

By Senator Albritton

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1 A bill to be entitled
2 An act relating to child welfare; amending ss. 39.01
3 and 39.4015, F.S.; revising definitions; conforming
4 cross-references; amending s. 39.402, F.S.; requiring
5 that the order for placement of a child in shelter
6 care contain a written finding specifying that the
7 Department of Children and Families has placement and
8 care responsibility for certain children; amending s.
9 39.407, F.S.; authorizing certain advanced practice
10 registered nurses to prescribe psychotropic
11 medications to certain children; revising the time
12 period within which a court must review a child's
13 residential treatment plan; amending s. 39.5085, F.S.;
14 revising eligibility for the Relative Caregiver
15 Program; amending s. 39.5086, F.S.; deleting the term
16 "fictive kin"; amending s. 39.6225, F.S.; providing
17 for the termination of guardianship assistance
18 benefits under certain circumstances; conforming
19 provisions to changes made by the act; amending s.
20 39.6251, F.S.; requiring a young adult in extended
21 foster care to provide certain documentation or
22 authorize release of certain records; revising
23 permanency goals for young adults in extended foster
24 care; requiring execution of a voluntary placement
25 agreement under certain circumstances; requiring the
26 department to adopt rules; amending s. 39.701, F.S.;
27 revising when a court must return a child to the
28 custody of his or her parents after making certain
29 determinations; requiring the court to make certain

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30 orders relating to extended foster care; amending s.
31 409.1451, F.S.; authorizing certain financial awards
32 to be disregarded when applying for other federal
33 assistance; amending s. 409.175, F.S.; revising
34 definitions; revising provisions related to the
35 licensure of family foster homes and certain child-
36 caring and child-placing agencies; deleting required
37 numbers of training hours for foster parents; amending
38 s. 409.903, F.S.; revising eligibility for Medicaid
39 coverage; amending s. 409.991, F.S.; revising a
40 definition; amending s. 414.045, F.S.; revising
41 eligibility for child-only funding; amending s.
42 1009.25, F.S.; revising eligibility for tuition fee
43 exemptions; amending ss. 39.302, 39.521, 39.523,
44 39.6012, 322.09, 394.495, 627.746, 934.255, and
45 960.065, F.S.; conforming cross-references; providing
46 an effective date.

47

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

49

50 Section 1. Present subsections (30) through (87) of section
51 39.01, Florida Statutes, are redesignated as subsections (29)
52 through (86), respectively, and present subsections (10), (29),
53 (31), and (37) of that section are amended, to read:

54 39.01 Definitions.—When used in this chapter, unless the
55 context otherwise requires:

56 (10) "Caregiver" means the parent, legal custodian,
57 permanent guardian, adult household member, or other person
58 responsible for a child's welfare as defined in subsection (53)

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59 ~~(54).~~

60 ~~(29) "Fictive kin" means a person unrelated by birth,~~
61 ~~marriage, or adoption who has an emotionally significant~~
62 ~~relationship, which possesses the characteristics of a family~~
63 ~~relationship, to a child.~~

64 ~~(30)~~(31) "Guardian" means a relative, nonrelative, or next
65 of kin, ~~or fictive kin~~ who is awarded physical custody of a
66 child in a proceeding brought pursuant to this chapter.

67 ~~(36)~~(37) "Institutional child abuse or neglect" means
68 situations of known or suspected child abuse or neglect in which
69 the person allegedly perpetrating the child abuse or neglect is
70 an employee of a public or private school, public or private day
71 care center, residential home, institution, facility, or agency
72 or any other person at such institution responsible for the
73 child's care as defined in this section ~~subsection (54).~~

74 Section 2. Subsection (1) of section 39.302, Florida
75 Statutes, is amended to read:

76 39.302 Protective investigations of institutional child
77 abuse, abandonment, or neglect.—

78 (1) The department shall conduct a child protective
79 investigation of each report of institutional child abuse,
80 abandonment, or neglect. Upon receipt of a report that alleges
81 that an employee or agent of the department, or any other entity
82 or person covered by s. 39.01(36) or (53) ~~s. 39.01(37) or (54)~~,
83 acting in an official capacity, has committed an act of child
84 abuse, abandonment, or neglect, the department shall initiate a
85 child protective investigation within the timeframe established
86 under s. 39.201(5) and notify the appropriate state attorney,
87 law enforcement agency, and licensing agency, which shall

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88 immediately conduct a joint investigation, unless independent
89 investigations are more feasible. When conducting investigations
90 or having face-to-face interviews with the child, investigation
91 visits shall be unannounced unless it is determined by the
92 department or its agent that unannounced visits threaten the
93 safety of the child. If a facility is exempt from licensing, the
94 department shall inform the owner or operator of the facility of
95 the report. Each agency conducting a joint investigation is
96 entitled to full access to the information gathered by the
97 department in the course of the investigation. A protective
98 investigation must include an interview with the child's parent
99 or legal guardian. The department shall make a full written
100 report to the state attorney within 3 working days after making
101 the oral report. A criminal investigation shall be coordinated,
102 whenever possible, with the child protective investigation of
103 the department. Any interested person who has information
104 regarding the offenses described in this subsection may forward
105 a statement to the state attorney as to whether prosecution is
106 warranted and appropriate. Within 15 days after the completion
107 of the investigation, the state attorney shall report the
108 findings to the department and shall include in the report a
109 determination of whether or not prosecution is justified and
110 appropriate in view of the circumstances of the specific case.

111 Section 3. Paragraphs (a), (c), and (d) of subsection (2)
112 and paragraphs (a) and (b) of subsection (3) of section 39.4015,
113 Florida Statutes, are amended to read:

114 39.4015 Family finding.—

115 (2) DEFINITIONS.—As used in this section, the term:

116 (a) "Diligent efforts" means the use of methods and

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117 techniques, including, but not limited to, interviews with
118 immediate and extended family ~~and fictive kin~~, genograms, eco-
119 mapping, case mining, cold calls, and specialized computer
120 searches.

121 (c) "Family group decisionmaking" is a generic term that
122 includes a number of approaches in which family members ~~and~~
123 ~~fictive kin~~ are brought together to make decisions about how to
124 care for their children and develop a plan for services. The
125 term includes family team conferencing, family team meetings,
126 family group conferencing, family team decisionmaking, family
127 unity meetings, and team decisionmaking, which may consist of
128 several phases and employ a trained facilitator or coordinator.

129 ~~(d) "Fictive kin" means an individual who is unrelated to~~
130 ~~the child by either birth or marriage, but has such a close~~
131 ~~emotional relationship with the child that he or she may be~~
132 ~~considered part of the family.~~

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

139 (a) Family finding may begin as soon as a child is taken
140 into custody of the department, pursuant to s. 39.401, and
141 throughout the duration of the case as necessary, finding and
142 engaging with as many family members ~~and fictive kin~~ as possible
143 for each child who may help with care or support for the child.
144 The department or community-based care lead agency must
145 specifically document strategies taken to locate and engage

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146 relatives ~~and fictive kin~~. Strategies of engagement may include,
147 but are not limited to, asking the relatives ~~and fictive kin~~ to:

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

155 (b) The family finding program shall provide the department
156 and the community-based care lead agencies with best practices
157 for identifying family ~~and fictive kin~~. The family finding
158 program must use diligent efforts in family finding, must
159 continue those efforts until multiple relatives ~~and fictive kin~~
160 are identified, and must go beyond basic searching tools by
161 exploring alternative tools and methodologies. Family finding
162 efforts by the department and the community-based care lead
163 agency may include, but are not limited to:

- 164 1. Searching for and locating adult relatives ~~and fictive~~
165 ~~kin~~.
- 166 2. Identifying and building positive connections between
167 the child and the child's relatives ~~and fictive kin~~.
- 168 3. Supporting the engagement of relatives ~~and fictive kin~~
169 in social service planning and delivery of services and creating
170 a network of extended family support to assist in remedying the
171 concerns that led to the child becoming involved with the child
172 welfare system, when appropriate.
- 173 4. Maintaining family connections, when possible.
- 174 5. Keeping siblings together in care, when in the best

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175 interest of each child and when possible.

176 Section 4. Paragraph (h) of subsection (8) of section
177 39.402, Florida Statutes, is amended to read:

178 39.402 Placement in a shelter.—

179 (8)

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

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

185 2. That placement in shelter care is in the best interest
186 of the child.

