

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

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30 enters extended foster care; amending s. 409.1451,  
31 F.S.; authorizing certain financial awards to be  
32 disregarded when a young adult is applying for other  
33 federal assistance; amending s. 409.175, F.S.;  
34 revising definitions; revising provisions related to  
35 the licensure of family foster homes and certain  
36 child-caring and child-placing agencies; deleting  
37 required numbers of training hours for foster parents;  
38 amending s. 409.903, F.S.; revising eligibility for  
39 Medicaid coverage; amending s. 409.991, F.S.; revising  
40 a 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; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Subsection (37) of section 39.01, Florida  
48 Statutes, is amended to read:

49 39.01 Definitions.—When used in this chapter, unless the  
50 context otherwise requires:

51 (37) “Institutional child abuse or neglect” means  
52 situations of known or suspected child abuse or neglect in which  
53 the person allegedly perpetrating the child abuse or neglect is  
54 an employee of a public or private school, public or private day  
55 care center, residential home, institution, facility, or agency  
56 or any other person at such institution responsible for the  
57 child’s care as defined in this section ~~subsection (54)~~.

58 Section 2. Paragraph (d) of subsection (2) of section

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59 39.4015, Florida Statutes, is amended to read:

60 39.4015 Family finding.—

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

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

66 Section 3. Paragraph (h) of subsection (8) of section  
67 39.402, Florida Statutes, is amended to read:

68 39.402 Placement in a shelter.—

69 (8)

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

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

75 2. That placement in shelter care is in the best interest  
76 of the child.

77 3. That continuation of the child in the home is contrary  
78 to the welfare of the child because the home situation presents  
79 a substantial and immediate danger to the child's physical,  
80 mental, or emotional health or safety which cannot be mitigated  
81 by the provision of preventive services.

82 4. That based upon the allegations of the petition for  
83 placement in shelter care, there is probable cause to believe  
84 that the child is dependent or that the court needs additional  
85 time, which may not exceed 72 hours, in which to obtain and  
86 review documents pertaining to the family in order to  
87 appropriately determine the risk to the child.

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88           5. That the department has made reasonable efforts to  
89 prevent or eliminate the need for removal of the child from the  
90 home. A finding of reasonable effort by the department to  
91 prevent or eliminate the need for removal may be made and the  
92 department is deemed to have made reasonable efforts to prevent  
93 or eliminate the need for removal if:

94           a. The first contact of the department with the family  
95 occurs during an emergency;

96           b. The appraisal of the home situation by the department  
97 indicates that the home situation presents a substantial and  
98 immediate danger to the child's physical, mental, or emotional  
99 health or safety which cannot be mitigated by the provision of  
100 preventive services;

101           c. The child cannot safely remain at home, either because  
102 there are no preventive services that can ensure the health and  
103 safety of the child or because, even with appropriate and  
104 available services being provided, the health and safety of the  
105 child cannot be ensured; or

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

109           6. That the department has made reasonable efforts to keep  
110 siblings together if they are removed and placed in out-of-home  
111 care unless such placement is not in the best interest of each  
112 child. It is preferred that siblings be kept together in a  
113 foster home, if available. Other reasonable efforts shall  
114 include short-term placement in a group home with the ability to  
115 accommodate sibling groups if such a placement is available. The  
116 department shall report to the court its efforts to place

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117 siblings together unless the court finds that such placement is  
118 not in the best interest of a child or his or her sibling.

119 7. That the court notified the parents, relatives that are  
120 providing out-of-home care for the child, or legal custodians of  
121 the time, date, and location of the next dependency hearing and  
122 of the importance of the active participation of the parents,  
123 relatives that are providing out-of-home care for the child, or  
124 legal custodians in all proceedings and hearings.

125 8. That the court notified the parents or legal custodians  
126 of their right to counsel to represent them at the shelter  
127 hearing and at each subsequent hearing or proceeding, and the  
128 right of the parents to appointed counsel, pursuant to the  
129 procedures set forth in s. 39.013.

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

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

138 Section 4. Subsection (3) and paragraphs (g), (h), and (i)  
139 of subsection (6) of section 39.407, Florida Statutes, are  
140 amended to read:

141 39.407 Medical, psychiatric, and psychological examination  
142 and treatment of child; physical, mental, or substance abuse  
143 examination of person with or requesting child custody.—

144 (3) (a) 1. Except as otherwise provided in subparagraph (b) 1.  
145 or paragraph (e), before the department provides psychotropic

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146 medications to a child in its custody, the prescribing physician  
147 or the advanced practice registered nurse whose specialty is  
148 psychiatric nursing, as defined in chapter 394, and who is given  
149 prescribing authority pursuant to chapter 464 shall attempt to  
150 obtain express and informed consent, as defined in s.  
151 394.455(15) and as described in s. 394.459(3)(a), from the  
152 child's parent or legal guardian. The department must take steps  
153 necessary to facilitate the inclusion of the parent in the  
154 child's consultation with the physician or advanced practice  
155 registered nurse. However, if the parental rights of the parent  
156 have been terminated, the parent's location or identity is  
157 unknown or cannot reasonably be ascertained, or the parent  
158 declines to give express and informed consent, the department  
159 may, after consultation with the prescribing physician or  
160 advanced practice registered nurse, seek court authorization to  
161 provide the psychotropic medications to the child. Unless  
162 parental rights have been terminated and if it is possible to do  
163 so, the department shall continue to involve the parent in the  
164 decisionmaking process regarding the provision of psychotropic  
165 medications. If, at any time, a parent whose parental rights  
166 have not been terminated provides express and informed consent  
167 to the provision of a psychotropic medication, the requirements  
168 of this section that the department seek court authorization do  
169 not apply to that medication until such time as the parent no  
170 longer consents.

