for approval of federal Title IV-E matching funding. The department shall submit such documentation as promptly as possible upon the establishment of a multidisciplinary legal representation model program and shall execute the necessary agreements to ensure the program accesses available federal matching funding for the program in order to help eligible families involved in the dependency system.

(b) An office of criminal conflict and civil regional counsel that establishes a multidisciplinary legal representation model program must, at a minimum:

1. Use a team that consists of an attorney, a forensic social worker, and a parent-peer specialist. For purposes of this section, the term “parent-peer specialist” means a person who has:

a. Previously had his or her child removed from his or her care and placed in out-of-home care.

b. Been successfully reunified with the child for more than 2 years.

c. Received specialized training to become a parent-peer specialist.

2. Comply with any necessary cost-sharing or other agreements to maximize financial resources and enable access to available federal Title IV-E matching funding.

3. Provide specialized training and support for attorneys, forensic social workers, and parent-peer specialists involved in the model program.

4. Collect uniform data on each child whose parent is served by the program and ensure that reporting of data is conducted through the child’s unique identification number in the Florida Safe Families Network or any successor system, if applicable.

5. Develop consistent operational program policies and procedures throughout each region that establishes the model program.

6. Obtain agreements with universities relating to approved placements for social work students to ensure the placement of social workers in the program.

7. Execute conflict of interest agreements with each team member.

(4) REPORTING.—

(a) Beginning October 1, 2022, and annually thereafter through October 1, 2025, each office of criminal conflict and civil regional counsel that establishes a multidisciplinary legal representation model program must submit an annual report to the Office of Program Policy Analysis and Government Accountability. The annual report must use the uniform data collected on each unique child whose parents are served by the program and must detail, at a minimum, all of the following:

1. Reasons the family became involved in the dependency system.

2. Length of time it takes to achieve a permanency goal for children whose parents are served by the program.

3. Frequency of each type of permanency goal achieved by children whose parents are served by the program.

4. Rate of subsequent abuse or neglect which results in the removal of children whose parents are served by the program.

5. Any other relevant factors that tend to show the impact of the use of such multidisciplinary legal representation model programs on the outcomes for children in the dependency system. Each region that has established a model program must agree on the additional factors and how to collect data on such additional factors for the annual report.

(b) The Office of Program Policy Analysis and Government Accountability shall compile the results of the reports required under paragraph (a) and conduct an analysis comparing the reported outcomes from the multidisciplinary legal representation model program to known outcomes of children in the dependency system whose parents are not served by a multidisciplinary legal representation model program. Each office of criminal conflict and civil regional counsel shall provide any additional information or data requested by the Office of Program Policy Analysis and Government Accountability for its analysis. By December 1, 2022, and annually thereafter through December 1, 2025, the Office of Program Policy Analysis and Government Accountability must submit its analysis in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 15. Paragraph (b) of subsection (2) of section 39.5086, Florida Statutes, is amended to read:

39.5086 Kinship navigator programs.—

(2) PURPOSE AND SERVICES.—

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

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

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

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

a. One another;

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

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

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

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

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

Section 16. Subsection (15) of section 39.6225, Florida Statutes, is renumbered as subsection (13), and present subsections (13) and (14) are amended to read:

39.6225 Guardianship Assistance Program.—

~~(13) The Florida Institute for Child Welfare shall evaluate the implementation of the Guardianship Assistance Program. This evaluation shall be designed to determine the impact of implementation of the Guardianship Assistance Program, identify any barriers that may prevent eligible caregivers from participating in the program, and identify recommendations regarding enhancements to the state’s system of supporting kinship caregivers. The institute shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2021. At a minimum, the evaluation shall include:~~

~~(a) Information about the perspectives and experiences of program participants, individuals who applied for licensure as child-specific foster homes or program participation but were determined to be ineligible, and individuals who were likely eligible for licensure as a child-specific foster home or for the program but declined to apply. The institute shall collect this information through methodologies including, but not limited to, surveys and focus groups.~~

~~(b) An assessment of any communications procedures and print and electronic materials developed to publicize the program and recommendations for improving these materials. If possible, individuals with expertise in marketing and communications shall contribute to this assessment.~~

~~(c) An analysis of the program’s impact on caregivers and children, including any differences in impact on children placed with caregivers who were licensed and those who were not.~~

(d) ~~Recommendations for maximizing participation by eligible caregivers and improving the support available to kinship caregivers.~~