187 3. That continuation of the child in the home is contrary
188 to the welfare of the child because the home situation presents
189 a substantial and immediate danger to the child's physical,
190 mental, or emotional health or safety which cannot be mitigated
191 by the provision of preventive services.

192 4. That based upon the allegations of the petition for
193 placement in shelter care, there is probable cause to believe
194 that the child is dependent or that the court needs additional
195 time, which may not exceed 72 hours, in which to obtain and
196 review documents pertaining to the family in order to
197 appropriately determine the risk to the child.

198 5. That the department has made reasonable efforts to
199 prevent or eliminate the need for removal of the child from the
200 home. A finding of reasonable effort by the department to
201 prevent or eliminate the need for removal may be made and the
202 department is deemed to have made reasonable efforts to prevent
203 or eliminate the need for removal if:

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- 204 a. The first contact of the department with the family
205 occurs during an emergency;
- 206 b. The appraisal of the home situation by the department
207 indicates that the home situation presents a substantial and
208 immediate danger to the child's physical, mental, or emotional
209 health or safety which cannot be mitigated by the provision of
210 preventive services;
- 211 c. The child cannot safely remain at home, either because
212 there are no preventive services that can ensure the health and
213 safety of the child or because, even with appropriate and
214 available services being provided, the health and safety of the
215 child cannot be ensured; or
- 216 d. The parent or legal custodian is alleged to have
217 committed any of the acts listed as grounds for expedited
218 termination of parental rights in s. 39.806(1)(f)-(i).
- 219 6. That the department has made reasonable efforts to keep
220 siblings together if they are removed and placed in out-of-home
221 care unless such placement is not in the best interest of each
222 child. It is preferred that siblings be kept together in a
223 foster home, if available. Other reasonable efforts shall
224 include short-term placement in a group home with the ability to
225 accommodate sibling groups if such a placement is available. The
226 department shall report to the court its efforts to place
227 siblings together unless the court finds that such placement is
228 not in the best interest of a child or his or her sibling.
- 229 7. That the court notified the parents, relatives that are
230 providing out-of-home care for the child, or legal custodians of
231 the time, date, and location of the next dependency hearing and
232 of the importance of the active participation of the parents,

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233 relatives that are providing out-of-home care for the child, or
234 legal custodians in all proceedings and hearings.

235 8. That the court notified the parents or legal custodians
236 of their right to counsel to represent them at the shelter
237 hearing and at each subsequent hearing or proceeding, and the
238 right of the parents to appointed counsel, pursuant to the
239 procedures set forth in s. 39.013.

240 9. That the court notified relatives who are providing out-
241 of-home care for a child as a result of the shelter petition
242 being granted that they have the right to attend all subsequent
243 hearings, to submit reports to the court, and to speak to the
244 court regarding the child, if they so desire.

245 10. That the department has placement and care
246 responsibility for any child who is not placed in the care of a
247 parent at the conclusion of the shelter hearing.

248 Section 5. Subsection (3) and paragraphs (g), (h), and (i)
249 of subsection (6) of section 39.407, Florida Statutes, are
250 amended to read:

251 39.407 Medical, psychiatric, and psychological examination
252 and treatment of child; physical, mental, or substance abuse
253 examination of person with or requesting child custody.—

254 (3) (a) 1. Except as otherwise provided in subparagraph (b) 1.
255 or paragraph (e), before the department provides psychotropic
256 medications to a child in its custody, the prescribing physician
257 or the advanced practice registered nurse whose specialty is
258 psychiatric nursing, as defined in chapter 394, and who is given
259 prescribing authority under chapter 464 shall attempt to obtain
260 express and informed consent, as defined in s. 394.455(15) and
261 as described in s. 394.459(3) (a), from the child's parent or

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262 legal guardian. The department must take steps necessary to
263 facilitate the inclusion of the parent in the child's
264 consultation with the physician or advanced practice registered
265 nurse. However, if the parental rights of the parent have been
266 terminated, the parent's location or identity is unknown or
267 cannot reasonably be ascertained, or the parent declines to give
268 express and informed consent, the department may, after
269 consultation with the prescribing physician or advanced practice
270 registered nurse, seek court authorization to provide the
271 psychotropic medications to the child. Unless parental rights
272 have been terminated and if it is possible to do so, the
273 department shall continue to involve the parent in the
274 decisionmaking process regarding the provision of psychotropic
275 medications. If, at any time, a parent whose parental rights
276 have not been terminated provides express and informed consent
277 to the provision of a psychotropic medication, the requirements
278 of this section that the department seek court authorization do
279 not apply to that medication until such time as the parent no
280 longer consents.

281 2. Any time the department seeks a medical evaluation to
282 determine the need to initiate or continue a psychotropic
283 medication for a child, the department must provide to the
284 evaluating physician or advanced practice registered nurse all
285 pertinent medical information known to the department concerning
286 that child.

287 (b)1. If a child who is removed from the home under s.
288 39.401 is receiving prescribed psychotropic medication at the
289 time of removal and parental authorization to continue providing
290 the medication cannot be obtained, the department may take

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291 possession of the remaining medication and may continue to
292 provide the medication as prescribed until the shelter hearing,
293 if it is determined that the medication is a current
294 prescription for that child and the medication is in its
295 original container.

296 2. If the department continues to provide the psychotropic
297 medication to a child when parental authorization cannot be
298 obtained, the department shall notify the parent or legal
299 guardian as soon as possible that the medication is being
300 provided to the child as provided in subparagraph 1. The child's
301 official departmental record must include the reason parental
302 authorization was not initially obtained and an explanation of
303 why the medication is necessary for the child's well-being.

304 3. If the department is advised by a physician licensed
305 under chapter 458 or chapter 459 or an advanced practice
306 registered nurse whose specialty is psychiatric nursing, as
307 defined in chapter 394, and who is given prescribing authority
308 under chapter 464 that the child should continue the
309 psychotropic medication and parental authorization has not been
310 obtained, the department shall request court authorization at
311 the shelter hearing to continue to provide the psychotropic
312 medication and shall provide to the court any information in its
313 possession in support of the request. Any authorization granted
314 at the shelter hearing may extend only until the arraignment
315 hearing on the petition for adjudication of dependency or 28
316 days following the date of removal, whichever occurs sooner.

317 4. Before filing the dependency petition, the department
318 shall ensure that the child is evaluated by a physician licensed
319 under chapter 458 or chapter 459 or an advanced practice

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320 registered nurse whose specialty is psychiatric nursing, as
321 defined in chapter 394, and who is given prescribing authority
322 under chapter 464 to determine whether it is appropriate to
323 continue the psychotropic medication. If, as a result of the
324 evaluation, the department seeks court authorization to continue
325 the psychotropic medication, a motion for such continued
326 authorization shall be filed at the same time as the dependency
327 petition, within 21 days after the shelter hearing.

328 (c) Except as provided in paragraphs (b) and (e), the
329 department must file a motion seeking the court's authorization
330 to initially provide or continue to provide psychotropic
331 medication to a child in its legal custody. The motion must be
332 supported by a written report prepared by the department which
333 describes the efforts made to enable the prescribing physician
334 or advanced practice registered nurse whose specialty is
335 psychiatric nursing, as defined in chapter 394, and who is given
336 prescribing authority under chapter 464 to obtain express and
337 informed consent for providing the medication to the child and
338 other treatments considered or recommended for the child. In
339 addition, the motion must be supported by the prescribing
340 physician's or advanced practice registered nurse's signed
341 medical report providing:

342 1. The name of the child, the name and range of the dosage
343 of the psychotropic medication, and that there is a need to
344 prescribe psychotropic medication to the child based upon a
345 diagnosed condition for which such medication is being
346 prescribed.

347 2. A statement indicating that the physician has reviewed
348 all medical information concerning the child which has been

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349 provided.

350 3. A statement indicating that the psychotropic medication,
351 at its prescribed dosage, is appropriate for treating the
352 child's diagnosed medical condition, as well as the behaviors
353 and symptoms the medication, at its prescribed dosage, is
354 expected to address.

355 4. An explanation of the nature and purpose of the
356 treatment; the recognized side effects, risks, and
357 contraindications of the medication; drug-interaction
358 precautions; the possible effects of stopping the medication;
359 and how the treatment will be monitored, followed by a statement
360 indicating that this explanation was provided to the child if
361 age appropriate and to the child's caregiver.

362 5. Documentation addressing whether the psychotropic
363 medication will replace or supplement any other currently
364 prescribed medications or treatments; the length of time the
365 child is expected to be taking the medication; and any
366 additional medical, mental health, behavioral, counseling, or
367 other services that the prescribing physician or advanced
368 practice registered nurse recommends.