171 2. Any time the department seeks a medical evaluation to  
172 determine the need to initiate or continue a psychotropic  
173 medication for a child, the department must provide to the  
174 evaluating physician or advanced practice registered nurse all

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175 pertinent medical information known to the department concerning  
176 that child.

177 (b)1. If a child who is removed from the home under s.  
178 39.401 is receiving prescribed psychotropic medication at the  
179 time of removal and parental authorization to continue providing  
180 the medication cannot be obtained, the department may take  
181 possession of the remaining medication and may continue to  
182 provide the medication as prescribed until the shelter hearing,  
183 if it is determined that the medication is a current  
184 prescription for that child and the medication is in its  
185 original container.

186 2. If the department continues to provide the psychotropic  
187 medication to a child when parental authorization cannot be  
188 obtained, the department shall notify the parent or legal  
189 guardian as soon as possible that the medication is being  
190 provided to the child as provided in subparagraph 1. The child's  
191 official departmental record must include the reason parental  
192 authorization was not initially obtained and an explanation of  
193 why the medication is necessary for the child's well-being.

194 3. If the department is advised by a physician licensed  
195 under chapter 458 or chapter 459 or an advanced practice  
196 registered nurse whose specialty is psychiatric nursing, as  
197 defined in chapter 394, and who is given prescribing authority  
198 pursuant to chapter 464 that the child should continue the  
199 psychotropic medication and parental authorization has not been  
200 obtained, the department shall request court authorization at  
201 the shelter hearing to continue to provide the psychotropic  
202 medication and shall provide to the court any information in its  
203 possession in support of the request. Any authorization granted

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204 at the shelter hearing may extend only until the arraignment  
205 hearing on the petition for adjudication of dependency or 28  
206 days following the date of removal, whichever occurs sooner.

207 4. Before filing the dependency petition, the department  
208 shall ensure that the child is evaluated by a physician licensed  
209 under chapter 458 or chapter 459 or an advanced practice  
210 registered nurse whose specialty is psychiatric nursing, as  
211 defined in chapter 394, and who is given prescribing authority  
212 pursuant to chapter 464 to determine whether it is appropriate  
213 to continue the psychotropic medication. If, as a result of the  
214 evaluation, the department seeks court authorization to continue  
215 the psychotropic medication, a motion for such continued  
216 authorization shall be filed at the same time as the dependency  
217 petition, within 21 days after the shelter hearing.

218 (c) Except as provided in paragraphs (b) and (e), the  
219 department must file a motion seeking the court's authorization  
220 to initially provide or continue to provide psychotropic  
221 medication to a child in its legal custody. The motion must be  
222 supported by a written report prepared by the department which  
223 describes the efforts made to enable the prescribing physician  
224 or advanced practice registered nurse whose specialty is  
225 psychiatric nursing, as defined in chapter 394, and who is given  
226 prescribing authority pursuant to chapter 464 to obtain express  
227 and informed consent for providing the medication to the child  
228 and other treatments considered or recommended for the child. In  
229 addition, the motion must be supported by the prescribing  
230 physician's or advanced practice registered nurse's signed  
231 medical report providing:

232 1. The name of the child, the name and range of the dosage



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233 of the psychotropic medication, and that there is a need to  
234 prescribe psychotropic medication to the child based upon a  
235 diagnosed condition for which such medication is being  
236 prescribed.

237         2. A statement indicating that the physician has reviewed  
238 all medical information concerning the child which has been  
239 provided.

240         3. A statement indicating that the psychotropic medication,  
241 at its prescribed dosage, is appropriate for treating the  
242 child's diagnosed medical condition, as well as the behaviors  
243 and symptoms the medication, at its prescribed dosage, is  
244 expected to address.

245         4. An explanation of the nature and purpose of the  
246 treatment; the recognized side effects, risks, and  
247 contraindications of the medication; drug-interaction  
248 precautions; the possible effects of stopping the medication;  
249 and how the treatment will be monitored, followed by a statement  
250 indicating that this explanation was provided to the child if  
251 age appropriate and to the child's caregiver.

252         5. Documentation addressing whether the psychotropic  
253 medication will replace or supplement any other currently  
254 prescribed medications or treatments; the length of time the  
255 child is expected to be taking the medication; and any  
256 additional medical, mental health, behavioral, counseling, or  
257 other services that the prescribing physician or advanced  
258 practice registered nurse recommends.

259         (d)1. The department must notify all parties of the  
260 proposed action taken under paragraph (c) in writing or by  
261 whatever other method best ensures that all parties receive

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262 notification of the proposed action within 48 hours after the  
263 motion is filed. If any party objects to the department's  
264 motion, that party shall file the objection within 2 working  
265 days after being notified of the department's motion. If any  
266 party files an objection to the authorization of the proposed  
267 psychotropic medication, the court shall hold a hearing as soon  
268 as possible before authorizing the department to initially  
269 provide or to continue providing psychotropic medication to a  
270 child in the legal custody of the department. At such hearing  
271 and notwithstanding s. 90.803, the medical report described in  
272 paragraph (c) is admissible in evidence. The prescribing  
273 physician or advanced practice registered nurse whose specialty  
274 is psychiatric nursing, as defined in chapter 394, and who is  
275 given prescribing authority pursuant to chapter 464 need not  
276 attend the hearing or testify unless the court specifically  
277 orders such attendance or testimony, or a party subpoenas the  
278 physician or advanced practice registered nurse to attend the  
279 hearing or provide testimony. If, after considering any  
280 testimony received, the court finds that the department's motion  
281 and the physician's or advanced practice registered nurse's  
282 medical report meet the requirements of this subsection and that  
283 it is in the child's best interests, the court may order that  
284 the department provide or continue to provide the psychotropic  
285 medication to the child without additional testimony or  
286 evidence. At any hearing held under this paragraph, the court  
287 shall further inquire of the department as to whether additional  
288 medical, mental health, behavioral, counseling, or other  
289 services are being provided to the child by the department which  
290 the prescribing physician or advanced practice registered nurse