(14) ~~The program shall take effect July 1, 2019.~~

Section 17. Paragraph (m) is added to subsection (3) and paragraph (u) is added to subsection (5) of section 394.9082, Florida Statutes, to read:

394.9082 Behavioral health managing entities.—

(3) DEPARTMENT DUTIES.—The department shall:

(m) Collect and publish, and update annually, all of the following information on its website for each managing entity:

1. All compensation earned or awarded, whether paid or accrued, regardless of contingency, by position, for any employee, and any other person compensated through a contract for services whose services include those commonly associated with a chief executive, chief administrator, or other chief officer of a business or corporation, who receives compensation from state-appropriated funds in excess of 150 percent of the annual salary paid to the secretary of the department. For purposes of this paragraph, the term “employee” has the same meaning as in s. 448.095(1).

2. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990 and related documents filed with the Internal Revenue Service, auditor reports, and annual reports for each managing entity or affiliated entity.

(5) MANAGING ENTITY DUTIES.—A managing entity shall:

(u) Include the statement “(managing entity name) is a managing entity contracted with the Department of Children and Families” on its website and, at a minimum, in its promotional literature, managing entity-created documents and forms provided to families served by the managing entity, business cards, and stationery letterhead.

Section 18. Section 394.90825, Florida Statutes, is created to read:

394.90825 Boards of behavioral health managing entities; conflicts of interest.—

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

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

(b) “Conflict of interest” means when a board member or an officer, or a relative of a board member or an officer, of the managing entity does any of the following:

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

2. Holds a direct or indirect interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the managing entity or proposes to enter into a contract or other transaction with the managing entity. For purposes of this paragraph, the term “indirect interest” has the same meaning as in s. 112.312.

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

(c) “Managing entity” has the same meaning as in s. 394.9082.

(d) “Relative” means a relative within the third degree of consanguinity by blood or marriage.

(2)(a) For any activity that is presented to the board of a managing entity for its initial consideration and approval after July 1, 2021, or any activity that involves a contract that is being considered for renewal on or after July 1, 2021, but before January 1, 2022, a board member or an officer of a managing entity shall disclose to the board any activity that may reasonably be construed to be a conflict of interest before such activity is initially considered and approved or a contract is renewed by the board. A rebuttable presumption of a conflict of interest exists if the activity was acted on by the board without prior notice as required under subsection (3).

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

(3)(a) If a board member or an officer of the managing entity, or a relative of a board member or an officer, proposes to engage in an activity as described in paragraph (2)(a), the proposed activity must be listed on the meeting agenda for the next general or special meeting of the board members, and copies of all contracts and transactional documents related to the proposed activity must be included in the agenda. The meeting agenda must clearly identify the existence of a potential conflict of interest for the proposed activity. Before a board member or an officer of the managing

entity, or a relative of a board member or an officer, engages in the proposed activity, the activity and contract or other transactional documents must be approved by an affirmative vote of two-thirds of all other board members present.

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

(4)(a) If the board votes against the proposed activity under paragraph (3)(a), the board member or officer of the managing entity, or the relative of the board member or officer, must notify the board in writing of his or her intention, or his or her relative's intention, not to pursue the proposed activity, or the board member or officer shall withdraw from office before the next scheduled board meeting. If the board finds that a board member or officer has violated this paragraph, the board member or officer shall be removed from office before the next scheduled board meeting.

(b) In the event that the board does not approve a conflict of interest as required under paragraph (3)(b), the parties to the activity may opt to cancel the activity or, in the alternative, the board member or officer of the managing entity must resign from the board before the next scheduled board meeting. If the activity canceled is a contract, the managing entity is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

(5) A board member or an officer of the managing entity, or a relative of a board member or an officer, who is a party to, or has an interest in, an activity that is a possible conflict of interest may attend the meeting at which the activity is considered by the board and may make a presentation to the board regarding the activity. After the presentation, the board member or officer, or the relative of the board member or officer, must leave the meeting during the discussion of, and the vote on, the activity. A board member or an officer who is a party to, or has an interest in, the activity shall recuse himself or herself from the vote.

(6) A contract entered into between a board member or an officer of the managing entity, or a relative of a board member or an officer, and the managing entity which has not been properly disclosed as a conflict of interest or potential conflict of interest under this section is voidable and terminates upon the filing of a written notice terminating the contract with

the board of directors which contains the consent of at least 20 percent of the voting interests of the managing entity.