369 (d)1. The department must notify all parties of the
370 proposed action taken under paragraph (c) in writing or by
371 whatever other method best ensures that all parties receive
372 notification of the proposed action within 48 hours after the
373 motion is filed. If any party objects to the department's
374 motion, that party shall file the objection within 2 working
375 days after being notified of the department's motion. If any
376 party files an objection to the authorization of the proposed
377 psychotropic medication, the court shall hold a hearing as soon

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378 as possible before authorizing the department to initially
379 provide or to continue providing psychotropic medication to a
380 child in the legal custody of the department. At such hearing
381 and notwithstanding s. 90.803, the medical report described in
382 paragraph (c) is admissible in evidence. The prescribing
383 physician or advanced practice registered nurse whose specialty
384 is psychiatric nursing, as defined in chapter 394, and who is
385 given prescribing authority under chapter 464 need not attend
386 the hearing or testify unless the court specifically orders such
387 attendance or testimony, or a party subpoenas the physician or
388 advanced practice registered nurse to attend the hearing or
389 provide testimony. If, after considering any testimony received,
390 the court finds that the department's motion and the physician's
391 or advanced practice registered nurse's medical report meet the
392 requirements of this subsection and that it is in the child's
393 best interests, the court may order that the department provide
394 or continue to provide the psychotropic medication to the child
395 without additional testimony or evidence. At any hearing held
396 under this paragraph, the court shall further inquire of the
397 department as to whether additional medical, mental health,
398 behavioral, counseling, or other services are being provided to
399 the child by the department which the prescribing physician or
400 advanced practice registered nurse considers to be necessary or
401 beneficial in treating the child's medical condition and which
402 the physician or advanced practice registered nurse recommends
403 or expects to provide to the child in concert with the
404 medication. The court may order additional medical consultation,
405 including consultation with the MedConsult line at the
406 University of Florida, if available, or require the department

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407 to obtain a second opinion within a reasonable timeframe as
408 established by the court, not to exceed 21 calendar days, after
409 such order based upon consideration of the best interests of the
410 child. The department must make a referral for an appointment
411 for a second opinion with a physician within 1 working day. The
412 court may not order the discontinuation of prescribed
413 psychotropic medication if such order is contrary to the
414 decision of the prescribing physician or advanced practice
415 registered nurse unless the court first obtains an opinion from
416 a licensed psychiatrist, if available, or, if not available, a
417 physician licensed under chapter 458 or chapter 459, stating
418 that more likely than not, discontinuing the medication would
419 not cause significant harm to the child. If, however, the
420 prescribing psychiatrist specializes in mental health care for
421 children and adolescents, the court may not order the
422 discontinuation of prescribed psychotropic medication unless the
423 required opinion is also from a psychiatrist who specializes in
424 mental health care for children and adolescents. The court may
425 also order the discontinuation of prescribed psychotropic
426 medication if a child's treating physician, licensed under
427 chapter 458 or chapter 459, states that continuing the
428 prescribed psychotropic medication would cause significant harm
429 to the child due to a diagnosed nonpsychiatric medical
430 condition.

431 2. The burden of proof at any hearing held under this
432 paragraph shall be by a preponderance of the evidence.

433 (e)1. If the child's prescribing physician or advanced
434 practice registered nurse whose specialty is psychiatric
435 nursing, as defined in chapter 394, and who is given prescribing

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436 authority under chapter 464 certifies in the signed medical
437 report required in paragraph (c) that delay in providing a
438 prescribed psychotropic medication would more likely than not
439 cause significant harm to the child, the medication may be
440 provided in advance of the issuance of a court order. In such
441 event, the medical report must provide the specific reasons why
442 the child may experience significant harm and the nature and the
443 extent of the potential harm. The department must submit a
444 motion seeking continuation of the medication and the
445 physician's medical report to the court, the child's guardian ad
446 litem, and all other parties within 3 working days after the
447 department commences providing the medication to the child. The
448 department shall seek the order at the next regularly scheduled
449 court hearing required under this chapter, or within 30 days
450 after the date of the prescription, whichever occurs sooner. If
451 any party objects to the department's motion, the court shall
452 hold a hearing within 7 days.

453 2. Psychotropic medications may be administered in advance
454 of a court order in hospitals, crisis stabilization units, and
455 in statewide inpatient psychiatric programs. Within 3 working
456 days after the medication is begun, the department must seek
457 court authorization as described in paragraph (c).

458 (f)1. The department shall fully inform the court of the
459 child's medical and behavioral status as part of the social
460 services report prepared for each judicial review hearing held
461 for a child for whom psychotropic medication has been prescribed
462 or provided under this subsection. As a part of the information
463 provided to the court, the department shall furnish copies of
464 all pertinent medical records concerning the child which have

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465 been generated since the previous hearing. On its own motion or
466 on good cause shown by any party, including any guardian ad
467 litem, attorney, or attorney ad litem who has been appointed to
468 represent the child or the child's interests, the court may
469 review the status more frequently than required in this
470 subsection.

471 2. The court may, in the best interests of the child, order
472 the department to obtain a medical opinion addressing whether
473 the continued use of the medication under the circumstances is
474 safe and medically appropriate.

475 (g) The department shall adopt rules to ensure that
476 children receive timely access to clinically appropriate
477 psychotropic medications. These rules must include, but need not
478 be limited to, the process for determining which adjunctive
479 services are needed, the uniform process for facilitating the
480 prescribing physician's or advanced practice registered nurse's
481 ability to obtain the express and informed consent of a child's
482 parent or guardian, the procedures for obtaining court
483 authorization for the provision of a psychotropic medication,
484 the frequency of medical monitoring and reporting on the status
485 of the child to the court, how the child's parents will be
486 involved in the treatment-planning process if their parental
487 rights have not been terminated, and how caretakers are to be
488 provided information contained in the physician's or advanced
489 practice registered nurse's signed medical report. The rules
490 must also include uniform forms to be used in requesting court
491 authorization for the use of a psychotropic medication and
492 provide for the integration of each child's treatment plan and
493 case plan. The department must begin the formal rulemaking

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494 process within 90 days after the effective date of this act.

495 (6) Children who are in the legal custody of the department
496 may be placed by the department, without prior approval of the
497 court, in a residential treatment center licensed under s.
498 394.875 or a hospital licensed under chapter 395 for residential
499 mental health treatment only pursuant to this section or may be
500 placed by the court in accordance with an order of involuntary
501 examination or involuntary placement entered pursuant to s.
502 394.463 or s. 394.467. All children placed in a residential
503 treatment program under this subsection must have a guardian ad
504 litem appointed.

505 (g)1. The department must submit, at the beginning of each
506 month, to the court having jurisdiction over the child, a
507 written report regarding the child's progress toward achieving
508 the goals specified in the individualized plan of treatment.

509 2. The court must conduct a hearing to review the status of
510 the child's residential treatment plan no later than 60 days ~~3~~
511 ~~months~~ after the child's admission to the residential treatment
512 program. An independent review of the child's progress toward
513 achieving the goals and objectives of the treatment plan must be
514 completed by a qualified evaluator and submitted to the court
515 before its 60-day ~~3-month~~ review.

516 3. For any child in residential treatment at the time a
517 judicial review is held pursuant to s. 39.701, the child's
518 continued placement in residential treatment must be a subject
519 of the judicial review.

520 4. If at any time the court determines that the child is
521 not suitable for continued residential treatment, the court
522 shall order the department to place the child in the least

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523 restrictive setting that is best suited to meet his or her
524 needs.

525 (h) After the initial 60-day ~~3-month~~ review, the court must
526 conduct a review of the child's residential treatment plan every
527 90 days.

528 (i) The department must adopt rules for implementing
529 timeframes for the completion of suitability assessments by
530 qualified evaluators and a procedure that includes timeframes
531 for completing the 60-day ~~3-month~~ independent review by the
532 qualified evaluators of the child's progress toward achieving
533 the goals and objectives of the treatment plan which review must
534 be submitted to the court. The Agency for Health Care
535 Administration must adopt rules for the registration of
536 qualified evaluators, the procedure for selecting the evaluators
537 to conduct the reviews required under this section, and a
538 reasonable, cost-efficient fee schedule for qualified
539 evaluators.