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291 considers to be necessary or beneficial in treating the child's  
292 medical condition and which the physician or advanced practice  
293 registered nurse recommends or expects to provide to the child  
294 in concert with the medication. The court may order additional  
295 medical consultation, including consultation with the MedConsult  
296 line at the University of Florida, if available, or require the  
297 department to obtain a second opinion within a reasonable  
298 timeframe as established by the court, not to exceed 21 calendar  
299 days, after such order based upon consideration of the best  
300 interests of the child. The department must make a referral for  
301 an appointment for a second opinion with a physician within 1  
302 working day. The court may not order the discontinuation of  
303 prescribed psychotropic medication if such order is contrary to  
304 the decision of the prescribing physician or advanced practice  
305 registered nurse unless the court first obtains an opinion from  
306 a licensed psychiatrist, if available, or, if not available, a  
307 physician licensed under chapter 458 or chapter 459, stating  
308 that more likely than not, discontinuing the medication would  
309 not cause significant harm to the child. If, however, the  
310 prescribing psychiatrist specializes in mental health care for  
311 children and adolescents, the court may not order the  
312 discontinuation of prescribed psychotropic medication unless the  
313 required opinion is also from a psychiatrist who specializes in  
314 mental health care for children and adolescents. The court may  
315 also order the discontinuation of prescribed psychotropic  
316 medication if a child's treating physician, licensed under  
317 chapter 458 or chapter 459, states that continuing the  
318 prescribed psychotropic medication would cause significant harm  
319 to the child due to a diagnosed nonpsychiatric medical

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320 condition.

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

323 (e)1. If the child's prescribing physician or advanced  
324 practice registered nurse whose specialty is psychiatric  
325 nursing, as defined in chapter 394, and who is given prescribing  
326 authority pursuant to chapter 464 certifies in the signed  
327 medical report required in paragraph (c) that delay in providing  
328 a prescribed psychotropic medication would more likely than not  
329 cause significant harm to the child, the medication may be  
330 provided in advance of the issuance of a court order. In such  
331 event, the medical report must provide the specific reasons why  
332 the child may experience significant harm and the nature and the  
333 extent of the potential harm. The department must submit a  
334 motion seeking continuation of the medication and the  
335 physician's medical report to the court, the child's guardian ad  
336 litem, and all other parties within 3 working days after the  
337 department commences providing the medication to the child. The  
338 department shall seek the order at the next regularly scheduled  
339 court hearing required under this chapter, or within 30 days  
340 after the date of the prescription, whichever occurs sooner. If  
341 any party objects to the department's motion, the court shall  
342 hold a hearing within 7 days.

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

348 (f)1. The department shall fully inform the court of the

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349 child's medical and behavioral status as part of the social  
350 services report prepared for each judicial review hearing held  
351 for a child for whom psychotropic medication has been prescribed  
352 or provided under this subsection. As a part of the information  
353 provided to the court, the department shall furnish copies of  
354 all pertinent medical records concerning the child which have  
355 been generated since the previous hearing. On its own motion or  
356 on good cause shown by any party, including any guardian ad  
357 litem, attorney, or attorney ad litem who has been appointed to  
358 represent the child or the child's interests, the court may  
359 review the status more frequently than required in this  
360 subsection.

361 2. The court may, in the best interests of the child, order  
362 the department to obtain a medical opinion addressing whether  
363 the continued use of the medication under the circumstances is  
364 safe and medically appropriate.

365 (g) The department shall adopt rules to ensure that  
366 children receive timely access to clinically appropriate  
367 psychotropic medications. These rules must include, but need not  
368 be limited to, the process for determining which adjunctive  
369 services are needed, the uniform process for facilitating the  
370 prescribing physician's or advanced practice registered nurse's  
371 ability to obtain the express and informed consent of a child's  
372 parent or guardian, the procedures for obtaining court  
373 authorization for the provision of a psychotropic medication,  
374 the frequency of medical monitoring and reporting on the status  
375 of the child to the court, how the child's parents will be  
376 involved in the treatment-planning process if their parental  
377 rights have not been terminated, and how caretakers are to be

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378 provided information contained in the physician's or advanced  
379 practice registered nurse's signed medical report. The rules  
380 must also include uniform forms to be used in requesting court  
381 authorization for the use of a psychotropic medication and  
382 provide for the integration of each child's treatment plan and  
383 case plan. The department must begin the formal rulemaking  
384 process within 90 days after the effective date of this act.

385 (6) Children who are in the legal custody of the department  
386 may be placed by the department, without prior approval of the  
387 court, in a residential treatment center licensed under s.  
388 394.875 or a hospital licensed under chapter 395 for residential  
389 mental health treatment only pursuant to this section or may be  
390 placed by the court in accordance with an order of involuntary  
391 examination or involuntary placement entered pursuant to s.  
392 394.463 or s. 394.467. All children placed in a residential  
393 treatment program under this subsection must have a guardian ad  
394 litem appointed.