Section 19. Section 394.9086, Florida Statutes, is created to read:

394.9086 Commission on Mental Health and Substance Abuse.—

(1) CREATION.—The Commission on Mental Health and Substance Abuse, a commission as defined in s. 20.03(10), is created adjunct to the department. The department shall provide administrative and staff support services relating to the functions of the commission.

(2) PURPOSES.—The purposes of the commission are to examine the current methods of providing mental health and substance abuse services in the state and to improve the effectiveness of current practices, procedures, programs, and initiatives in providing such services; identify any barriers or deficiencies in the delivery of such services; and recommend changes to existing laws, rules, and policies necessary to implement the commission’s recommendations.

(3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

(a) The commission shall be composed of 19 members as follows:

- 1. A member of the Senate, appointed by the President of the Senate.
- 2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
- 3. The Secretary of Children and Families or his or her designee.
- 4. The Secretary of the Agency for Health Care Administration or his or her designee.
- 5. A person living with a mental health disorder, appointed by the President of the Senate.
- 6. A family member of a consumer of publicly funded mental health services, appointed by the President of the Senate.
- 7. A representative of the Louis de la Parte Florida Mental Health Institute within the University of South Florida, appointed by the President of the Senate.
- 8. A representative of a county school district, appointed by the President of the Senate.
- 9. A representative of mental health courts, appointed by the Governor.
- 10. A representative of a treatment facility, as defined in s. 394.455, appointed by the Speaker of the House of Representatives.

11. A representative of a managing entity, as defined in s. 394.9082(2), appointed by the Speaker of the House of Representatives.

12. A representative of a community substance abuse provider, appointed by the Speaker of the House of Representatives.

13. A psychiatrist licensed under chapter 458 or chapter 459 practicing within the mental health delivery system, appointed by the Speaker of the House of Representatives.

14. A psychologist licensed under chapter 490 practicing within the mental health delivery system, appointed by the Governor.

15. A mental health professional licensed under chapter 491, appointed by the Governor.

16. An emergency room physician, appointed by the Governor.

17. A representative from the field of law enforcement, appointed by the Governor.

18. A representative from the criminal justice system, appointed by the Governor.

19. A representative of a child welfare agency involved in the delivery of behavioral health services, appointed by the Governor.

(b) The Governor shall appoint the chair from the members of the commission. Appointments to the commission must be made by August 1, 2021. Members shall be appointed to serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.

(c) The commission shall convene no later than September 1, 2021. The commission shall meet quarterly or upon the call of the chair. The commission shall hold its meetings via teleconference or other electronic means.

(4) DUTIES.—

(a) The duties of the Commission on Mental Health and Substance Abuse include the following:

1. Conducting a review and evaluation of the management and functioning of the existing publicly supported mental health and substance abuse systems and services in the department, the Agency for Health Care Administration, and all other departments which administer mental health and substance abuse services. Such review shall include, at a minimum, a review of current goals and objectives, current planning, services strategies, coordination management, purchasing, contracting, financing, local government funding responsibility, and accountability mechanisms.

2. Considering the unique needs of persons who are dually diagnosed.
3. Addressing access to, financing of, and scope of responsibility in the delivery of emergency behavioral health care services.
4. Addressing the quality and effectiveness of current mental health and substance abuse services delivery systems, and professional staffing and clinical structure of services, roles, and responsibilities of public and private providers, such as community mental health centers, community substance abuse agencies, hospitals, including emergency services departments, law enforcement agencies, and the judicial system.
5. Addressing priority population groups for publicly funded mental health and substance abuse services, identifying the comprehensive mental health and substance abuse services delivery systems, mental health and substance abuse needs assessment and planning activities, and local government funding responsibilities for mental health and substance abuse services.
6. Reviewing the implementation of chapter 2020-107, Laws of Florida.
7. Identifying any gaps in the provision of mental health and substance use disorder services.
8. Providing recommendations on how behavioral health managing entities may fulfill their purpose of promoting service continuity.
9. Making recommendations regarding the mission and objectives of state-supported mental health and substance abuse services and the planning, management, staffing, financing, contracting, coordination, and accountability mechanisms which will best foster the recommended mission and objectives.
10. Evaluating and making recommendations regarding the establishment of a permanent, agency-level entity to manage mental health, substance abuse, and related services statewide. At a minimum, the evaluation must consider and describe the:
 - a. Specific duties and organizational structure proposed for the entity;
 - b. Resource needs of the entity and possible sources of funding;
 - c. Estimated impact on access to and quality of services;
 - d. Impact on individuals with behavioral health needs and their families, both those currently served through the affected systems providing behavioral health services and those in need of services; and
 - e. Relation to, integration with, and impact on providers, managing entities, communities, state agencies, and systems which provide mental health and substance abuse services in this state. Such recommendations

must ensure that the ability of such other agencies and systems to carry out their missions and responsibilities is not impaired.