540 Section 6. Present paragraphs (a) through (h) of subsection
541 (2) of section 39.5085, Florida Statutes, are redesignated as
542 paragraphs (b) through (i), respectively, paragraph (a) of
543 subsection (1) is amended, and a new paragraph (a) is added to
544 subsection (2) of that section, to read:

545 39.5085 Relative Caregiver Program.—

546 (1) It is the intent of the Legislature in enacting this
547 section to:

548 (a) Provide for the establishment of procedures and
549 protocols that serve to advance the continued safety of children
550 by acknowledging the valued resource uniquely available through
551 grandparents, relatives of children, and specified nonrelatives

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552 of children pursuant to subparagraph (2) (b) 3. ~~(2) (a) 3.~~

553 (2)

554 (a) Relatives and nonrelatives who are caring for a child
 555 must be denied for the Guardianship Assistance Program under s.
 556 39.6225 before applying for the Relative Caregiver Program.

557 Section 7. Section 39.5086, Florida Statutes, is amended to
 558 read:

559 39.5086 Kinship navigator programs.—

560 (1) DEFINITIONS.—As used in this section, the term:

561 ~~(a) "Fictive kin" has the same meaning as provided in s.~~
 562 ~~39.4015(2) (d).~~

563 (a) ~~(b)~~ "Kinship care" means the full-time care of a child
 564 placed in out-of-home care by the court in the home of a
 565 relative ~~or fictive kin.~~

566 (b) ~~(e)~~ "Kinship navigator program" means a program designed
 567 to ensure that kinship caregivers are provided with necessary
 568 resources for the preservation of the family.

569 (c) ~~(d)~~ "Relative" means an individual who is caring full
 570 time for a child placed in out-of-home care by the court and
 571 who:

572 1. Is related to the child within the fifth degree by blood
 573 or marriage to the parent or stepparent of the child; or

574 2. Is related to a half-sibling of that child within the
 575 fifth degree by blood or marriage to the parent or stepparent.

576 (2) PURPOSE AND SERVICES.—

577 (a) The purpose of a kinship navigator program is to help
 578 relative caregivers ~~and fictive kin~~ in the child welfare system
 579 to navigate the broad range of services available to them and
 580 the children from public, private, community, and faith-based

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581 organizations.

582 (b) Subject to available resources, each community-based
583 care lead agency may establish a kinship navigator program that:

584 1. Coordinates with other state or local agencies that
585 promote service coordination or provide information and referral
586 services, including any entities that participate in the Florida
587 211 Network, to avoid duplication or fragmentation of services
588 to kinship care families;

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

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

596 a. One another;

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

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

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

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

607 5. Promotes partnerships between public and private
608 agencies, including schools, community-based or faith-based
609 organizations, and relevant governmental agencies, to increase

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610 their knowledge of the needs of kinship care families to promote
611 better services for those families.

612 (3) RULEMAKING.—The department may adopt rules to implement
613 this section.

614 Section 8. Paragraph (c) of subsection (1) of section
615 39.521, Florida Statutes, is amended to read:

616 39.521 Disposition hearings; powers of disposition.—

617 (1) A disposition hearing shall be conducted by the court,
618 if the court finds that the facts alleged in the petition for
619 dependency were proven in the adjudicatory hearing, or if the
620 parents or legal custodians have consented to the finding of
621 dependency or admitted the allegations in the petition, have
622 failed to appear for the arraignment hearing after proper
623 notice, or have not been located despite a diligent search
624 having been conducted.

625 (c) When any child is adjudicated by a court to be
626 dependent, the court having jurisdiction of the child has the
627 power by order to:

628 1. Require the parent and, when appropriate, the legal
629 guardian or the child to participate in treatment and services
630 identified as necessary. The court may require the person who
631 has custody or who is requesting custody of the child to submit
632 to a mental health or substance abuse disorder assessment or
633 evaluation. The order may be made only upon good cause shown and
634 pursuant to notice and procedural requirements provided under
635 the Florida Rules of Juvenile Procedure. The mental health
636 assessment or evaluation must be administered by a qualified
637 professional as defined in s. 39.01, and the substance abuse
638 assessment or evaluation must be administered by a qualified

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639 professional as defined in s. 397.311. The court may also
640 require such person to participate in and comply with treatment
641 and services identified as necessary, including, when
642 appropriate and available, participation in and compliance with
643 a mental health court program established under chapter 394 or a
644 treatment-based drug court program established under s. 397.334.
645 Adjudication of a child as dependent based upon evidence of harm
646 as defined in s. 39.01(34)(g) ~~s. 39.01(35)(g)~~ demonstrates good
647 cause, and the court shall require the parent whose actions
648 caused the harm to submit to a substance abuse disorder
649 assessment or evaluation and to participate and comply with
650 treatment and services identified in the assessment or
651 evaluation as being necessary. In addition to supervision by the
652 department, the court, including the mental health court program
653 or the treatment-based drug court program, may oversee the
654 progress and compliance with treatment by a person who has
655 custody or is requesting custody of the child. The court may
656 impose appropriate available sanctions for noncompliance upon a
657 person who has custody or is requesting custody of the child or
658 make a finding of noncompliance for consideration in determining
659 whether an alternative placement of the child is in the child's
660 best interests. Any order entered under this subparagraph may be
661 made only upon good cause shown. This subparagraph does not
662 authorize placement of a child with a person seeking custody of
663 the child, other than the child's parent or legal custodian, who
664 requires mental health or substance abuse disorder treatment.

665 2. Require, if the court deems necessary, the parties to
666 participate in dependency mediation.

667 3. Require placement of the child either under the

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668 protective supervision of an authorized agent of the department
669 in the home of one or both of the child's parents or in the home
670 of a relative of the child or another adult approved by the
671 court, or in the custody of the department. Protective
672 supervision continues until the court terminates it or until the
673 child reaches the age of 18, whichever date is first. Protective
674 supervision shall be terminated by the court whenever the court
675 determines that permanency has been achieved for the child,
676 whether with a parent, another relative, or a legal custodian,
677 and that protective supervision is no longer needed. The
678 termination of supervision may be with or without retaining
679 jurisdiction, at the court's discretion, and shall in either
680 case be considered a permanency option for the child. The order
681 terminating supervision by the department must set forth the
682 powers of the custodian of the child and include the powers
683 ordinarily granted to a guardian of the person of a minor unless
684 otherwise specified. Upon the court's termination of supervision
685 by the department, further judicial reviews are not required if
686 permanency has been established for the child.

687 4. Determine whether the child has a strong attachment to
688 the prospective permanent guardian and whether such guardian has
689 a strong commitment to permanently caring for the child.

690 Section 9. Paragraph (a) of subsection (2) of section
691 39.523, Florida Statutes, is amended to read:

692 39.523 Placement in out-of-home care.—

693 (2) ASSESSMENT AND PLACEMENT.—When any child is removed
694 from a home and placed into out-of-home care, a comprehensive
695 placement assessment process shall be completed to determine the
696 level of care needed by the child and match the child with the

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697 most appropriate placement.

698 (a) The community-based care lead agency or subcontracted
699 agency with the responsibility for assessment and placement must
700 coordinate a multidisciplinary team staffing with any available
701 individual currently involved with the child including, but not
702 limited to, a representative from the department and the case
703 manager for the child; a therapist, attorney ad litem, guardian
704 ad litem, teachers, coaches, Children's Medical Services; and
705 other community providers of services to the child or
706 stakeholders as applicable. The team may also include clergy
707 and, ~~relatives, and fictive kin~~ if appropriate. Team
708 participants must gather data and information on the child which
709 is known at the time including, but not limited to:

- 710 1. Mental, medical, behavioral health, and medication
711 history;
- 712 2. Community ties and school placement;
- 713 3. Current placement decisions relating to any siblings;
- 714 4. Alleged type of abuse or neglect including sexual abuse
715 and trafficking history; and
- 716 5. The child's age, maturity, strengths, hobbies or
717 activities, and the child's preference for placement.

718 Section 10. Paragraph (c) of subsection (1) of section
719 39.6012, Florida Statutes, is amended to read:

720 39.6012 Case plan tasks; services.—

721 (1) The services to be provided to the parent and the tasks
722 that must be completed are subject to the following:

723 (c) If there is evidence of harm as defined in s.
724 39.01(34)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a
725 required task for the parent whose actions caused the harm that

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726 the parent submit to a substance abuse disorder assessment or
 727 evaluation and participate and comply with treatment and
 728 services identified in the assessment or evaluation as being
 729 necessary.