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

399 2. The court must conduct a hearing to review the status of  
400 the child's residential treatment plan no later than 60 days ~~3~~  
401 ~~months~~ after the child's admission to the residential treatment  
402 program. An independent review of the child's progress toward  
403 achieving the goals and objectives of the treatment plan must be  
404 completed by a qualified evaluator and submitted to the court  
405 before its 60-day ~~3-month~~ review.

406 3. For any child in residential treatment at the time a

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407 judicial review is held pursuant to s. 39.701, the child's  
408 continued placement in residential treatment must be a subject  
409 of the judicial review.

410 4. If at any time the court determines that the child is  
411 not suitable for continued residential treatment, the court  
412 shall order the department to place the child in the least  
413 restrictive setting that is best suited to meet his or her  
414 needs.

415 (h) After the initial 60-day ~~3-month~~ review, the court must  
416 conduct a review of the child's residential treatment plan every  
417 90 days.

418 (i) The department must adopt rules for implementing  
419 timeframes for the completion of suitability assessments by  
420 qualified evaluators and a procedure that includes timeframes  
421 for completing the 60-day ~~3-month~~ independent review by the  
422 qualified evaluators of the child's progress toward achieving  
423 the goals and objectives of the treatment plan which review must  
424 be submitted to the court. The Agency for Health Care  
425 Administration must adopt rules for the registration of  
426 qualified evaluators, the procedure for selecting the evaluators  
427 to conduct the reviews required under this section, and a  
428 reasonable, cost-efficient fee schedule for qualified  
429 evaluators.

430 Section 5. Present paragraphs (a) through (h) of subsection  
431 (2) of section 39.5085, Florida Statutes, are redesignated as  
432 paragraphs (b) through (i), respectively, paragraph (a) of  
433 subsection (1) is amended, and a new paragraph (a) is added to  
434 subsection (2) of that section, to read:

435 39.5085 Relative Caregiver Program.—

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436 (1) It is the intent of the Legislature in enacting this  
 437 section to:

438 (a) Provide for the establishment of procedures and  
 439 protocols that serve to advance the continued safety of children  
 440 by acknowledging the valued resource uniquely available through  
 441 grandparents, relatives of children, and specified nonrelatives  
 442 of children pursuant to subparagraph (2) (b) 3. ~~(2) (a) 3.~~

443 (2)

444 (a) Relatives or nonrelatives who are caring for a child  
 445 and do not meet the eligibility requirements for Level I  
 446 licensure under s. 409.175 may apply for the Relative Caregiver  
 447 Program.

448 Section 6. Paragraph (a) of subsection (1) of section  
 449 39.5086, Florida Statutes, is amended to read:

450 39.5086 Kinship navigator programs.—

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

452 ~~(a) "Fictive kin" has the same meaning as provided in s.~~  
 453 ~~39.4015(2) (d).~~

454 Section 7. Subsections (6) and (10) of section 39.6225,  
 455 Florida Statutes, are amended to read:

456 39.6225 Guardianship Assistance Program.—

457 (6) Guardianship assistance benefits shall be terminated if  
 458 the guardian is no longer providing support to the child. For  
 459 purposes of this subsection, a guardian is considered to no  
 460 longer be providing support to the child if:

461 (a) The child is absent from the home of the guardian for a  
 462 period of at least 60 consecutive calendar days, unless the  
 463 child:

464 1. Is absent due to medical care, school attendance,



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465 runaway status, or detention in a Department of Juvenile Justice  
466 facility; and

467 2. Continues to be under the care and custody of the  
468 guardian.

469 (b) The court modifies the placement of the child and the  
470 guardian is no longer eligible to receive guardianship  
471 assistance benefits.

472 (10) The case plan must describe the following for each  
473 child with a permanency goal of permanent guardianship in which  
474 the guardian is pursuing ~~in receipt of~~ guardianship assistance  
475 ~~payments~~:

476 (a) The manner in which the child meets program eligibility  
477 requirements.

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

480 (c) Efforts to discuss adoption with the child's permanent  
481 guardian.

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

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

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

488 (g) Efforts to consult the child, if the child is 14 years  
489 of age or older, regarding the permanent guardianship  
490 arrangement.

491 Section 8. Subsections (2) and (3), paragraph (a) of  
492 subsection (4), and subsection (6) of section 39.6251, Florida  
493 Statutes, are amended, and subsection (10) is added to that

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494 section, to read:

495 39.6251 Continuing care for young adults.—

496 (2) The primary goal for a child in care is permanency. A  
497 child who is living in licensed care on his or her 18th birthday  
498 and who has not achieved permanency under s. 39.621 is eligible  
499 to remain in licensed care under the jurisdiction of the court  
500 and in the care of the department. A child is eligible to remain  
501 in licensed care if he or she is:

502 (a) Completing secondary education or a program leading to  
503 an equivalent credential;

504 (b) Enrolled in an institution that provides postsecondary  
505 or vocational education;

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

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

509 (e) Unable to participate in programs or activities listed  
510 in paragraphs (a)-(d) full time due to a physical, intellectual,  
511 emotional, or psychiatric condition that limits participation.  
512 Any such barrier to participation must be supported by  
513 documentation in the child's case file or school or medical  
514 records of a physical, intellectual, or psychiatric condition  
515 that impairs the child's ability to perform one or more life  
516 activities.