(b) The commission may call upon appropriate departments and agencies of state government for such professional assistance as may be needed in the discharge of its duties, and such departments and agencies shall provide such assistance in a timely manner.

(5) REPORTS.—By September 1, 2022, the commission shall submit an interim report to the President of the Senate, the Speaker of the House of Representatives, and the Governor containing its findings and recommendations on how to best provide and facilitate mental health and substance abuse services in the state. The commission shall submit its final report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by September 1, 2023.

(6) REPEAL.—This section is repealed September 1, 2023, unless saved from repeal through reenactment by the Legislature.

Section 20. Subsection (3) of section 409.1415, Florida Statutes, is renumbered as subsection (4), paragraphs (b) and (c) of subsection (2) are amended, and a new subsection (3) is added to that section, to read:

409.1415 Parenting partnerships for children in out-of-home care; resources.—

(2) PARENTING PARTNERSHIPS.—

(b) To ensure that a child in out-of-home care receives support for healthy development which gives the child the best possible opportunity for success, caregivers, birth or legal parents, the department, and the community-based care lead agency shall work cooperatively in a respectful partnership by adhering to the following requirements:

1. All members of the partnership must interact and communicate professionally with one another, must share all relevant information promptly, and must respect the confidentiality of all information related to the child and his or her family.

2. The caregiver; the birth or legal parent; the child, if appropriate; the department; and the community-based care lead agency must participate in developing a case plan for the child and the birth or legal parent. All members of the team must work together to implement the case plan. The caregiver must have the opportunity to participate in all team meetings or court hearings related to the child's care and future plans. The department and community-based care lead agency must support and facilitate caregiver participation through timely notification of such meetings and hearings and provide alternative methods for participation for a caregiver who cannot be physically present at a meeting or hearing.

3. A caregiver must strive to provide, and the department and community-based care lead agency must support, excellent parenting, which includes:

- a. A loving commitment to the child and the child's safety and well-being.
- b. Appropriate supervision and positive methods of discipline.
- c. Encouragement of the child's strengths.
- d. Respect for the child's individuality and likes and dislikes.
- e. Providing opportunities to develop the child's interests and skills.
- f. Being aware of the impact of trauma on behavior.
- g. Facilitating equal participation of the child in family life.
- h. Involving the child within his or her community.
- i. A commitment to enable the child to lead a normal life.

4. A child in out-of-home care must be placed with a caregiver who has the ability to care for the child, is willing to accept responsibility for providing care, and is willing and able to learn about and be respectful of the child's culture, religion, and ethnicity; special physical or psychological needs; circumstances unique to the child; and family relationships. The department, the community-based care lead agency, and other agencies must provide a caregiver with all available information necessary to assist the caregiver in determining whether he or she is able to appropriately care for a particular child.

5. A caregiver must have access to and take advantage of all training that he or she needs to improve his or her skills in parenting a child who has experienced trauma due to neglect, abuse, or separation from home; to meet the child's special needs; and to work effectively with child welfare agencies, the courts, the schools, and other community and governmental agencies.

6. The department and community-based care lead agency must provide a caregiver with the services and support they need to enable them to provide quality care for the child pursuant to subsection (3).

7. Once a caregiver accepts the responsibility of caring for a child, the child may be removed from the home of the caregiver only if:

- a. The caregiver is clearly unable to safely or legally care for the child;
- b. The child and the birth or legal parent are reunified;
- c. The child is being placed in a legally permanent home in accordance with a case plan or court order; or

d. The removal is demonstrably in the best interests of the child.

8. If a child must leave the caregiver's home for one of the reasons stated in subparagraph 7., and in the absence of an unforeseeable emergency, the transition must be accomplished according to a plan that involves cooperation and sharing of information among all persons involved, respects the child's developmental stage and psychological needs, ensures the child has all of his or her belongings, allows for a gradual transition from the caregiver's home, and, if possible, allows for continued contact with the caregiver after the child leaves.