730 Section 11. Subsections (1), (6), (10), and (12) of section
 731 39.6225, Florida Statutes, are amended to read:

732 39.6225 Guardianship Assistance Program.—

733 (1) The department shall establish and operate the
 734 Guardianship Assistance Program to provide guardianship
 735 assistance payments to relatives and next of kin, ~~and fictive~~
 736 ~~kin~~ who meet the eligibility requirements established in this
 737 section. For purposes of administering the program, the term:

738 (a) "Child" means an individual who has not attained 21
 739 years of age.

740 (b) "Young adult" means an individual who has attained 18
 741 years of age but who has not attained 21 years of age.

742 (6) Guardianship assistance benefits shall be terminated if
 743 the guardian is no longer providing support to the child. For
 744 purposes of this subsection, a guardian is considered to no
 745 longer be providing support to the child if:

746 (a) The child is absent from the home of the guardian for a
 747 period of at least 60 consecutive calendar days, unless the
 748 child:

749 1. Is absent due to medical care, school attendance,
 750 runaway status, or detention in a Department of Juvenile Justice
 751 facility; and

752 2. Continues to be under the care and custody of the
 753 guardian.

754 (b) The court modifies the placement of the child and the

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755 guardian is no longer eligible to receive guardianship
756 assistance benefits.

757 (10) The case plan must describe the following for each
758 child with a permanency goal of permanent guardianship in which
759 the guardian is pursuing ~~in receipt of~~ guardianship assistance
760 ~~payments~~:

761 (a) The manner in which the child meets program eligibility
762 requirements.

763 (b) The manner in which the department determined that
764 reunification or adoption is not appropriate.

765 (c) Efforts to discuss adoption with the child's permanent
766 guardian.

767 (d) Efforts to discuss guardianship assistance with the
768 child's parent or the reasons why efforts were not made.

769 (e) The reasons why a permanent placement with the
770 prospective guardian is in the best interest of the child.

771 (f) The reasons why the child is separated from his or her
772 siblings during placement, if applicable.

773 (g) Efforts to consult the child, if the child is 14 years
774 of age or older, regarding the permanent guardianship
775 arrangement.

776 (12) The department shall develop and implement a
777 comprehensive communications strategy in support of relatives
778 ~~and fictive kin~~ who are prospective caregivers. This strategy
779 shall provide such prospective caregivers with information on
780 supports and services available under state law. At a minimum,
781 the department's communication strategy shall involve providing
782 prospective caregivers with information about:

783 (a) Eligibility criteria, monthly payment rates, terms of

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784 payment, and program or licensure requirements for the Relative
785 Caregiver Program, the Guardianship Assistance Program, and
786 licensure as a Level I or Level II family foster home as
787 provided in s. 409.175.

788 (b) A detailed description of the process for licensure as
789 a Level I or Level II family foster home and for applying for
790 the Relative Caregiver program.

791 (c) Points of contact for addressing questions or obtaining
792 assistance in applying for programs or licensure.

793 Section 12. Subsections (2) and (3), paragraph (a) of
794 subsection (4), and subsection (6) of section 39.6251, Florida
795 Statutes, are amended, and subsection (10) is added to that
796 section, to read:

797 39.6251 Continuing care for young adults.—

798 (2) The primary goal for a child in care is permanency. A
799 child who is living in licensed care on his or her 18th birthday
800 and who has not achieved permanency under s. 39.621 is eligible
801 to remain in licensed care under the jurisdiction of the court
802 and in the care of the department. A child is eligible to remain
803 in licensed care if he or she is:

804 (a) Completing secondary education or a program leading to
805 an equivalent credential;

806 (b) Enrolled in an institution that provides postsecondary
807 or vocational education;

808 (c) Participating in a program or activity designed to
809 promote or eliminate barriers to employment;

810 (d) Employed for at least 80 hours per month; or

811 (e) Unable to participate in programs or activities listed
812 in paragraphs (a)-(d) full time due to a physical, intellectual,

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813 emotional, or psychiatric condition that limits participation.
814 Any such barrier to participation must be supported by
815 documentation in the child's case file or school or medical
816 records of a physical, intellectual, or psychiatric condition
817 that impairs the child's ability to perform one or more life
818 activities.

819

820 The young adult must furnish documentation to the department or
821 lead agency of his or her participation in one of the programs
822 or activities listed in paragraphs (a)-(d), or his or her
823 inability to participate in one of the programs or activities as
824 provided in paragraph (e), or authorize the release of his or
825 her records to the department or lead agency.

826 (3) The permanency goal for a young adult who chooses to
827 remain in licensed care past his or her 18th birthday is to
828 transition to independence ~~from licensed care to independent~~
829 ~~living.~~

830 (4) (a) The young adult must reside in a supervised living
831 environment that is approved by the department or a community-
832 based care lead agency. The young adult shall live
833 independently, but in an environment in which he or she is
834 provided supervision, case management, and supportive services
835 by the department or lead agency. Such an environment must offer
836 developmentally appropriate freedom and responsibility to
837 prepare the young adult for adulthood. For the purposes of this
838 subsection, a supervised living arrangement may include a
839 licensed foster home, licensed group home, college dormitory,
840 shared housing, apartment, or another housing arrangement if the
841 arrangement is approved by the community-based care lead agency

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842 and is acceptable to the young adult, ~~with first choice being a~~
843 ~~licensed foster home~~. A young adult may continue to reside with
844 the same licensed foster family or group care provider with whom
845 he or she was residing at the time he or she reached the age of
846 18 years.

847 (6) A young adult who is between the ages of 18 and 21 and
848 who has left care may return to care by applying to the
849 community-based care lead agency for readmission through the
850 execution of a voluntary placement agreement. The community-
851 based care lead agency shall readmit the young adult if he or
852 she continues to meet the eligibility requirements in this
853 section.

854 (a) The department shall develop a standard procedure and
855 application packet for readmission to care to be used by all
856 community-based care lead agencies.

857 (b) Within 30 days after the young adult has been
858 readmitted to care, the community-based care lead agency shall
859 assign a case manager to update the case plan and the transition
860 plan and to arrange for the required services. Updates to the
861 case plan and the transition plan and arrangements for the
862 required services shall be undertaken in consultation with the
863 young adult. The department shall petition the court to
864 reinstate jurisdiction over the young adult. Notwithstanding s.
865 39.013(2), the court shall resume jurisdiction over the young
866 adult if the department establishes that he or she continues to
867 meet the eligibility requirements in this section.

868 (10) The department shall adopt rules to administer this
869 section.

870 Section 13. Paragraph (d) of subsection (2) of section

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871 39.701, Florida Statutes, is amended, and paragraphs (f) and (g)
872 are added to subsection (4) of that section, to read:

873 39.701 Judicial review.—

874 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
875 AGE.—

876 (d) *Orders*.—

877 1. Based upon the criteria set forth in paragraph (c) and
878 the recommended order of the citizen review panel, if any, the
879 court shall determine whether ~~or not~~ the social service agency
880 shall initiate proceedings to have a child declared a dependent
881 child, return the child to the parent, continue the child in
882 out-of-home care for a specified period of time, or initiate
883 termination of parental rights proceedings for subsequent
884 placement in an adoptive home. Amendments to the case plan must
885 be prepared as provided ~~prescribed~~ in s. 39.6013. If the court
886 finds that the prevention or reunification efforts of the
887 department will allow the child to remain safely at home or be
888 safely returned to the home, the court shall allow the child to
889 remain in or return to the home after making a specific finding
890 of fact that the reasons for the creation of the case plan have
891 been remedied to the extent that the child's safety, well-being,
892 and physical, mental, and emotional health will not be
893 endangered.

894 2. The court shall return the child to the custody of his
895 or her ~~the~~ parents at any time it determines that the
896 circumstances which caused the out-of-home placement, and issues
897 subsequently identified, have been remedied to the extent that
898 return of the child to the home with an in-home safety plan
899 prepared or approved by the department ~~that they have~~

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900 ~~substantially complied with the case plan, if the court is~~
901 ~~satisfied that reunification~~ will not be detrimental to the
902 child's safety, well-being, and physical, mental, and emotional
903 health.

904 3. If, in the opinion of the court, the social service
905 agency has not complied with its obligations as specified in the
906 written case plan, the court may find the social service agency
907 in contempt, shall order the social service agency to submit its
908 plans for compliance with the agreement, and shall require the
909 social service agency to show why the child could not safely be
910 returned to the home of the parents.

