

1 A bill to be entitled
2 An act relating to child welfare

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 **Section 1.** This act may be cited as the "Child Welfare
7 Accountability Act."

8 **Section 2.** Present subsections (5) and (6) of section
9 20.19, Florida Statutes, are redesignated as subsections (6)
10 and (7), respectively, and a new subsection (5) is added to
11 that section to read:

12 20.19 Department of Children and Families.—There is
13 created a Department of Children and Families.

14 (5) There is created an office of quality assurance and
15 improvement in the Department of Children and Families.

16 (a) The secretary shall appoint a Chief Quality Officer
17 to lead the department in ensuring that the department and
18 its child welfare service providers and managing entities
19 meet the highest level of performance standards. The chief
20 quality officer shall serve at the pleasure of the
21 secretary.

22 (b) The chief quality officer has the authority and
23 duty to:

24 1. Analyze and monitor the development and
25 implementation of federal and state laws, rules, and
26 regulations, and other governmental policies and actions,
27 that pertain to persons being served by the department.

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28 2. Develop and implement performance standards and
29 metrics for determining the department's compliance with
30 federal and state laws, rules, and regulations, and other
31 governmental policies and actions.

32 3. Strengthen the department's data and analytic
33 capabilities to identify systemic strengths and
34 deficiencies.

35 4. Identify performance standards and metrics for the
36 department, and all other service providers, including but
37 not limited to law enforcement agencies, managing entities,
38 lead agencies, and attorney services.

39 5. Recommend unique and varied initiatives to correct
40 programmatic and systemic deficiencies.

41 6. Collaborate and engage partners to build quality,
42 efficiency and effectiveness.

43 7. Report persistent failure to meet performance
44 standards and recommend corrective courses, prescribed by
45 statute, to the secretary.

46 **Section 3.** Section 39.0011, Florida Statutes, is
47 created to read:

48 39.0011 CHILD WELFARE ACCOUNTABILITY.-

49 (1) It is the intent of the Legislature that Florida's
50 child welfare system be held accountable for providing
51 exemplary services in a manner which is transparent so that
52 it inspires public confidence in the Department of Children
53 and Families.

54 (2) It is the intent of the Legislature that the
55 department be held accountable for carrying out the purposes

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56 of, and the responsibilities established in, this chapter.

57 It is further the intent of the Legislature that the
58 department only contract with entities that carry out the
59 purposes of, and the responsibilities established in, this
60 chapter.

61 (3) It is the intent of the Legislature that the
62 department, other agencies, the courts, law enforcement
63 agencies, local communities, and other contracted child
64 welfare service providers, are all held accountable to the
65 highest standards.

66 (4) It is the intent of the Legislature that while the
67 department has been directed to delegate the duties of child
68 welfare to other entities, law enforcement agencies, local
69 communities, and other contracted child welfare service
70 providers, the department retains direct responsibility for
71 quality assurance.

72 (5) It is the intent of the Legislature that the
73 department, in consultation with child welfare service
74 providers, establish overall performance levels and metrics
75 for any entity that the department contracts with to provide
76 child welfare services.

77 (6) The department will report annually performance
78 levels, all contractual performance metrics, and current
79 status made thereto, to the Governor, President of the
80 Senate, and Speaker of the House. The report is due by
81 November 1 of each year. The report must also be published
82 annually by the department on its website. The report must
83 contain the following information:

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84 (a) Performance metrics for the entire child welfare
85 system.

86 (b) Performance metrics by region and type of child
87 welfare service provider, including performance levels.

88 (c) A list of the child welfare service providers not
89 in compliance with performance metrics.

90 (d) Detailed corrective action taken, if any, to bring
91 child welfare service providers back into compliance with
92 performance metrics.

93 (7) It is the intent of the Legislature that the
94 department act to offer increasing levels of support for
95 child welfare service providers with performance
96 deficiencies. However, the Department shall not continue to
97 contract with child welfare service providers that
98 persistently fail to meet performance standards and metrics
99 for three or more consecutive annual performance reviews.

100 **Section 4.** Present subsections (10) through (12), (13)
101 through (29), (30) through (58), and (59) through (87) of
102 section 39.01, Florida Statutes, are redesignated as
103 subsections (11) through (13), (15) through (31), (33)
104 through (61), and (63) through (91), respectively, and new
105 subsections (10), (14), (32), and (62) are added to that
106 section to read:

107 39.01 Definitions.—When used in this chapter, unless
108 the context otherwise requires:

109 (10) "Best practices" means a method or program that
110 has been recognized by the department, a government body, or
111 a professional association and has been found to be

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112 successful for compliance with performance standards and
113 metrics.

114 (14) "Child welfare service provider" means county and
115 municipal governments and agencies, public and private
116 agencies, and private individuals and entities the
117 department has a contract or agreement with to carry out the
118 purposes of, and responsibilities established in, this
119 chapter.

120 (32) "Florida's child welfare practice model" means the
121 methodology developed by the department based on child
122 welfare statutes and rules to ensure the permanence, safety,
123 and wellbeing of children.

124 (62) "Performance standards and metrics" means
125 quantifiable measures used to track and assess performance
126 as determined by the department.