517

518 The young adult must furnish documentation to the department or  
519 lead agency of his or her participation in one of the programs  
520 or activities listed in paragraphs (a)-(d), or his or her  
521 inability to participate in one of the programs or activities as  
522 provided in paragraph (e), or authorize the release of his or

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523 her records to the department or lead agency.

524 (3) The permanency goal for a young adult who chooses to  
525 remain in care past his or her 18th birthday is to transition to  
526 independence from licensed care to independent living.

527 (4) (a) The young adult must reside in a supervised living  
528 environment that is approved by the department or a community-  
529 based care lead agency. The young adult shall live  
530 independently, but in an environment in which he or she is  
531 provided supervision, case management, and supportive services  
532 by the department or lead agency. Such an environment must offer  
533 developmentally appropriate freedom and responsibility to  
534 prepare the young adult for adulthood. For the purposes of this  
535 subsection, a supervised living arrangement may include a  
536 licensed foster home, licensed group home, college dormitory,  
537 shared housing, apartment, or another housing arrangement if the  
538 arrangement is approved by the community-based care lead agency  
539 and is acceptable to the young adult, ~~with first choice being a~~  
540 ~~licensed foster home.~~ A young adult may continue to reside with  
541 the same licensed foster family or group care provider with whom  
542 he or she was residing at the time he or she reached the age of  
543 18 years.

544 (6) A young adult who is between the ages of 18 and 21 and  
545 who has left care may return to care by applying to the  
546 community-based care lead agency for readmission through the  
547 execution of a voluntary placement agreement. The community-  
548 based care lead agency shall readmit the young adult if he or  
549 she continues to meet the eligibility requirements in this  
550 section.

551 (a) The department shall develop a standard procedure and

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552 application packet for readmission to care to be used by all  
553 community-based care lead agencies.

554 (b) Within 30 days after the young adult has been  
555 readmitted to care, the community-based care lead agency shall  
556 assign a case manager to update the case plan and the transition  
557 plan and to arrange for the required services. Updates to the  
558 case plan and the transition plan and arrangements for the  
559 required services shall be undertaken in consultation with the  
560 young adult. The department shall petition the court to  
561 reinstate jurisdiction over the young adult. Notwithstanding s.  
562 39.013(2), the court shall resume jurisdiction over the young  
563 adult if the department establishes that he or she continues to  
564 meet the eligibility requirements in this section.

565 (10) The department shall adopt rules to administer this  
566 section.

567 Section 9. Paragraph (d) of subsection (2) of section  
568 39.701, Florida Statutes, is amended, and paragraphs (f) and (g)  
569 are added to subsection (4) of that section, to read:

570 39.701 Judicial review.—

571 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
572 AGE.—

573 (d) *Orders.*—

574 1. Based upon the criteria set forth in paragraph (c) and  
575 the recommended order of the citizen review panel, if any, the  
576 court shall determine whether ~~or not~~ the social service agency  
577 shall initiate proceedings to have a child declared a dependent  
578 child, return the child to the parent, continue the child in  
579 out-of-home care for a specified period of time, or initiate  
580 termination of parental rights proceedings for subsequent

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581 placement in an adoptive home. Amendments to the case plan must  
582 be prepared as provided ~~prescribed~~ in s. 39.6013. If the court  
583 finds that the prevention or reunification efforts of the  
584 department will allow the child to remain safely at home or be  
585 safely returned to the home, the court shall allow the child to  
586 remain in or return to the home after making a specific finding  
587 of fact that the reasons for the creation of the case plan have  
588 been remedied to the extent that the child's safety, well-being,  
589 and physical, mental, and emotional health will not be  
590 endangered.

591 2. The court shall return the child to the custody of his  
592 or her ~~the~~ parents at any time it determines that the  
593 circumstances which caused the out-of-home placement, and issues  
594 subsequently identified, have been remedied to the extent that  
595 return of the child to the home with an in-home safety plan  
596 prepared or approved by the department ~~that they have~~  
597 ~~substantially complied with the case plan, if the court is~~  
598 ~~satisfied that reunification~~ will not be detrimental to the  
599 child's safety, well-being, and physical, mental, and emotional  
600 health.

601 3. If, in the opinion of the court, the social service  
602 agency has not complied with its obligations as specified in the  
603 written case plan, the court may find the social service agency  
604 in contempt, shall order the social service agency to submit its  
605 plans for compliance with the agreement, and shall require the  
606 social service agency to show why the child could not safely be  
607 returned to the home of the parents.

608 4. If, at any judicial review, the court finds that the  
609 parents have failed to substantially comply with the case plan

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610 to the degree that further reunification efforts are without  
611 merit and not in the best interest of the child, on its own  
612 motion, the court may order the filing of a petition for  
613 termination of parental rights, regardless of whether ~~or not~~ the  
614 time period as contained in the case plan for substantial  
615 compliance has expired.

616 5. Within 6 months after the date that the child was placed  
617 in shelter care, the court shall conduct a judicial review  
618 hearing to review the child's permanency goal as identified in  
619 the case plan. At the hearing the court shall make findings  
620 regarding the likelihood of the child's reunification with the  
621 parent or legal custodian. In making such findings, the court  
622 shall consider the level of the parent or legal custodian's  
623 compliance with the case plan and demonstrated change in  
624 protective capacities compared to that necessary to achieve  
625 timely reunification within 12 months after the removal of the  
626 child from the home. The court shall also consider the  
627 frequency, duration, manner, and level of engagement of the  
628 parent or legal custodian's visitation with the child in  
629 compliance with the case plan. If the court makes a written  
630 finding that it is not likely that the child will be reunified  
631 with the parent or legal custodian within 12 months after the  
632 child was removed from the home, the department must file with  
633 the court, and serve on all parties, a motion to amend the case  
634 plan under s. 39.6013 and declare that it will use concurrent  
635 planning for the case plan. The department must file the motion  
636 within 10 business days after receiving the written finding of  
637 the court. The department must attach the proposed amended case  
638 plan to the motion. If concurrent planning is already being

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639 used, the case plan must document the efforts the department is  
640 taking to complete the concurrent goal.