9. When the case plan for a child includes reunification, the caregiver, the department, and the community-based care lead agency must work together to assist the birth or legal parent in improving his or her ability to care for and protect the child and to provide continuity for the child.

10. A caregiver must respect and support the child's ties to his or her birth or legal family, including parents, siblings, and extended family members, and must assist the child in maintaining allowable visitation and other forms of communication. The department and community-based care lead agency must provide a caregiver with the information, guidance, training, and support necessary for fulfilling this responsibility.

11. A caregiver must work in partnership with the department and community-based care lead agency to obtain and maintain records that are important to the child's well-being, including, but not limited to, child resource records, medical records, school records, photographs, and records of special events and achievements.

12. A caregiver must advocate for a child in his or her care with the child welfare system, the court, and community agencies, including schools, child care providers, health and mental health providers, and employers. The department and community-based care lead agency must support a caregiver in advocating for a child and may not retaliate against the caregiver as a result of this advocacy.

13. A caregiver must be as fully involved in the child's medical, psychological, and dental care as he or she would be for his or her biological child. The department and community-based care lead agency must support and facilitate such participation. The caregiver, the department, and the community-based care lead agency must share information with each other about the child's health and well-being.

14. A caregiver must support a child's school success, including, when possible, maintaining school stability by participating in school activities and meetings. The department and community-based care lead agency must facilitate this participation and be informed of the child's progress and needs.

15. A caregiver must ensure that a child in his or her care who is between 13 and 17 years of age learns and masters independent living skills. The department shall make available training for caregivers developed in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative on the life skills necessary for children in out-of-home care.

16. The case manager and case manager supervisor must mediate disagreements that occur between a caregiver and the birth or legal parent.

(c) An employee of a residential group home must meet the background screening requirements under s. 39.0138 and the level 2 screening standards for screening under chapter 435. An employee of a residential group home who works directly with a child as a caregiver must meet, at a minimum, the same education ~~and~~, training, ~~background~~, and other screening requirements as caregivers in family foster homes licensed as level II under s. 409.175(5).

(3) RESOURCES AND SUPPORT FOR CAREGIVERS.—

(a) Foster parents.—The department shall establish the Foster Information Center to connect current and former foster parents, known as foster parent advocates, to prospective and current foster parents in order to provide information and services, including, but not limited to:

1. Navigating the application and approval process, including timelines for each; preparing for transitioning from approval for placement to accepting a child into the home; and learning about and connecting with any available resources in the prospective foster parent’s community.

2. Accessing available resources and services, including, but not limited to, those from the Florida Foster and Adoptive Parent Association, for any current foster parents who need additional assistance.

3. Providing information specific to a foster parent’s individual needs.

4. Providing immediate assistance when needed.

(b) Kinship caregivers.—

1. A community-based care lead agency shall provide a caregiver with resources and supports that are available and discuss whether the caregiver meets any eligibility criteria for such resources and supports. If the caregiver is unable to access resources and supports beneficial to the well-being of the child, the community-based care lead agency or case management agency must assist the caregiver in initiating access to resources by:

a. Providing referrals to kinship navigation services, if available.

b. Assisting with linkages to community resources and completion of program applications.

c. Scheduling appointments.

d. Initiating contact with community service providers.

2. The community-based care lead agency shall provide each caregiver with a telephone number to call during normal business hours whenever immediate assistance is needed and the child's caseworker is unavailable. The telephone number must be staffed and answered by individuals possessing the knowledge and authority necessary to assist caregivers.

Section 21. Section 409.1453, Florida Statutes, is repealed.

Section 22. Subsection (3) of section 409.175, Florida Statutes, is amended to read:

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

(3)(a) ~~The total number of children placed in a each family foster home shall be based on the recommendation of the department, or the community-based care lead agency where one is providing foster care and related services, based on the needs of each child in care, the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home, the amount of safe physical plant space, the ratio of active and appropriate adult supervision, and the background, experience, and skill of the family foster parents.~~

(b) The department must grant a capacity waiver before another child may be placed in the home if:

1. The total number of dependent children in a family foster home is six or more; or will exceed five, including the family's own children;

2. The total number of children in a family foster home, including both dependent children and the family's own children, is eight or more.