127 **Section 5.** Subsection (5) of section 39.201, Florida
128 Statutes, is amended to read:

129 39.201 Mandatory reports of child abuse, abandonment,
130 or neglect' mandatory reports of death; central abuse
131 hotline.-

132 (5) The department shall be capable of receiving and
133 investigating, 24 hours a day, 7 days a week, reports of
134 known or suspected child abuse, abandonment, or neglect and
135 reports that a child is in need of supervision and care and
136 has no parent, legal custodian, or responsible adult
137 relative immediately known and available to provide
138 supervision and care. If it appears that the immediate
139 safety or well-being of a child is endangered, that the

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140 family may flee or the child will be unavailable for
141 purposes of conducting a child protective investigation, or
142 that the facts otherwise so warrant, the department shall
143 commence an investigation immediately, regardless of the
144 time of day or night. In all other child abuse, abandonment,
145 or neglect cases, a child protective investigation shall be
146 commenced within 24 or 72 hours after receipt of the report,
147 depending upon the severity of the alleged maltreatment and
148 assessed risk to the child. For calls which do not meet the
149 statutory criteria for maltreatment but the circumstances
150 surrounding the family are pre-crisis in nature the
151 department may contact within 72 hours and attempt to engage
152 the family in voluntary community services to prevent the
153 need for more intrusive interventions in the future. In an
154 institutional investigation, the alleged perpetrator may be
155 represented by an attorney, at his or her own expense, or
156 accompanied by another person, if the person or the attorney
157 executes an affidavit of understanding with the department
158 and agrees to comply with the confidentiality provisions of
159 s. 39.202. The absence of an attorney or other person does
160 not prevent the department from proceeding with other
161 aspects of the investigation, including interviews with
162 other persons. In institutional child abuse cases when the
163 institution is not operating and the child cannot otherwise
164 be located, the investigation shall commence immediately
165 upon the resumption of operation. If requested by a state
166 attorney or local law enforcement agency, the department
167 shall furnish all investigative reports to that agency.

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168 **Section 6.** Subsections (1), (10), (11), and (13) of
169 section 39.301, Florida Statutes, are amended, and
170 subsection (14) is added to that section to read:

171 39.301 Initiation of protective investigations.-

172 (1) Upon receiving a report of known or suspected
173 child abuse, abandonment, or neglect, or that a child is in
174 need of supervision and care and has no parent, legal
175 custodian, or responsible adult relative immediately known
176 and available to provide supervision and care, the central
177 abuse hotline shall determine if the report requires an
178 immediate onsite protective investigation. For reports
179 requiring an immediate onsite protective investigation, the
180 central abuse hotline shall immediately notify the
181 department's designated region ~~district~~ staff responsible
182 for protective investigations to ensure that an onsite
183 investigation is promptly initiated. For reports not
184 requiring an immediate onsite protective investigation, the
185 central abuse hotline shall determine whether the report
186 meets criteria for a 24 or 72 hour investigation, or a pre-
187 crisis diversion and notify the department's designated
188 region ~~district~~ staff responsible for protective
189 investigations in sufficient time to allow for an
190 investigation. At the time of notification, the central
191 abuse hotline shall also provide information to region
192 ~~district~~ staff on any previous report concerning a subject
193 of the present report or any pertinent information relative
194 to the present report or any noted earlier reports.

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195 (10)(a) The department's training program for staff
196 responsible for responding to reports accepted by the
197 central abuse hotline must also ensure that child protective
198 responders:

199 1. Know how to fully inform parents or legal
200 custodians of their rights and options, including
201 opportunities for audio or video recording of child
202 protective responder interviews with parents or legal
203 custodians or children.

204 2. Know how and when to use the injunction process
205 under s. 39.504 or s. 741.30 to remove a perpetrator of
206 domestic violence from the home as an intervention to
207 protect the child.

208 3. Know how to explain to the parent, legal custodian,
209 or person who is alleged to have caused the abuse, neglect,
210 or abandonment the results of the investigation and to
211 provide information about his or her right to access
212 confidential reports in accordance with s. 39.202, prior to
213 closing the case.

214 (b) To enhance the skills of individual staff members
215 and to improve the region's and district's overall child
216 protection system, the department's training program at the
217 regional and district levels must include results of
218 qualitative reviews of child protective investigation cases
219 handled within the region or district in order to identify
220 weaknesses as well as examples of effective interventions
221 which occurred at each point in the case.

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222 (c) For all reports received, detailed documentation
223 is required for the investigative and pre-crisis diversion
224 activities.

225 (11) The department shall incorporate into its quality
226 assurance program the monitoring of reports that receive a
227 child protective investigation or pre-crisis diversion
228 response to determine the quality and timeliness of safety
229 assessments, engagements with families, teamwork with other
230 experts and professionals, and appropriate investigative or
231 diversion activities that are uniquely tailored to the
232 safety factors and service needs associated with each child
233 and family.

234 (13) Onsite investigation visits and face-to-face
235 interviews with the child or family shall be unannounced
236 unless it is determined by the department or its agent or
237 contract provider that such unannounced visit would threaten
238 the safety of the child.

239 (14) Pre-crisis diversion contacts shall be announced
240 unless the department or its agent has no means to schedule
241 the visit with the parent or caregiver.