641 6. The court may issue a protective order in assistance, or  
642 as a condition, of any other order made under this part. In  
643 addition to the requirements included in the case plan, the  
644 protective order may set forth requirements relating to  
645 reasonable conditions of behavior to be observed for a specified  
646 period of time by a person or agency who is before the court,<sup>+</sup>  
647 and the order may require any person or agency to make periodic  
648 reports to the court containing such information as the court in  
649 its discretion may prescribe.

650 7. If, at any judicial review, the court determines that  
651 the child shall remain in out-of-home care in a placement other  
652 than with a parent, the court shall order that the department  
653 has placement and care responsibility for the child.

654 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During  
655 each period of time that a young adult remains in foster care,  
656 the court shall review the status of the young adult at least  
657 every 6 months and must hold a permanency review hearing at  
658 least annually.

659 (f) If the young adult elects to voluntarily leave extended  
660 foster care for the sole purpose of ending a removal episode and  
661 immediately thereafter executes a voluntary placement agreement  
662 with the department to reenroll in extended foster care, the  
663 court shall enter an order finding that the prior removal  
664 episode has ended. Under these circumstances, the court  
665 maintains jurisdiction and a petition to reinstate jurisdiction  
666 as provided in s. 39.6251(6) (b) is not required.

667 (g)1. When a young adult enters extended foster care by

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668 executing a voluntary placement agreement, the court shall enter  
669 an order within 180 days after execution of the agreement which  
670 determines whether the placement is in the best interest of the  
671 young adult. For purposes of this paragraph, a placement may  
672 include a licensed foster home, licensed group home, college  
673 dormitory, shared housing, apartment, or another housing  
674 arrangement, if the arrangement is approved by the community-  
675 based care lead agency and is acceptable to the young adult.

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

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

683 Section 10. Present subsections (9) and (10) of section  
684 409.1451, Florida Statutes, are redesignated as subsections (10)  
685 and (11), respectively, paragraph (b) of subsection (2) is  
686 amended, and a new subsection (9) is added to that section, to  
687 read:

688 409.1451 The Road-to-Independence Program.—

689 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

690 (b) The amount of the financial assistance shall be as  
691 follows:

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

695 2. For a young adult who remains in foster care, is  
696 attending a postsecondary school, as provided in s. 1009.533,



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697 and continues to reside in a licensed foster home, the amount is  
698 the established room and board rate for foster parents. This  
699 takes the place of the payment provided for in s. 409.145(4).

700 3. For a young adult who remains in foster care, but  
701 temporarily resides away from a licensed foster home for  
702 purposes of attending a postsecondary school as provided in s.  
703 1009.533, the amount is \$1,256 monthly. This takes the place of  
704 the payment provided for in s. 409.145(4).

705 4. For a young adult who remains in foster care, is  
706 attending a postsecondary school as provided in s. 1009.533, and  
707 continues to reside in a licensed group home, the amount is  
708 negotiated between the community-based care lead agency and the  
709 licensed group home provider.

710 5. For a young adult who remains in foster care, but  
711 temporarily resides away from a licensed group home for purposes  
712 of attending a postsecondary school as provided in s. 1009.533,  
713 the amount is \$1,256 monthly. This takes the place of a  
714 negotiated room and board rate.

715 ~~6. The amount of the award may be disregarded for purposes~~  
716 ~~of determining the eligibility for, or the amount of, any other~~  
717 ~~federal or federally supported assistance.~~

718 6.7. A young adult is eligible to receive financial  
719 assistance during the months when he or she is enrolled in a  
720 postsecondary educational institution.

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

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726 Section 11. Paragraphs (e), (j), and (m) of subsection (2),  
727 paragraph (b) of subsection (5), paragraph (c) of subsection  
728 (6), subsection (7), paragraph (b) of subsection (9), paragraphs  
729 (b) and (c) of subsection (12), and paragraphs (b) and (d) of  
730 subsection (14) of section 409.175, Florida Statutes, are  
731 amended to read:

732 409.175 Licensure of family foster homes, residential  
733 child-caring agencies, and child-placing agencies; public  
734 records exemption.—

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

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

742 (j) "Personnel" means all owners, operators, employees, and  
743 volunteers working in a child-placing agency, ~~family foster~~  
744 ~~home~~, or residential child-caring agency who may be employed by  
745 or do volunteer work for a person, corporation, or agency that  
746 holds a license as a child-placing agency or a residential  
747 child-caring agency, but the term does not include those who do  
748 not work on the premises where child care is furnished and have  
749 no direct contact with a child or have no contact with a child  
750 outside of the presence of the child's parent or guardian. For  
751 purposes of screening, the term includes any member, over the  
752 age of 12 years, of the family of the owner or operator or any  
753 person other than a client, over the age of 12 years, residing  
754 with the owner or operator if the agency ~~or family foster home~~

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755 is located in or adjacent to the home of the owner or operator  
756 or if the family member of, or person residing with, the owner  
757 or operator has any direct contact with the children. Members of  
758 the family of the owner or operator, or persons residing with  
759 the owner or operator, who are between the ages of 12 years and  
760 18 years are not required to be fingerprinted, but must be  
761 screened for delinquency records. For purposes of screening, the  
762 term also includes owners, operators, employees, and volunteers  
763 working in summer day camps, or summer 24-hour camps providing  
764 care for children. A volunteer who assists on an intermittent  
765 basis for less than 10 hours per month shall not be included in  
766 the term "personnel" for the purposes of screening if a person  
767 who meets the screening requirement of this section is always  
768 present and has the volunteer in his or her line of sight.