(c) Before granting a capacity waiver, the department must conduct an assessment of each child to be placed in the home, must be completed by a family services counselor and approved in writing by the counselor's supervisor prior to placement of any additional children in the home, except that, If the placement involves a child whose sibling is already in the home or a child who has been in placement in the home previously, the assessment must be completed within 72 hours after placement. The assessment must assess and document the mental, physical, and psychosocial needs of the child and whether those needs will be met by placement in the home and recommend the maximum number of children in a family foster home that will allow the child's needs to be met.

(d)(e) For any licensed family foster home, the appropriateness of the number of children in the home must be reassessed annually as part of the

relicensure process. For a home with more than ~~eight~~ five children, including the family's own children, if it is determined by the licensure study at the time of relicensure that the total number of children in the home is appropriate and that there have been no substantive licensure violations and no indications of child maltreatment or child-on-child sexual abuse within the past 12 months, the relicensure of the home may ~~shall~~ not be denied based on the total number of children in the home.

(e) The department may adopt rules to implement this subsection.

Section 23. Section 409.1753, Florida Statutes, is repealed.

Section 24. Subsections (6) and (7) are added to section 409.987, Florida Statutes, to read:

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

(6) In communities in which conditions make it not feasible to competitively contract with a lead agency, the department may collaborate with the local community alliance to establish an alternative approach to providing community-based child welfare services in the service area that would otherwise be served by a lead agency.

(a) The department and local community alliance shall develop a plan that must detail how the community will continue to implement community-based care through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified entities as part of the community's efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of service provision. At a minimum, the plan must describe the reasons for the department's inability to competitively contract for lead agency services, the proposed alternative approach to providing lead agency services, the entities that will be involved in service provision, how local control will be maintained, how services will be managed to ensure that federal and state requirements are met and outcome goals under s. 409.986 are achieved, and recommendations for increasing the ability of the department to contract with a lead agency in that area.

(b) The department shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives before implementation. The department shall submit quarterly updates about the plan's implementation to the Governor, the President of the Senate, and the Speaker of the House of Representatives until 2 years after full implementation of the plan.

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

1. "Activity" includes, but is not limited to, a contract for goods and services, a contract for the purchase of any real or tangible property, or an

agreement to engage with a lead agency for the benefit of a third party in exchange for an interest in real or tangible property, a monetary benefit, or an in-kind contribution.

2. “Conflict of interest” means when a board member or an officer, or a relative of a board member or an officer, of a lead agency does any of the following:

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

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

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

3. “Relative” means a relative within the third degree of consanguinity by blood or marriage.

(b)1. For any activity that is presented to the board of a lead agency for its initial consideration and approval after July 1, 2021, or any activity that involves a contract that is being considered for renewal on or after July 1, 2021, but before January 1, 2022, a board member or an officer of a lead agency shall disclose to the board any activity that may reasonably be construed to be a conflict of interest before such activity is initially considered and approved or a contract is renewed by the board. A rebuttable presumption of a conflict of interest exists if the activity was acted on by the board without prior notice as required under paragraph (c).

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

(c)1. If a board member or an officer of a lead agency, or a relative of a board member or an officer, proposes to engage in an activity as described in subparagraph (b)1., the proposed activity must be listed on the meeting agenda for the next general or special meeting of the board members, and copies of all contracts and transactional documents related to the proposed activity must be included in the agenda. The meeting agenda must clearly

identify the existence of a potential conflict of interest for the proposed activity. Before a board member or an officer of the lead agency, or a relative of a board member or an officer, engages in the proposed activity, the activity and contract or other transactional documents must be approved by an affirmative vote of two-thirds of all other board members present.

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

(d)1. If the board votes against the proposed activity under subparagraph (c)1., the board member or officer of the lead agency, or the relative of the board member or officer, must notify the board in writing of his or her intention, or his or her relative's intention, not to pursue the proposed activity, or the board member or officer shall withdraw from office before the next scheduled board meeting. If the board finds that a board member or officer has violated this paragraph, the board member or officer shall be removed from office before the next scheduled board meeting.