242 **Section 7.** Present subsections (1) through (3) of
243 section 39.3065, Florida Statutes, are redesignated as
244 subsections (2) through (4), respectively, a new subsection
245 (1) is added to that section, and redesignated subsection
246 (4) is amended to read:

247 39.3065 Sheriffs of certain counties to provide child
248 protective investigative services; procedures; funding.—

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249 (1) It is the intent of the Legislature that the
250 department, in consultation with each of the sheriffs
251 providing child welfare services under this section, adopt
252 Florida's Child Welfare Practice Model and implement a
253 prevention plan for their community.

254 ~~+(3)-(4)~~ (a) Beginning in fiscal year 1999-2000, the
255 sheriffs of Pasco County, Manatee County, Broward County,
256 and Pinellas County have the responsibility to provide all
257 child protective investigations in their respective
258 counties. Beginning in fiscal year 2000-2001, the Department
259 of Children and Families is authorized to enter into grant
260 agreements with sheriffs of other counties to perform child
261 protective investigations in their respective counties.

262 (b) The sheriffs shall adopt Florida's Child Welfare
263 Practice Model and operate in accordance with the same
264 federal performance standards and metrics regarding child
265 welfare and protective investigations imposed on ~~operate, at~~
266 ~~a minimum, in accordance with the performance standards and~~
267 ~~outcomes established by the Legislature for protective~~
268 ~~investigations conducted by the Department of Children and~~
269 Families. Each individual who provides these services must
270 complete, at a minimum, the training provided to and
271 required of protective investigators employed by the
272 Department of Children and Families.

273 (c) Funds for providing child protective
274 investigations must be identified in the annual
275 appropriation made to the Department of Children and
276 Families, which shall award grants for the full amount

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identified to the respective sheriffs' offices.
Notwithstanding the provisions of ss.216.181(16)(b) and 216.351, the Department of Children and Families may advance payments to the sheriffs for child protective investigations. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices and reported to the Department of Children and Families as specified in the grant agreement.

(d) Program performance monitoring shall be collaborative and conducted on an ongoing basis. The department and each sheriff or their designee shall meet at least quarterly to collaborate on federal and state Quality Assurance and Continuous Quality Improvement initiatives.

~~(d) (e) Program~~ Annual program performance evaluation shall be based on criteria mutually agreed upon by the respective sheriffs and developed by the Department of Children and Families for use with all Child Protective Investigators statewide. The program performance evaluation shall be conducted by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the department. The program performance evaluation shall be standardized with random cases being selected by the department. The Department of Children and Families shall submit an annual report regarding quality performance, outcome-measure

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305 attainment, and cost efficiency to the President of the
306 Senate, the Speaker of the House of Representatives, and to
307 the Governor no later than ~~January 31~~November 1 of each year
308 the sheriffs are receiving general appropriations to provide
309 child protective investigations.

310 (f) Each sheriff shall annually submit to the
311 department for approval a prevention plan that details their
312 approach to prevention within their community. The plan
313 will include provisions for engaging prevention services, at
314 the earliest point possible, utilizing community resources.

315 (g) At any time, the secretary may offer resources to
316 address any performance deficiencies that directly impact
317 the safety of children.

318 **Section 8.** Present subsections (17) through (24) of
319 section 394.67, Florida Statutes, are redesignated as
320 subsections (18) through (25), respectively, and a new
321 subsection (17) is added to that section to read:

322 394.67 Definitions.—As used in this part, the term:
323 (17) "Performance standards and metrics" means
324 quantifiable measures used to track and assess performance
325 as determined by the department.

326 **Section 9.** Subsections (1), (5), (7) of section
327 394.9082, Florida Statutes, are amended to read:

328 Section 394.9082 Behavioral health managing entities.—

329 (1) INTENT AND PURPOSE.—

330 (a) The Legislature finds that untreated behavioral
331 health disorders constitute major health problems for
332 residents of this state, are a major economic burden to the

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333 citizens of this state, and substantially increase demands
334 on the state's juvenile and adult criminal justice systems,
335 the child welfare system, and health care systems. The
336 Legislature finds that behavioral health disorders respond
337 to appropriate treatment, rehabilitation, and supportive
338 intervention. The Legislature finds that local communities
339 have also made substantial investments in behavioral health
340 services, contracting with safety net providers who by
341 mandate and mission provide specialized services to
342 vulnerable and hard-to-serve populations and have strong
343 ties to local public health and public safety agencies. The
344 Legislature finds that a regional management structure that
345 facilitates a comprehensive and cohesive system of
346 coordinated care for behavioral health treatment and
347 prevention services will improve access to care, promote
348 service continuity, and provide for more efficient and
349 effective delivery of substance abuse and mental health
350 services. It is the intent of the Legislature that managing
351 entities work to create linkages among various services and
352 systems, including juvenile justice and adult criminal
353 justice, child welfare, housing services, homeless systems
354 of care, and health care.

355 (b) The purpose of the behavioral health managing
356 entities is to plan, coordinate, and contract for the
357 delivery of community mental health and substance abuse
358 services, to improve access to care, to promote service
359 continuity, to purchase services, and to support efficient
360 and effective delivery of services.

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361 (c) It is the intent of the Legislature that the
362 department only contract with managing entities that carry
363 out the purposes of, and the responsibilities established
364 in, this chapter.

365 (d) It is the intent of the Legislature that the
366 department and the managing entities it contracts with are
367 all held accountable to the highest standards. While the
368 department has been directed to delegate the duties of
369 specific services to managing entities, the department
370 retains responsibility for quality assurance.