769 (m) "Screening" means the act of assessing the background  
770 of personnel or level II through level V family foster homes and  
771 includes, but is not limited to, employment history checks as  
772 provided in chapter 435, using the level 2 standards for  
773 screening set forth in that chapter.

774 (5) The department shall adopt and amend rules for the  
775 levels of licensed care associated with the licensure of family  
776 foster homes, residential child-caring agencies, and child-  
777 placing agencies. The rules may include criteria to approve  
778 waivers to licensing requirements when applying for a child-  
779 specific license.

780 (b) The requirements for licensure and operation of family  
781 foster homes, residential child-caring agencies, and child-  
782 placing agencies shall include:

783 1. The operation, conduct, and maintenance of these homes

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784 and agencies and the responsibility which they assume for  
785 children served and the evidence of need for that service.

786 2. The provision of food, clothing, educational  
787 opportunities, services, equipment, and individual supplies to  
788 assure the healthy physical, emotional, and mental development  
789 of the children served.

790 3. The appropriateness, safety, cleanliness, and general  
791 adequacy of the premises, including fire prevention and health  
792 standards, to provide for the physical comfort, care, and well-  
793 being of the children served.

794 4. The ratio of staff to children required to provide  
795 adequate care and supervision of the children served and, in the  
796 case of family foster homes, the maximum number of children in  
797 the home.

798 5. The good moral character based upon screening,  
799 education, training, and experience requirements for personnel  
800 and family foster homes.

801 6. The department may grant exemptions from  
802 disqualification from working with children or the  
803 developmentally disabled as provided in s. 435.07.

804 7. The provision of preservice and inservice training for  
805 all foster parents and agency staff.

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

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

811 10. The provision for parental involvement to encourage  
812 preservation and strengthening of a child's relationship with

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813 the family.

814 11. The transportation safety of children served.

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

817 13. Provisions to safeguard the legal rights of children  
818 served.

819 (6)

820 (c) A licensed family foster home, child-placing agency, or  
821 residential child-caring agency which applies for renewal of its  
822 license shall submit to the department a list of personnel or  
823 household members who have worked or resided on a continuous  
824 basis at the applicant family foster home or agency since  
825 submitting fingerprints to the department, identifying those for  
826 whom a written assurance of compliance was provided by the  
827 department and identifying those personnel or household members  
828 who have recently begun working or residing at the family foster  
829 home or agency and are awaiting the results of the required  
830 fingerprint check, along with the date of the submission of  
831 those fingerprints for processing. The department shall by rule  
832 determine the frequency of requests to the Department of Law  
833 Enforcement to run state criminal records checks for such  
834 personnel or household members except for those personnel or  
835 household members awaiting the results of initial fingerprint  
836 checks for employment at the applicant family foster home or  
837 agency.

838 (7)~~(a)~~ The department may extend a license expiration date  
839 once for a period of up to 30 days. However, the department may  
840 not extend a license expiration date more than once during a  
841 licensure period ~~The department may issue a provisional license~~

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842 ~~to an applicant who is unable to conform to the licensing~~  
843 ~~requirements at the time of the study, but who is believed able~~  
844 ~~to meet the licensing requirements within the time allowed by~~  
845 ~~the provisional license. The issuance of a provisional license~~  
846 ~~shall be contingent upon the submission to the department of an~~  
847 ~~acceptable written plan to overcome the deficiency by the~~  
848 ~~expiration date of the provisional license.~~

849 ~~(b) A provisional license may be issued when the applicant~~  
850 ~~fails to meet licensing requirements in matters that are not of~~  
851 ~~immediate danger to the children and the agency has submitted a~~  
852 ~~corrective action plan which is approved by the department. A~~  
853 ~~provisional license may be issued if the screening material has~~  
854 ~~been timely submitted; however, a provisional license may not be~~  
855 ~~issued unless the applicant is in compliance with the~~  
856 ~~requirements in this section for screening of personnel.~~

857 ~~(c) A provisional license shall not be issued for a period~~  
858 ~~in excess of 1 year and shall not be subject to renewal; and it~~  
859 ~~may be suspended if periodic inspection by the department~~  
860 ~~indicates that insufficient progress has been made toward~~  
861 ~~compliance with the requirements.~~

862 (9)

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

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

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

870 3. Noncompliance with the requirements for good moral

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871 character as specified in paragraph (5) (b).

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

874 5. Failure to comply with the requirements of ss. 63.0422  
875 and 790.335.

876 (12)

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

880 1. Willfully or intentionally fail to comply with the  
881 requirements for the screening of personnel and family foster  
882 homes or the dismissal of personnel or household members found  
883 not to be in compliance with the requirements for good moral  
884 character as specified in paragraph (5) (b).

885 2. Use information from the criminal records obtained under  
886 this section for any purpose other than screening a person for  
887 employment as specified in this section or to release such  
888 information to any other person for any purpose other than  
889 screening for employment as specified in this section.