2. In the event that the board does not approve a conflict of interest as required under subparagraph (c)2., the parties to the activity may opt to cancel the activity or, in the alternative, the board member or officer of the lead agency must resign from the board before the next scheduled board meeting. If the activity canceled is a contract, the lead agency is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

(e) A board member or an officer of a lead agency, or a relative of a board member or an officer, who is a party to, or has an interest in, an activity that is a possible conflict of interest may attend the meeting at which the activity is considered by the board and may make a presentation to the board regarding the activity. After the presentation, the board member or officer, or the relative of the board member or officer, must leave the meeting during the discussion of, and the vote on, the activity. A board member or an officer who is a party to, or has an interest in, the activity shall recuse himself or herself from the vote.

(f) A contract entered into between a board member or an officer of a lead agency, or a relative of a board member or an officer, and the lead agency which has not been properly disclosed as a conflict of interest or potential conflict of interest under this section is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors

which contains the consent of at least 20 percent of the voting interests of the lead agency.

Section 25. Subsection (1) of section 409.988, Florida Statutes, is amended to read:

409.988 Lead agency duties; general provisions.—

(1) DUTIES.—A lead agency:

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

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

(c) Shall follow the financial guidelines developed by the department and provide for a regular independent auditing of its financial activities. Such financial information shall be provided to the community alliance established under s. 20.19(5).

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

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

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

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

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

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

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

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

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

(j) May subcontract for the provision of services required by the contract with the lead agency and the department; however, the subcontracts must specify how the provider will contribute to the lead agency meeting the performance standards established pursuant to the child welfare results-oriented accountability system required by s. 409.997. The lead agency shall directly provide no more than 35 percent of all child welfare services provided unless it can demonstrate a need, within the lead agency’s geographic service area, to exceed this threshold. The local community alliance in the geographic service area in which the lead agency is seeking to exceed the threshold shall review the lead agency’s justification for need and recommend to the department whether the department should approve or deny the lead agency’s request for an exemption from the services threshold. If there is not a community alliance operating in the geographic service area in which the lead agency is seeking to exceed the threshold, such review and recommendation shall be made by representatives of local stakeholders, including at least one representative from each of the following:

1. The department.
2. The county government.
3. The school district.
4. The county United Way.
5. The county sheriff’s office.
6. The circuit court corresponding to the county.

7. The county children's board, if one exists.

(k) Shall ~~publish post~~ on its website by the 15th day of each month at a minimum the ~~data specified information contained in subparagraphs 1.-5., calculated using a standard methodology determined by the department, subparagraphs 1.-4.~~ for the preceding calendar month regarding its case management services. The following information shall be reported by each individual subcontracted case management provider, by the lead agency, if the lead agency provides case management services, and in total for all case management services subcontracted or directly provided by the lead agency:

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

2. The total number and percentage of case managers who have 25 or more cases on their caseloads;

~~3.2.~~ The turnover rate for case managers and case management supervisors for the previous 12 months;

~~4.3.~~ The percentage of required home visits completed; and

~~5.4.~~ Performance on outcome measures required pursuant to s. 409.997 for the previous 12 months.

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

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

Section 26. Subsection (7) of section 409.990, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

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

(7) If subcontracted service providers must provide services that are beyond the contract limits due to increased client need or caseload, the lead agencies shall fund the cost of increased care.

Section 27. Subsections (3) through (25) of section 409.996, Florida Statutes, are renumbered as subsections (5) through (27), respectively, subsections (1) and (2) and paragraph (d) of present subsection (25) are amended, and new subsections (3) and (4) are added to that section, to read:

409.996 Duties of the Department of Children and Families.—The department shall contract for the delivery, administration, or management of care for children in the child protection and child welfare system. In doing so, the department retains responsibility for the quality of contracted services and programs and shall ensure that, at a minimum, services are delivered in accordance with applicable federal and state statutes and regulations and the performance standards and metrics specified in the strategic plan created under s. 20.19(1).

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

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

(b) Require the lead agency to provide information to the department which specifies how the lead agency will adhere to all best child welfare practices under ss. 39.4087, 39.523, 409.1415, and 409.145.

(c) Provide information to the department which is necessary to meet the requirements for a quality assurance program under subsection (21) ~~(19)~~ and the child welfare results-oriented accountability system under s. 409.997.

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

1. Enhanced monitoring and reporting.
2. Corrective action plans.
3. Requirements to accept technical assistance and consultation from the department under subsection (6) ~~(4)~~.
4. Financial penalties, which shall require a lead agency to reallocate funds from administrative costs to direct care for children.
5. Early termination of contracts, as provided in s. 402.1705(3)(f).