371 (e) The department, in consultation with the contracted
372 managing entities, will establish performance metrics for
373 the managing entities that the department contracts with to
374 provide services. The performance standards set by the
375 department for the contracted managing entities shall at a
376 minimum address the tasks contained in the managing entity's
377 contract with the department.

378 (f) The department must act where there is persistent
379 failure to meet performance standards. All entities that
380 the department contracts with will be held accountable for
381 the services each has been contracted to provide.
382 Persistent failure to meet the performance standards and
383 metrics for more than three consecutive annual performance
384 reviews shall be considered a material breach of the
385 managing entity's contract with the department. Likewise,
386 failure to comply with the department's implementation of
387 corrective actions shall be considered a material breach of
388 the entity's contract with the department.

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389 (g) The department is prohibited from contracting with
390 or continuing to contract with managing entities that have
391 persistently failed to meet the performance standards and
392 metrics for three consecutive annual performance reviews.

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

394 (a) Maintain a governing board or, if a managed
395 behavioral health organization, an advisory board as
396 provided in paragraph (4)(c) or paragraph (4)(d),
397 respectively.

398 (b) Conduct a community behavioral health care needs
399 assessment every 3 years in the geographic area served by
400 the managing entity which identifies needs by subregion. The
401 process for conducting the needs assessment shall include an
402 opportunity for public participation. The assessment shall
403 include, at a minimum, the information the department needs
404 for its annual report to the Governor and Legislature
405 pursuant to s. 394.4573. The managing entity shall provide
406 the needs assessment to the department.

407 (c) Determine the optimal array of services to meet
408 the needs identified in the community behavioral health care
409 needs assessment and expand the scope of services as
410 resources become available.

411 (d) Promote the development and effective
412 implementation of a coordinated system of care pursuant to
413 s. 394.4573.

414 (e) Provide assistance to counties to develop a
415 designated receiving system pursuant to s. 394.4573 and a
416 transportation plan pursuant to s. 394.462.

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417 (f) Develop strategies to divert persons with mental
418 illness or substance use disorders from the criminal and
419 juvenile justice systems in collaboration with the court
420 system and the Department of Juvenile Justice and to
421 integrate behavioral health services with the child welfare
422 system.

423 (g) Promote and support care coordination activities
424 that will improve outcomes among individuals identified as
425 priority populations pursuant to paragraph (3)(c).

426 (h) Work independently and collaboratively with
427 stakeholders to improve access to and effectiveness,
428 quality, and outcomes of behavioral health services. This
429 work may include, but is not limited to, facilitating the
430 dissemination and use of evidence-informed practices.

431 (i) Develop a comprehensive provider network of
432 qualified providers to deliver behavioral health services.
433 The managing entity is not required to competitively procure
434 network providers but shall publicize opportunities to join
435 the provider network and evaluate providers in the network
436 to determine if they may remain in the network. The managing
437 entity shall publish these processes on its website. The
438 managing entity shall ensure continuity of care for clients
439 if a provider ceases to provide a service or leaves the
440 network.

441 (j) As appropriate, develop resources by pursuing
442 third-party payments for services, applying for grants,
443 assisting providers in securing local matching funds and in-

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kind services, and employing any other method needed to ensure that services are available and accessible.

(k) Enter into cooperative agreements with local homeless councils and organizations for sharing information about clients, available resources, and other data or information for addressing the homelessness of persons suffering from a behavioral health crisis. All information sharing must comply with federal and state privacy and confidentiality laws, statutes, and regulations.

(l) Work collaboratively with public receiving facilities and licensed housing providers to establish a network of licensed housing resources for mental health consumers that will prevent and reduce readmissions to public receiving facilities.

(m) Monitor network providers' performance and their compliance with contract requirements and federal and state laws, rules, regulations, and grant requirements.

(n) Manage and allocate funds for services to meet federal and state laws, rules, and regulations.

(o) Promote coordination of behavioral health care with primary care.

(p) Implement shared data systems necessary for the delivery of coordinated care and integrated services, the assessment of managing entity performance and provider performance, and the reporting of outcomes and costs of services.

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470 (q) Operate in a transparent manner, providing public
471 access to information, notice of meetings, and opportunities
472 for public participation in managing entity decisionmaking.

473 (r) Establish and maintain effective relationships
474 with community stakeholders, including individuals served by
475 the behavioral health system of care and their families,
476 local governments, and other community organizations that
477 meet the needs of individuals with mental illness or
478 substance use disorders.

479 (s) Collaborate with and encourage increased
480 coordination between the provider network and other systems,
481 programs, and entities, such as the child welfare system,
482 law enforcement agencies, the criminal and juvenile justice
483 systems, the Medicaid program, offices of the public
484 defender, and offices of criminal conflict and civil
485 regional counsel.

486 1. Collaboration with the criminal and juvenile
487 justice systems shall seek, at a minimum, to divert persons
488 with mental illness, substance use disorders, or co-
489 occurring conditions from these systems.

490 2. Collaboration with the court system shall seek, at
491 a minimum, to develop specific written procedures and
492 agreements to maximize the use of involuntary outpatient
493 services, reduce involuntary inpatient treatment, and
494 increase diversion from the criminal and juvenile justice
495 systems.