911 4. If, at any judicial review, the court finds that the
912 parents have failed to substantially comply with the case plan
913 to the degree that further reunification efforts are without
914 merit and not in the best interest of the child, on its own
915 motion, the court may order the filing of a petition for
916 termination of parental rights, regardless of whether ~~or not~~ the
917 time period as contained in the case plan for substantial
918 compliance has expired.

919 5. Within 6 months after the date that the child was placed
920 in shelter care, the court shall conduct a judicial review
921 hearing to review the child's permanency goal as identified in
922 the case plan. At the hearing the court shall make findings
923 regarding the likelihood of the child's reunification with the
924 parent or legal custodian. In making such findings, the court
925 shall consider the level of the parent or legal custodian's
926 compliance with the case plan and demonstrated change in
927 protective capacities compared to that necessary to achieve
928 timely reunification within 12 months after the removal of the

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929 child from the home. The court shall also consider the
930 frequency, duration, manner, and level of engagement of the
931 parent or legal custodian's visitation with the child in
932 compliance with the case plan. If the court makes a written
933 finding that it is not likely that the child will be reunified
934 with the parent or legal custodian within 12 months after the
935 child was removed from the home, the department must file with
936 the court, and serve on all parties, a motion to amend the case
937 plan under s. 39.6013 and declare that it will use concurrent
938 planning for the case plan. The department must file the motion
939 within 10 business days after receiving the written finding of
940 the court. The department must attach the proposed amended case
941 plan to the motion. If concurrent planning is already being
942 used, the case plan must document the efforts the department is
943 taking to complete the concurrent goal.

944 6. The court may issue a protective order in assistance, or
945 as a condition, of any other order made under this part. In
946 addition to the requirements included in the case plan, the
947 protective order may set forth requirements relating to
948 reasonable conditions of behavior to be observed for a specified
949 period of time by a person or agency who is before the court,¹⁷
950 and the order may require any person or agency to make periodic
951 reports to the court containing such information as the court in
952 its discretion may prescribe.

953 7. If, at any judicial review, the court determines that
954 the child shall remain in out-of-home care, the court shall
955 order that the department has placement and care responsibility
956 for the child.

957 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During

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958 each period of time that a young adult remains in foster care,
959 the court shall review the status of the young adult at least
960 every 6 months and must hold a permanency review hearing at
961 least annually.

962 (f) If the young adult elects to voluntarily leave extended
963 foster care for the sole purpose of ending a removal episode and
964 immediately thereafter executes a voluntary placement agreement
965 with the department to reenroll in extended foster care, the
966 court shall enter an order finding that the prior removal
967 episode has ended. Under these circumstances, the court
968 maintains jurisdiction and a petition to reinstate jurisdiction
969 as provided in s. 39.6251(6) (b) is not required.

970 (g)1. When a young adult enters extended foster care by
971 executing a voluntary placement agreement, the court shall enter
972 an order within 180 days after execution of the agreement that
973 determines whether the placement is in the best interests of the
974 young adult. For purposes of this paragraph, a placement may
975 include a licensed foster home, licensed group home, college
976 dormitory, shared housing, apartment, or another housing
977 arrangement, if the arrangement is approved by the community-
978 based care lead agency and is acceptable to the young adult.

979 2. When a young adult is in extended foster care, each
980 judicial review order shall provide that the department has
981 placement and care responsibility for the young adult.

982 3. When a young adult is in extended foster care, the court
983 shall enter an order at least every 12 months that includes a
984 finding of whether the department has made reasonable efforts to
985 finalize the permanency plan currently in effect.

986 Section 14. Subsection (4) of section 322.09, Florida

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987 Statutes, is amended to read:

988 322.09 Application of minors; responsibility for negligence
989 or misconduct of minor.—

990 (4) Notwithstanding subsections (1) and (2), if a caregiver
991 of a minor who is under the age of 18 years and is in out-of-
992 home care as defined in s. 39.01 ~~s. 39.01(49)~~, an authorized
993 representative of a residential group home at which such a minor
994 resides, the caseworker at the agency at which the state has
995 placed the minor, or a guardian ad litem specifically authorized
996 by the minor's caregiver to sign for a learner's driver license
997 signs the minor's application for a learner's driver license,
998 that caregiver, group home representative, caseworker, or
999 guardian ad litem does not assume any obligation or become
1000 liable for any damages caused by the negligence or willful
1001 misconduct of the minor by reason of having signed the
1002 application. Before signing the application, the caseworker,
1003 authorized group home representative, or guardian ad litem shall
1004 notify the caregiver or other responsible party of his or her
1005 intent to sign and verify the application.

1006 Section 15. Paragraph (p) of subsection (4) of section
1007 394.495, Florida Statutes, is amended to read:

1008 394.495 Child and adolescent mental health system of care;
1009 programs and services.—

1010 (4) The array of services may include, but is not limited
1011 to:

1012 (p) Trauma-informed services for children who have suffered
1013 sexual exploitation as defined in s. 39.01(76)(g) ~~s.~~
1014 ~~39.01(77)(g)~~.

1015 Section 16. Present subsections (9) and (10) of section

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1016 409.1451, Florida Statutes, are redesignated as subsections (10)
1017 and (11), respectively, paragraph (b) of subsection (2) is
1018 amended, and a new subsection (9) is added to that section, to
1019 read:

1020 409.1451 The Road-to-Independence Program.—

1021 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1022 (b) The amount of the financial assistance shall be as
1023 follows:

1024 1. For a young adult who does not remain in foster care and
1025 is attending a postsecondary school as provided in s. 1009.533,
1026 the amount is \$1,256 monthly.

1027 2. For a young adult who remains in foster care, is
1028 attending a postsecondary school, as provided in s. 1009.533,
1029 and continues to reside in a licensed foster home, the amount is
1030 the established room and board rate for foster parents. This
1031 takes the place of the payment provided for in s. 409.145(4).

1032 3. For a young adult who remains in foster care, but
1033 temporarily resides away from a licensed foster home for
1034 purposes of attending a postsecondary school as provided in s.
1035 1009.533, the amount is \$1,256 monthly. This takes the place of
1036 the payment provided for in s. 409.145(4).

1037 4. For a young adult who remains in foster care, is
1038 attending a postsecondary school as provided in s. 1009.533, and
1039 continues to reside in a licensed group home, the amount is
1040 negotiated between the community-based care lead agency and the
1041 licensed group home provider.

1042 5. For a young adult who remains in foster care, but
1043 temporarily resides away from a licensed group home for purposes
1044 of attending a postsecondary school as provided in s. 1009.533,

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1045 the amount is \$1,256 monthly. This takes the place of a
1046 negotiated room and board rate.

1047 ~~6. The amount of the award may be disregarded for purposes~~
1048 ~~of determining the eligibility for, or the amount of, any other~~
1049 ~~federal or federally supported assistance.~~

1050 6.7. A young adult is eligible to receive financial
1051 assistance during the months when he or she is enrolled in a
1052 postsecondary educational institution.

1053 (9) FINANCIAL ASSISTANCE FOR YOUNG ADULTS RECEIVING
1054 SERVICES.—Financial awards to young adults receiving services
1055 under subsections (2) and (3) and s. 39.6251 may be disregarded
1056 for purposes of determining the eligibility for, or the amount
1057 of, any other federal or federally supported assistance.

1058 Section 17. Paragraphs (e), (j), and (m) of subsection (2),
1059 paragraph (b) of subsection (5), paragraph (c) of subsection
1060 (6), subsection (7), paragraph (b) of subsection (9), paragraphs
1061 (b) and (c) of subsection (12), and paragraphs (b) and (d) of
1062 subsection (14) of section 409.175, Florida Statutes, are
1063 amended to read:

1064 409.175 Licensure of family foster homes, residential
1065 child-caring agencies, and child-placing agencies; public
1066 records exemption.—

1067 (2) As used in this section, the term:

1068 (e) "Family foster home" means a ~~private~~ residence licensed
1069 by the department in which children who are unattended by a
1070 parent or legal guardian are provided 24-hour care. The term
1071 does not include an adoptive home that has been approved by the
1072 department or approved by a licensed child-placing agency for
1073 children placed for adoption.