(e)(e) Ensure that the lead agency shall furnish current and accurate information on its activities in all cases in client case records in the state’s statewide automated child welfare information system.

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

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

(3) The department shall annually conduct a comprehensive, multiyear review of the revenues, expenditures, and financial position of all community-based care lead agencies which must cover the most recent 2 consecutive fiscal years. The review must include a comprehensive system-of-care analysis. All community-based care lead agencies must develop and maintain a plan to achieve financial viability. The department's review and the agency's plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year.

(4)(a) The department shall collect and publish on its website, and annually update, all of the following information for each lead agency under contract with the department:

1. All compensation earned or awarded, whether paid or accrued, regardless of contingency, by position, for any employee, and any other person who is compensated through a contract for services whose services include those commonly associated with a chief executive, chief administrator, or other chief officer of a business or corporation, who receives compensation from state-appropriated funds in excess of 150 percent of the annual salary paid to the secretary of the department. For purposes of this paragraph, the term "employee" has the same meaning as in s. 448.095.

2. All findings of the review under subsection (3).

(b) The department shall collect and publish on its website, and update monthly, the information required under s. 409.988(1)(k).

(27)(25) Subject to an appropriation, for the 2020-2021 and 2021-2022 fiscal years, the department shall implement a pilot project in the Sixth and

Thirteenth Judicial Circuits, respectively, aimed at improving child welfare outcomes.

(d) The department shall include the results of the pilot projects in the report required in subsection ~~(26)~~ (24) of this section. The report must include the department's findings and recommendations relating to the pilot projects.

Section 28. Paragraph (a) of subsection (4) of section 828.27, Florida Statutes, is amended to read:

828.27 Local animal control or cruelty ordinances; penalty.—

(4)(a)1. ~~County-employed animal control officers must, and municipally-employed municipally-employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course must include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a certificate indicating that he or she has received a passing grade.~~

2. County-employed and municipally-employed animal control officers must successfully complete the 1-hour training course developed by the Department of Children and Families pursuant to s. 39.208(5). Animal control officers must be provided with opportunities to attend the training during their normal work hours.

~~3.2.~~ Any animal control officer who is authorized before January 1, 1990, by a county or municipality to issue citations is not required to complete the minimum standards training course.

~~4.3.~~ In order to maintain valid certification, every 2 years each certified animal control officer must complete 4 hours of postcertification continuing education training. Such training may include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations.

Section 29. Paragraph (c) is added to subsection (6) of section 1012.795, Florida Statutes, to read:

1012.795 Education Practices Commission; authority to discipline.—

(6)

(c) If the Department of Education determines that any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), respectively, has knowingly failed to report known or suspected child abuse as required under s. 39.201, and the Education Practices Commission has issued a final order for a previous instance of failure to report by the

individual, the Education Practices Commission shall, at a minimum, suspend the educator certificate of the instructional personnel or school administrator for a period of at least 1 year.

Section 30. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. “Home addresses” means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. “Telephone numbers” includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers’ compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child

support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal

conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) ~~s. 39.3035(1)~~ and fulfills the screening requirement of s. 39.3035(3) ~~s. 39.3035(2)~~, and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party that is authorized to receive the information. Upon receipt of the written request, the custodial agency shall release the specified information to the party authorized to receive such information.

5. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 31. Paragraph (g) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(g) It is lawful under this section and ss. 934.04-934.09 for an employee of:

1. An ambulance service licensed pursuant to s. 401.25, a fire station employing firefighters as defined by s. 633.102, a public utility, a law enforcement agency as defined by s. 934.02(10), or any other entity with published emergency telephone numbers;

2. An agency operating an emergency telephone number “911” system established pursuant to s. 365.171; or

3. The central abuse hotline operated under s. 39.101 ~~pursuant to s. 39.201~~

to intercept and record incoming wire communications; however, such employee may intercept and record incoming wire communications on designated “911” telephone numbers and published nonemergency telephone numbers staffed by trained dispatchers at public safety answering points only. It is also lawful for such employee to intercept and record outgoing wire communications to the numbers from which such incoming wire communications were placed when necessary to obtain information required to provide the emergency services being requested. For the purpose of this paragraph, the term “public utility” has the same meaning as provided in s. 366.02 and includes a person, partnership, association, or corporation now or hereafter owning or operating equipment or facilities in the state for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

Section 32. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.