496 3. Collaboration with the child welfare system shall
497 seek, at a minimum, to provide effective and timely services

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to parents and caregivers involved in the child welfare system.

(t) The managing entity shall not contract or subcontract the responsibility for their duties to any outside entity except as specifically authorized in this section.

(7) PERFORMANCE MEASUREMENT AND ACCOUNTABILITY.- Managing entities shall collect and submit data to the department regarding persons served, outcomes of persons served, costs of services provided through the department's contract, and other data as required by the department. The department shall evaluate managing entity performance and the overall progress made by the managing entity. ~~Together with other systems, in meeting the community's behavioral health needs, based on consumer-centered outcome measures that reflect national standards, if possible, that can be accurately measured. The department shall work with managing entities to establish performance standards, including, but not limited to:~~

~~(a) The extent to which individuals in the community receive services, including, but not limited to, parents or caregivers involved in the child welfare system who need behavioral health services.~~

~~(b) The improvement in the overall behavioral health of a community.~~

~~(c) The improvement in functioning or progress in the recovery of individuals served by the managing entity, as~~

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determined using person-centered measures tailored to the population.

~~(d) The success of strategies to:~~

~~1. Divert admissions from acute levels of care, jails, prisons, and forensic facilities as measured by, at a minimum, the total number and percentage of clients who, during a specified period, experience multiple admissions to acute levels of care, jails, prisons, or forensic facilities;~~

~~2. Integrate behavioral health services with the child welfare system; and~~

~~3. Address the housing needs of individuals being released from public receiving facilities who are homeless.~~

~~(e) Consumer and family satisfaction.~~

~~(f) The level of engagement of key community constituencies, such as law enforcement agencies, community-based care lead agencies, juvenile justice agencies, the courts, school districts, local government entities, hospitals, and other organizations, as appropriate, for the geographical service area of the managing entity.~~

(a) Each managing entity shall receive a grade from the department based on the department's annual review of their compliance with performance standards and metrics.

(b) A managing entity's performance shall be graded based on a weighted score of their compliance with performance standards and metrics using one of the following grades:

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- 552 1. "A," managing entities with a weighted score of 4.0
553 or higher;
- 554 2. "B," managing entities with a weighted score of 3.0
555 to 3.99;
- 556 3. "C," managing entities with a weighted score of 2.0
557 to 2.99;
- 558 4. "D," managing entities with a weighted score of 1.0
559 to 1.99;
- 560 5. "F," managing entities with a weighted score of less
561 than 1.0;
- 562 (c) The department shall develop a multi-tiered system
563 of support and improvement strategies designed to address
564 low performance of managing entities.
- 565 (d) The department may provide assistance to a managing
566 entity for the purpose of meeting performance standards and
567 metrics. Assistance may include, but is not limited to,
568 recommendations for best practices and implementation of a
569 corrective action plan.
- 570 (e) The department shall provide assistance to a
571 managing entity that receives a "C" grade or lower on its
572 annual review. The department's assistance shall consist of
573 the following:
- 574 1. Upon a managing entity's receipt of its first "C"
575 grade or lower, the department shall immediately institute a
576 corrective action plan for up to one year.
- 577 2. Upon a managing entity's receipt of its second
578 consecutive "C" grade or lower, the department shall extend

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the corrective action plan and implement quarterly reviews of performance standards and metrics for up to one year.

3. Upon a managing entity's receipt of its third consecutive "C" grade or lower, the department shall initiate proceedings to terminate the contract with the managing entity.

(f) At any time, the secretary may direct resources to a managing entity to address any deficiencies in meeting performance standards and metrics that directly impact the safety of children.

(g) Notwithstanding the above, the secretary, at their discretion, may terminate the contract upon the occurrence of an egregious act or omission by the managing entity.

(h) Upon a managing entity's receipt of its second consecutive "C" grade or lower, the department shall prepare a comprehensive plan detailing how it will take over the services being provided by the managing entity.

(i) Cancellation of a contract with a managing entity shall constitute an immediate danger to the public health, safety, or welfare or other substantial loss to the state which requires emergency action as provided for in section 287.057(3)(a).

(j) The managing entity shall pay any federal fines that the department incurs as the result of the managing entity's failure to comply with the performance standards and metrics.

(k) If the managing entity chooses to subcontract any of its duties, the managing entity shall retain

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responsibility for its failure to comply with performance standards and metrics.

(1) The department shall adopt rules to administer this section.

Section 10. Subsection (3) of section 409.986, Florida Statutes, is amended to read:

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

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

(a) "Best practices" means a method or program that has been recognized by the department, a government body, or a professional association and has been found to be successful for compliance with performance standards and metrics.

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

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

~~(e)~~(d) "Community alliance" or "alliance" means the group of stakeholders, community leaders, client representatives, and funders of human services established pursuant to s. 20.19~~(5)~~(6) to provide a focal point for

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634 community participation and oversight of community-based
635 services.

636 ~~(d)~~(e) "Community-based care lead agency" or "lead
637 agency" means a single entity with which the department has
638 a contract for the provision of care for children in the
639 child protection and child welfare system in a community
640 that is no smaller than a county and no larger than two
641 contiguous judicial circuits. The secretary of the
642 department may authorize more than one eligible lead agency
643 within a single county if doing so will result in more
644 effective delivery of services to children.