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1074 (j) "Personnel" means all owners, operators, employees, and
1075 volunteers working in a child-placing agency, ~~family foster~~
1076 ~~home,~~ or residential child-caring agency who may be employed by
1077 or do volunteer work for a person, corporation, or agency that
1078 holds a license as a child-placing agency or a residential
1079 child-caring agency, but the term does not include those who do
1080 not work on the premises where child care is furnished and have
1081 no direct contact with a child or have no contact with a child
1082 outside of the presence of the child's parent or guardian. For
1083 purposes of screening, the term includes any member, over the
1084 age of 12 years, of the family of the owner or operator or any
1085 person other than a client, over the age of 12 years, residing
1086 with the owner or operator if the agency ~~or family foster home~~
1087 is located in or adjacent to the home of the owner or operator
1088 or if the family member of, or person residing with, the owner
1089 or operator has any direct contact with the children. Members of
1090 the family of the owner or operator, or persons residing with
1091 the owner or operator, who are between the ages of 12 years and
1092 18 years are not required to be fingerprinted, but must be
1093 screened for delinquency records. For purposes of screening, the
1094 term also includes owners, operators, employees, and volunteers
1095 working in summer day camps, or summer 24-hour camps providing
1096 care for children. A volunteer who assists on an intermittent
1097 basis for less than 10 hours per month shall not be included in
1098 the term "personnel" for the purposes of screening if a person
1099 who meets the screening requirement of this section is always
1100 present and has the volunteer in his or her line of sight.

1101 (m) "Screening" means the act of assessing the background
1102 of personnel or Level II through Level V family foster homes and

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1103 includes, but is not limited to, employment history checks as
1104 provided in chapter 435, using the level 2 standards for
1105 screening set forth in that chapter.

1106 (5) The department shall adopt and amend rules for the
1107 levels of licensed care associated with the licensure of family
1108 foster homes, residential child-caring agencies, and child-
1109 placing agencies. The rules may include criteria to approve
1110 waivers to licensing requirements when applying for a child-
1111 specific license.

1112 (b) The requirements for licensure and operation of family
1113 foster homes, residential child-caring agencies, and child-
1114 placing agencies shall include:

1115 1. The operation, conduct, and maintenance of these homes
1116 and agencies and the responsibility which they assume for
1117 children served and the evidence of need for that service.

1118 2. The provision of food, clothing, educational
1119 opportunities, services, equipment, and individual supplies to
1120 assure the healthy physical, emotional, and mental development
1121 of the children served.

1122 3. The appropriateness, safety, cleanliness, and general
1123 adequacy of the premises, including fire prevention and health
1124 standards, to provide for the physical comfort, care, and well-
1125 being of the children served.

1126 4. The ratio of staff to children required to provide
1127 adequate care and supervision of the children served and, in the
1128 case of family foster homes, the maximum number of children in
1129 the home.

1130 5. The good moral character based upon screening,
1131 education, training, and experience requirements for personnel

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1132 and family foster homes.

1133 6. The department may grant exemptions from
1134 disqualification from working with children or the
1135 developmentally disabled as provided in s. 435.07.

1136 7. The provision of preservice and inservice training for
1137 all foster parents and agency staff.

1138 8. Satisfactory evidence of financial ability to provide
1139 care for the children in compliance with licensing requirements.

1140 9. The maintenance by the agency of records pertaining to
1141 admission, progress, health, and discharge of children served,
1142 including written case plans and reports to the department.

1143 10. The provision for parental involvement to encourage
1144 preservation and strengthening of a child's relationship with
1145 the family.

1146 11. The transportation safety of children served.

1147 12. The provisions for safeguarding the cultural,
1148 religious, and ethnic values of a child.

1149 13. Provisions to safeguard the legal rights of children
1150 served.

1151 (6)

1152 (c) A licensed family foster home, child-placing agency, or
1153 residential child-caring agency which applies for renewal of its
1154 license shall submit to the department a list of personnel or
1155 household members who have worked or resided on a continuous
1156 basis at the applicant family foster home or agency since
1157 submitting fingerprints to the department, identifying those for
1158 whom a written assurance of compliance was provided by the
1159 department and identifying those personnel or household members
1160 who have recently begun working or residing at the family foster

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1161 home or agency and are awaiting the results of the required
1162 fingerprint check, along with the date of the submission of
1163 those fingerprints for processing. The department shall by rule
1164 determine the frequency of requests to the Department of Law
1165 Enforcement to run state criminal records checks for such
1166 personnel or household members except for those personnel or
1167 household members awaiting the results of initial fingerprint
1168 checks for employment at the applicant family foster home or
1169 agency.

1170 ~~(7)(a) The department may extend a license expiration date~~
1171 ~~once for a period of up to 30 days. However, the department may~~
1172 ~~not extend a license expiration date more than once. The~~
1173 ~~department may issue a provisional license to an applicant who~~
1174 ~~is unable to conform to the licensing requirements at the time~~
1175 ~~of the study, but who is believed able to meet the licensing~~
1176 ~~requirements within the time allowed by the provisional license.~~
1177 ~~The issuance of a provisional license shall be contingent upon~~
1178 ~~the submission to the department of an acceptable written plan~~
1179 ~~to overcome the deficiency by the expiration date of the~~
1180 ~~provisional license.~~

1181 ~~(b) A provisional license may be issued when the applicant~~
1182 ~~fails to meet licensing requirements in matters that are not of~~
1183 ~~immediate danger to the children and the agency has submitted a~~
1184 ~~corrective action plan which is approved by the department. A~~
1185 ~~provisional license may be issued if the screening material has~~
1186 ~~been timely submitted; however, a provisional license may not be~~
1187 ~~issued unless the applicant is in compliance with the~~
1188 ~~requirements in this section for screening of personnel.~~

1189 ~~(c) A provisional license shall not be issued for a period~~

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1190 ~~in excess of 1 year and shall not be subject to renewal; and it~~
1191 ~~may be suspended if periodic inspection by the department~~
1192 ~~indicates that insufficient progress has been made toward~~
1193 ~~compliance with the requirements.~~

1194 (9)

1195 (b) Any of the following actions by a family foster home or
1196 its household members or an agency or its personnel is a ground
1197 for denial, suspension, or revocation of a license:

1198 1. An intentional or negligent act materially affecting the
1199 health or safety of children in the home or agency.

1200 2. A violation of ~~the provisions of~~ this section or of
1201 licensing rules adopted ~~promulgated~~ pursuant to this section.

1202 3. Noncompliance with the requirements for good moral
1203 character as specified in paragraph (5) (b).

1204 4. Failure to dismiss personnel or a household member found
1205 in noncompliance with requirements for good moral character.

1206 5. Failure to comply with the requirements of ss. 63.0422
1207 and 790.335.

1208 (12)

1209 (b) It is unlawful for any person, agency, family foster
1210 home, summer day camp, or summer 24-hour camp providing care for
1211 children to:

1212 1. Willfully or intentionally fail to comply with the
1213 requirements for the screening of personnel and family foster
1214 homes or the dismissal of personnel or household members found
1215 not to be in compliance with the requirements for good moral
1216 character as specified in paragraph (5) (b).

1217 2. Use information from the criminal records obtained under
1218 this section for any purpose other than screening a person for

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1219 employment as specified in this section or to release such
1220 information to any other person for any purpose other than
1221 screening for employment as specified in this section.

1222 (c) It is unlawful for any person, agency, family foster
1223 home, summer day camp, or summer 24-hour camp providing care for
1224 children to use information from the juvenile records of any
1225 person obtained under this section for any purpose other than
1226 screening for employment as specified in this section or to
1227 release information from such records to any other person for
1228 any purpose other than screening for employment as specified in
1229 this section.

1230 (14)

1231 (b) As a condition of licensure, foster parents shall
1232 successfully complete ~~a minimum of 21 hours of preservice~~
1233 training. The preservice training shall be uniform statewide and
1234 shall include, but not be limited to, such areas as:

- 1235 1. Orientation regarding agency purpose, objectives,
1236 resources, policies, and services;
- 1237 2. Role of the foster parent as a treatment team member;
- 1238 3. Transition of a child into and out of foster care,
1239 including issues of separation, loss, and attachment;
- 1240 4. Management of difficult child behavior that can be
1241 intensified by placement, by prior abuse or neglect, and by
1242 prior placement disruptions;
- 1243 5. Prevention of placement disruptions;
- 1244 6. Care of children at various developmental levels,
1245 including appropriate discipline; and
- 1246 7. Effects of foster parenting on the family of the foster
1247 parent.