645 (f) "Florida's child welfare practice model" means the
646 methodology developed by the department based on child
647 welfare statutes and rules to ensure the permanence, safety,
648 and wellbeing of children.

649 (g) "Performance standards and metrics" means
650 quantifiable measures used to track and assess performance
651 as determined by the department.

652 ~~(e)~~(h) "Related services" includes, but is not limited
653 to, family preservation, independent living, emergency
654 shelter, residential group care, foster care, therapeutic
655 foster care, intensive residential treatment, foster care
656 supervision, case management, coordination of mental health
657 services, postplacement supervision, permanent foster care,
658 and family reunification.

659 **Section 11.** Section 409.991, Florida Statutes, is
660 amended to read:

661 (Substantial rewording of section. See s. 409.991,

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F.S., for present text.)

409.991 Allocation of funds for community-based care
lead agencies.-

(1) LEGISLATIVE INTENT

(a) The Legislature finds that there is a need for
accountability across the child welfare system and that the
distribution of equitable funding across the system to
community-based care lead agencies is necessary to ensure
the provision of quality services to all persons being
served by the lead agencies through department contracts.

(b) It is the intent of the Legislature that the
department calculate funding for the lead agencies using a
consistent and equitable allocation formula to ensure the
provision of quality services to all persons being served by
the department.

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

(a) "Optimal funding amount" is 100% of the Florida
funding for children model amount as calculated by the
department.

(b) "Core plus funds" means:

1. All funds made available in the community-based care
lead agency category of the General Appropriations Act for
the applicable fiscal year. This does not include funds
appropriated in the community-based care lead agency
category of the General Appropriations Act for the
applicable fiscal year for independent living.

2. All funds allocated by contract with the department
to the lead agency for substance abuse and mental health, or

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any funds directly contracted by the department for the sole benefit of the lead agency.

(c) "Florida funding for children model" means an allocation model that uses the following factors:

1. Prevention services;
2. Client services;
3. Licensed out-of-home care; and
4. Staffing.

(d) "Prevention services" means any services or costs incurred to prevent children from entering or re-entering foster care. Services may be provided to the child, the child's family and/or caregiver.

1. Prevention services are determined by the most recent fiscal year of prevention spending by the lead agency plus 10% for general and administrative costs.

2. If final expenditure reporting has not yet been completed, an estimate is made to be used for the initial allocation and final allocations are determined after the expenditure reporting has been completed.

3. If a lead agency's board costs from the previous year are reduced, the savings in board costs can be transferred to prevention services in the following year and counted towards prevention spending by the lead agency.

(e) "Client services" are calculated as an average amount per caseload as determined by the department then multiplied by the area cost differential.

1. Caseload is determined by adding together the following:

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718 a. The most recent month-end average of in home and out
719 of home children using counts from the department's child
720 welfare information system for the most recent 24 months.

721 b. Adoptions are the average annual number of
722 finalizations calculated based on the most recent 24 months.

723 (f) "Area cost differential" is based on the district
724 cost differential as provided in s. 1011.62(2).

725 (g) "Licensed out-of-home care" is calculated based on
726 board costs.

727 1. "Board costs" are calculated by multiplying the
728 annual licensed care caseload times the average board rate
729 plus the number of annual removals times initial clothing
730 allowance as determined by the department.

731 2. The "annual licensed care caseload" is determined by
732 adding together the following:

733 a. The month-end average of foster home, group home and
734 residential treatment facility using counts from the
735 department's child welfare information system for the most
736 recent 12 months.

737 b. The estimated number of level 1 foster homes as
738 determined by calculating 40% of the total relative and
739 nonrelative placements for the most recent 12 months.

740 3. The "average board rate" is the most recent total
741 amount of full month payments for all items charged for room
742 and board in the department's child welfare information
743 system divided by the number of children included in those
744 payments divided by the number of days in that month.

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(h) "Group home ceiling" is the difference between the actual group home average census and the expected group home census times 50% of the average group home board payment.

1. "Actual group home average" means the monthly average number of children in group care and residential treatment facilities for the prior 12 months.

2. "Expected group home census" means the total number of removals for the prior 12 months times 1.4 times the ceiling percentage.

3. "Ceiling percentage" is set as follows: 10% for the 2021/2022 fiscal year, 9% for the 2022/2023 fiscal year, and 8% for the 2023/2024 fiscal year and all subsequent years.

(i) "Staffing" is calculated based on the following:

1. "Staffing need" as determined by the following defined ratios:

a. The ratio for case managers will be set as follows: 1 case manager per 17 children for the 2020/2021 fiscal year, 1 case manager per 16 children for the 2021/2022 fiscal year, 1 case manager per 15 children for the 2022/2023 fiscal year, and 1 case manager per 14 children for the 2023/2024 fiscal year and all subsequent years.

b. 1 case manager supervisors per 5 case managers.

c. 1 paraprofessional per 4 case managers.

d. 1 safety practice expert per lead agency.

e. 1 other professional staff per lead agency plus 1 per every 100 case managers, rounded to the nearest whole number.

f. 1 service coordinator per 20 case managers.

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773 g. 1 service coordination supervisor per 5 service
774 coordinators.

775 h. 1 foster home recruiter per every 50 homes needed.

776 i. 1 licensing staff:

777 (I) per every 16 new homes needed;

778 (II) per every 20 homes relicensed; and

779 (III) per every 50 Level 1 homes licensed.

780 j. 1 placement staff per every 168 removals.

781 k. 1 out-of-home care supervisor per every 5 of the
782 total number of foster home recruiters, all licensing staff
783 and placement staff.

784 l. 1 adoption staff per every 51.33 adoptions.

785 m. 1 adoption supervisor per 5 adoption staff.

786 n. 1 director staff per every 5 of the total number of
787 case manager supervisors, service coordination supervisors,
788 out of home care supervisors and adoption supervisors,
789 rounded to the nearest whole number.

790 o. 1 administrative support per every 4 of the total
791 number of case manager supervisors, service coordination
792 supervisors, out of home care supervisors and adoption
793 supervisors.

794 2. Program support is calculated by multiplying the
795 average caseload times the Florida average cost per caseload
796 determined by the department annually. The caseload is
797 determined by adding together the following:

798 a. The most recent month-end average of in home and out
799 of home children using counts from the department's child
800 welfare information system for the most recent 24 months.

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801 b. Adoptions are the average annual number of
802 finalizations calculated based on the most recent 24 months.
803 3. Area cost differential.
804 4. Per position costs for all noted staff positions as
805 determined by the department annually.
806 5. General and administrative costs of 10% multiplied
807 by the total staff costs including all items above.
808 (j) "Caseload" is determined by the following factors:
809 1. For case managers and program support, caseload is
810 the most recent month-end average of in home and out of home
811 children using counts from the department's child welfare
812 information system for the most recent 24 months.
813 2. For foster home recruiters and initial licensing
814 staff, homes needed is the sum of 25% of the current homes
815 licensed (most recent month data is available) plus one
816 third of the total new homes needed.
817 3. New homes needed is calculated as 1.6 times the
818 current number of children in foster homes and group homes
819 less the current number of licensed homes.
820 4. Homes relicensed is calculated as 75% of the current
821 homes licensed (most recent month data is available).
822 5. Removals are the most recent annual average for the
823 previous 24 months for staff costs, but for the previous 12
824 months for board costs (i.e. clothing).
825 6. Adoptions are the average annual number of
826 finalizations calculated based on the most recent 24 months.
827 7. For board, licensed care caseload is the most recent
828 month-end average of foster home, group home and residential

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treatment facility using counts from the department's child welfare information system for the most recent 12 months.

(3) The allocation of core plus funds shall be calculated based on the following:

(a) The total optimal funding amount is determined by adding together the total of prevention services, client services, licensed out-of-home care, and staffing.

(b) A comparison of the total optimal funding amount to the actual allocated funding for the most recent fiscal year is used to determine the percentage of optimal funding the lead agency is currently receiving.

(c) Unless otherwise specified in the General Appropriations Act, any new core services funds shall be allocated based on the Florida funding for children model to achieve 90% or more of optimal funding for all lead agencies.

(4) Prior to full implementation in the 2023/2024 fiscal year, the department shall not reduce or redistribute the allocation budget for a lead agency that is funded at more than 110% of its optimal funding amount.

(5) Unless otherwise specified in the General Appropriations Act, any new funds provided by the Legislature for lead agencies shall be allocated based on the Florida funding for children model.

(6) Starting with the 2020/2021 fiscal year any additional funding provided to lead agencies will be distributed by the department as follows:

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856 (a) On July 1 50% of the total additional funding
857 allocated to the lead agency will be distributed.

858 (b) By January 1 the department will evaluate specified
859 performance standards and metrics for the lead agency to
860 determine whether the lead agency's performance has improved
861 since the initial funding was distributed on July 1. If the
862 lead agency has improved in at least 60% of the performance
863 standards and metrics, then the remaining funding will be
864 distributed by February 1. If the lead agency fails to
865 improve performance, then the remaining funding will be
866 redistributed to other lead agencies as determined by the
867 Florida funding for children model.

868 **Section 12.** Present subsections (2) through (23) of
869 section 409.996, Florida Statutes, are redesignated as
870 subsections (13) through (34), respectively, new subsections
871 (2) through (12) are added to that section, and subsection
872 (1) and redesignated subsection (28) are amended to read:

873 409.996 Duties of the Department of Children and
874 Families.—The department shall contract for the delivery,
875 administration, or management of care for children in the
876 child protection and child welfare system. In doing so, the
877 department retains responsibility for the quality of
878 contracted services and programs and shall ensure that
879 services are delivered in accordance with applicable federal
880 and state statutes and regulations.

881 (1) The department shall enter into contracts with
882 lead agencies for the performance of the duties by the lead

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883 agencies pursuant to s. 409.988. At a minimum, the contracts
884 must:

885 (a) Provide for the services needed to accomplish the
886 duties established in s. 409.988 and provide information to
887 the department which is necessary to meet the requirements
888 for a quality assurance program pursuant to subsection (18)
889 and the child welfare results-oriented accountability system
890 pursuant to s. 409.997.