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1248 (d) Before ~~prior to~~ licensure renewal, each ~~level II~~
1249 ~~through level V~~ foster parent must ~~shall~~ successfully complete ~~8~~
1250 ~~hours of inservice training. Each level I foster parent shall~~
1251 ~~successfully complete 4 hours of inservice training.~~ Periodic
1252 time-limited training courses shall be made available for
1253 selective use by foster parents. Such inservice training shall
1254 include subjects affecting the daily living experiences of
1255 foster parenting as a foster parent. For a foster parent
1256 participating in the required inservice training, the department
1257 shall reimburse such parent for travel expenditures and, if both
1258 parents in a home are attending training or if the absence of
1259 the parent would leave the children without departmentally
1260 approved adult supervision, the department shall make provision
1261 for child care or shall reimburse the foster parents for child
1262 care purchased by the parents for children in their care.

1263 Section 18. Subsection (4) of section 409.903, Florida
1264 Statutes, is amended to read:

1265 409.903 Mandatory payments for eligible persons.—The agency
1266 shall make payments for medical assistance and related services
1267 on behalf of the following persons who the department, or the
1268 Social Security Administration by contract with the Department
1269 of Children and Families, determines to be eligible, subject to
1270 the income, assets, and categorical eligibility tests set forth
1271 in federal and state law. Payment on behalf of these Medicaid
1272 eligible persons is subject to the availability of moneys and
1273 any limitations established by the General Appropriations Act or
1274 chapter 216.

1275 (4) A child who is eligible under Title IV-E of the Social
1276 Security Act for subsidized board payments, foster care, or

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1277 adoption subsidies, and a child for whom the state has assumed
 1278 temporary or permanent responsibility and who does not qualify
 1279 for Title IV-E assistance but is in foster care, shelter or
 1280 emergency shelter care, or subsidized adoption. This category
 1281 includes:

1282 (a) A young adult who is eligible to receive services under
 1283 s. 409.1451, until the young adult reaches 21 years of age,
 1284 without regard to any income, resource, or categorical
 1285 eligibility test that is otherwise required.

1286 ~~(b) This category also includes~~ A person who as a child was
 1287 eligible under Title IV-E of the Social Security Act for foster
 1288 care or the state-provided foster care and who is a participant
 1289 in the Road-to-Independence Program.

1290 (c) A child who is eligible for the Guardianship Assistance
 1291 Program as provided in s. 39.6225.

1292 Section 19. Paragraph (a) of subsection (1) of section
 1293 409.991, Florida Statutes, is amended to read:

1294 409.991 Allocation of funds for community-based care lead
 1295 agencies.—

1296 (1) As used in this section, the term:

1297 (a) "Core services funds" means all funds allocated to
 1298 community-based care lead agencies operating under contract with
 1299 the department pursuant to s. 409.987, with the following
 1300 exceptions:

- 1301 1. Funds appropriated for independent living;
- 1302 2. Funds appropriated for maintenance adoption subsidies;
- 1303 3. Funds allocated by the department for protective
 1304 investigations training;
- 1305 4. Nonrecurring funds;

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1306 5. Designated mental health wrap-around services funds; ~~and~~

1307 6. Funds for special projects for a designated community-
 1308 based care lead agency; and

1309 7. Funds appropriated for the Guardianship Assistance
 1310 Program under s. 39.6225.

1311 Section 20. Paragraph (b) of subsection (1) of section
 1312 414.045, Florida Statutes, is amended to read:

1313 414.045 Cash assistance program.—Cash assistance families
 1314 include any families receiving cash assistance payments from the
 1315 state program for temporary assistance for needy families as
 1316 defined in federal law, whether such funds are from federal
 1317 funds, state funds, or commingled federal and state funds. Cash
 1318 assistance families may also include families receiving cash
 1319 assistance through a program defined as a separate state
 1320 program.

1321 (1) For reporting purposes, families receiving cash
 1322 assistance shall be grouped into the following categories. The
 1323 department may develop additional groupings in order to comply
 1324 with federal reporting requirements, to comply with the data-
 1325 reporting needs of the board of directors of CareerSource
 1326 Florida, Inc., or to better inform the public of program
 1327 progress.

1328 (b) *Child-only cases*.—Child-only cases include cases that
 1329 do not have an adult or teen head of household as defined in
 1330 federal law. Such cases include:

1331 1. Children in the care of caretaker relatives, if the
 1332 caretaker relatives choose to have their needs excluded in the
 1333 calculation of the amount of cash assistance.

1334 2. Families in the Relative Caregiver Program as provided

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1335 in s. 39.5085.

1336 3. Families in which the only parent in a single-parent
1337 family or both parents in a two-parent family receive
1338 supplemental security income (SSI) benefits under Title XVI of
1339 the Social Security Act, as amended. To the extent permitted by
1340 federal law, individuals receiving SSI shall be excluded as
1341 household members in determining the amount of cash assistance,
1342 and such cases shall not be considered families containing an
1343 adult. Parents or caretaker relatives who are excluded from the
1344 cash assistance group due to receipt of SSI may choose to
1345 participate in work activities. An individual whose ability to
1346 participate in work activities is limited who volunteers to
1347 participate in work activities shall be assigned to work
1348 activities consistent with such limitations. An individual who
1349 volunteers to participate in a work activity may receive child
1350 care or support services consistent with such participation.

1351 4. Families in which the only parent in a single-parent
1352 family or both parents in a two-parent family are not eligible
1353 for cash assistance due to immigration status or other
1354 limitation of federal law. To the extent required by federal
1355 law, such cases shall not be considered families containing an
1356 adult.

1357 5. To the extent permitted by federal law and subject to
1358 appropriations, special needs children who have been adopted
1359 pursuant to s. 409.166 and whose adopting family qualifies as a
1360 needy family under the state program for temporary assistance
1361 for needy families. Notwithstanding any provision to the
1362 contrary in s. 414.075, s. 414.085, or s. 414.095, a family
1363 shall be considered a needy family if:

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1364 a. The family is determined by the department to have an
1365 income below 200 percent of the federal poverty level;

1366 b. The family meets the requirements of s. 414.095(2) and
1367 (3) related to residence, citizenship, or eligible noncitizen
1368 status; and

1369 c. The family provides any information that may be
1370 necessary to meet federal reporting requirements specified under
1371 Part A of Title IV of the Social Security Act.

1372 6. Families in the Guardianship Assistance Program as
1373 provided in s. 39.6225.

1374
1375 Families described in subparagraph 1., subparagraph 2., or
1376 subparagraph 3. may receive child care assistance or other
1377 supports or services so that the children may continue to be
1378 cared for in their own homes or in the homes of relatives. Such
1379 assistance or services may be funded from the temporary
1380 assistance for needy families block grant to the extent
1381 permitted under federal law and to the extent funds have been
1382 provided in the General Appropriations Act.

1383 Section 21. Section 627.746, Florida Statutes, is amended
1384 to read:

1385 627.746 Coverage for minors who have a learner's driver
1386 license; additional premium prohibited.—An insurer that issues
1387 an insurance policy on a private passenger motor vehicle to a
1388 named insured who is a caregiver of a minor who is under the age
1389 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
1390 ~~39.01(49)~~ may not charge an additional premium for coverage of
1391 the minor while the minor is operating the insured vehicle, for
1392 the period of time that the minor has a learner's driver

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1393 license, until such time as the minor obtains a driver license.

1394 Section 22. Paragraph (c) of subsection (1) of section
1395 934.255, Florida Statutes, is amended to read:

1396 934.255 Subpoenas in investigations of sexual offenses.—

1397 (1) As used in this section, the term:

1398 (c) "Sexual abuse of a child" means a criminal offense
1399 based on any conduct described in s. 39.01 ~~s. 39.01(71)~~.

1400 Section 23. Subsection (5) of section 960.065, Florida
1401 Statutes, is amended to read:

1402 960.065 Eligibility for awards.—

1403 (5) A person is not ineligible for an award pursuant to
1404 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
1405 person is a victim of sexual exploitation of a child as defined
1406 in s. 39.01(76) (g) ~~s. 39.01(77) (g)~~.

1407 Section 24. Paragraph (d) of subsection (1) of section
1408 1009.25, Florida Statutes, is amended to read:

1409 1009.25 Fee exemptions.—

1410 (1) The following students are exempt from the payment of
1411 tuition and fees, including lab fees, at a school district that
1412 provides workforce education programs, Florida College System
1413 institution, or state university:

1414 (d) A student who is or was at the time he or she reached
1415 18 years of age in the custody of a relative or nonrelative
1416 under s. 39.5085 or s. 39.6225 or who was adopted from the
1417 Department of Children and Families after May 5, 1997. Such
1418 exemption includes fees associated with enrollment in applied
1419 academics for adult education instruction. The exemption remains
1420 valid until the student reaches 28 years of age.

1421 Section 25. This act shall take effect July 1, 2019.