891 (b) Provide for graduated penalties for failure to
892 comply with contract terms~~-,~~ including the department
893 terminating the contract for failure to meet the performance
894 standards and metrics set by the department. The
895 performance standards set by the department for the lead
896 agencies shall at a minimum address the following areas: the
897 one-year goal for permanency, number of placements in out-
898 of-home care, child re-entry rates, and post-closure abuse
899 rates. Such penalties may include financial penalties,
900 enhanced monitoring and reporting, corrective action plans,
901 and early termination of contracts or other appropriate
902 action to ensure contract compliance. The financial
903 penalties shall require a lead agency to reallocate funds
904 from administrative costs to direct care for children.

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

909 (d) Specify the procedures to be used by the parties
910 to resolve differences in interpreting the contract or to

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911 resolve disputes as to the adequacy of the parties'
912 compliance with their respective obligations under the
913 contract.

914 (2) Each lead agency shall receive a grade from the
915 department based on the department's annual review of their
916 compliance with performance standards and metrics.

917 (3) A lead agency's performance shall be graded based
918 on a weighted score of their compliance with performance
919 standards and metrics using one of the following grades:

920 (a) "A," lead agencies with a weighted score of 4.0 or
921 higher;

922 (b) "B," lead agencies with a weighted score of 3.0 to
923 3.99;

924 (c) "C," lead agencies with a weighted score of 2.0 to
925 2.99;

926 (d) "D," lead agencies with a weighted score of 1.0 to
927 1.99;

928 (e) "F," lead agencies with a weighted score of less
929 than 1.0;

930 (4) The department shall develop a multi-tiered system
931 of support and improvement strategies designed to address
932 low performance of lead agencies.

933 (5) The department may provide assistance to a lead
934 agency for the purpose of meeting performance standards and
935 metrics. Assistance may include, but is not limited to,
936 recommendations for best practices and implementation of a
937 corrective action plan.

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938 (6) The department shall provide assistance to a lead
939 agency that receives a "C" grade or lower on its annual
940 review. The department's assistance shall consist of the
941 following:

942 (a) Upon a lead agency's receipt of its first "C" grade
943 or lower, the department shall immediately institute a
944 corrective action plan which includes recommendations for
945 best practices for up to one year.

946 (b) Upon a lead agency's receipt of its second
947 consecutive "C" grade or lower, the department shall extend
948 the corrective action plan which includes the implementation
949 of best practices and quarterly reviews for up to one year.

950 (c) Upon a lead agency's receipt of its third
951 consecutive "C" grade or lower, the department shall
952 initiate proceedings to terminate the contract with the lead
953 agency.

954 (7) At any time, the secretary may direct resources to
955 a lead agency to address any deficiencies in meeting
956 performance standards and metrics that directly impact the
957 safety of children.

958 (8) Notwithstanding the above, the secretary, at their
959 discretion, may terminate the contract upon the occurrence
960 of an egregious act or omission by the lead agency or its
961 subcontractor.

962 (9) Upon a lead agency's receipt of its second
963 consecutive "C" grade or lower, the department shall prepare
964 a comprehensive plan detailing how it will take over the

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responsibilities and services being provided by the lead agency.

(10) The lead agency shall pay any federal fines that the department incurs as the result of the lead agency's failure to comply with the performance standards and metrics.

(11) If the lead agency chooses to subcontract any of the duties in s. 409.988, the lead agency shall retain responsibility for its failure to comply with performance standards and metrics.

(12) The department shall adopt rules to administer subsections 2-11.

~~(17)~~ (28) The department shall directly or through contract provide attorneys to prepare and present cases in dependency court and shall ensure that the court is provided with adequate information for informed decision making in dependency cases, including a face sheet for each case which lists the names and contact information for any child protective investigator, child protective investigation supervisor, case manager, and case manager supervisor, and the regional department official responsible for the lead agency contract. The department shall provide to the court the case information and recommendations provided by the lead agency or subcontractor. For the Sixth Judicial Circuit, the department shall contract with the state attorney for the provision of these services.

(a) The contracted attorneys shall adopt Florida's Child Welfare Practice Model and operate in accordance with

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the same federal the department performance standards and metrics regarding child welfare and protective investigations imposed on the department.

(b) Program performance monitoring shall be collaborative and conducted on an ongoing basis. The department and each contracted attorney or their designee shall meet at least quarterly to collaborate on federal and state Quality Assurance and Continuous Quality Improvement initiatives.

(c) Annual program performance evaluation shall be based on criteria developed by the Department of Children and Families for use with all children's legal services counsel statewide. The program performance evaluation shall be conducted by a team of peer reviewers from the respective attorneys' offices that perform children's legal services and representatives from the department. The program performance evaluation shall be standardized with random cases being selected by the department. The Department of Children and Families shall submit an annual report regarding quality performance, outcome-measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, and to the Governor no later than November 1 of each year the contracted attorneys are receiving general appropriations to provide legal services for the department.

(d) At any time, the secretary may offer resources to a contracted attorney to address any performance deficiencies that directly impact the safety of children.

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1021 **Section 13.** Subsection (4) is added to section 409.997,
1022 Florida Statutes, to read:

1023 409.997 Child welfare results-oriented accountability
1024 program.—

1025 (4) Data generated in accordance with this section
1026 shall be provided directly to the department's office of
1027 quality assurance and improvement in a manner dictated by
1028 the department. The department must conduct an on-site
1029 program performance evaluation of each lead agency at least
1030 once per year. The on-site evaluation shall consist of a
1031 review of random cases selected by the department.

1032 **Section 14.** This act shall take effect July 1, 2020.

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