890 (c) It is unlawful for any person, agency, family foster  
891 home, summer day camp, or summer 24-hour camp providing care for  
892 children to use information from the juvenile records of any  
893 person obtained under this section for any purpose other than  
894 screening for employment as specified in this section or to  
895 release information from such records to any other person for  
896 any purpose other than screening for employment as specified in  
897 this section.

898 (14)

899 (b) As a condition of licensure, foster parents shall

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900 successfully complete ~~a minimum of 21 hours of~~ preservice  
901 training. The preservice training shall be uniform statewide and  
902 shall include, but not be limited to, such areas as:

- 903 1. Orientation regarding agency purpose, objectives,  
904 resources, policies, and services;
- 905 2. Role of the foster parent as a treatment team member;
- 906 3. Transition of a child into and out of foster care,  
907 including issues of separation, loss, and attachment;
- 908 4. Management of difficult child behavior that can be  
909 intensified by placement, by prior abuse or neglect, and by  
910 prior placement disruptions;
- 911 5. Prevention of placement disruptions;
- 912 6. Care of children at various developmental levels,  
913 including appropriate discipline; and
- 914 7. Effects of foster parenting on the family of the foster  
915 parent.

916 (d) Before ~~prior to~~ licensure renewal, each ~~level II~~  
917 ~~through level V~~ foster parent must ~~shall~~ successfully complete ~~8~~  
918 ~~hours of~~ inservice training. ~~Each level I foster parent shall~~  
919 ~~successfully complete 4 hours of inservice training.~~ Periodic  
920 time-limited training courses shall be made available for  
921 selective use by foster parents. Such inservice training shall  
922 include subjects affecting the daily living experiences of  
923 foster parenting as a foster parent. For a foster parent  
924 participating in the required inservice training, the department  
925 shall reimburse such parent for travel expenditures and, if both  
926 parents in a home are attending training or if the absence of  
927 the parent would leave the children without departmentally  
928 approved adult supervision, the department shall make provision



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929 for child care or shall reimburse the foster parents for child  
930 care purchased by the parents for children in their care.

931 Section 12. Subsection (4) of section 409.903, Florida  
932 Statutes, is amended to read:

933 409.903 Mandatory payments for eligible persons.—The agency  
934 shall make payments for medical assistance and related services  
935 on behalf of the following persons who the department, or the  
936 Social Security Administration by contract with the Department  
937 of Children and Families, determines to be eligible, subject to  
938 the income, assets, and categorical eligibility tests set forth  
939 in federal and state law. Payment on behalf of these Medicaid  
940 eligible persons is subject to the availability of moneys and  
941 any limitations established by the General Appropriations Act or  
942 chapter 216.

943 (4) A child who is eligible under Title IV-E of the Social  
944 Security Act for subsidized board payments, foster care, or  
945 adoption subsidies, and a child for whom the state has assumed  
946 temporary or permanent responsibility and who does not qualify  
947 for Title IV-E assistance but is in foster care, shelter or  
948 emergency shelter care, or subsidized adoption. This category  
949 includes:

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

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

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

960       Section 13. Paragraph (a) of subsection (1) of section  
961 409.991, Florida Statutes, is amended to read:

962       409.991 Allocation of funds for community-based care lead  
963 agencies.—

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

965       (a) "Core services funds" means all funds allocated to  
966 community-based care lead agencies operating under contract with  
967 the department pursuant to s. 409.987, with the following  
968 exceptions:

- 969       1. Funds appropriated for independent living;
- 970       2. Funds appropriated for maintenance adoption subsidies;
- 971       3. Funds allocated by the department for protective  
972 investigations training;
- 973       4. Nonrecurring funds;
- 974       5. Designated mental health wrap-around services funds; ~~and~~
- 975       6. Funds for special projects for a designated community-  
976 based care lead agency; and
- 977       7. Funds appropriated for the Guardianship Assistance  
978 Program under s. 39.6225.

979       Section 14. Paragraph (b) of subsection (1) of section  
980 414.045, Florida Statutes, is amended to read:

981       414.045 Cash assistance program.—Cash assistance families  
982 include any families receiving cash assistance payments from the  
983 state program for temporary assistance for needy families as  
984 defined in federal law, whether such funds are from federal  
985 funds, state funds, or commingled federal and state funds. Cash  
986 assistance families may also include families receiving cash

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987 assistance through a program defined as a separate state  
988 program.

989 (1) For reporting purposes, families receiving cash  
990 assistance shall be grouped into the following categories. The  
991 department may develop additional groupings in order to comply  
992 with federal reporting requirements, to comply with the data-  
993 reporting needs of the board of directors of CareerSource  
994 Florida, Inc., or to better inform the public of program  
995 progress.

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

999 1. Children in the care of caretaker relatives, if the  
1000 caretaker relatives choose to have their needs excluded in the  
1001 calculation of the amount of cash assistance.

1002 2. Families in the Relative Caregiver Program as provided  
1003 in s. 39.5085.

1004 3. Families in which the only parent in a single-parent  
1005 family or both parents in a two-parent family receive  
1006 supplemental security income (SSI) benefits under Title XVI of  
1007 the Social Security Act, as amended. To the extent permitted by  
1008 federal law, individuals receiving SSI shall be excluded as  
1009 household members in determining the amount of cash assistance,  
1010 and such cases shall not be considered families containing an  
1011 adult. Parents or caretaker relatives who are excluded from the  
1012 cash assistance group due to receipt of SSI may choose to  
1013 participate in work activities. An individual whose ability to  
1014 participate in work activities is limited who volunteers to  
1015 participate in work activities shall be assigned to work

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1016 activities consistent with such limitations. An individual who  
1017 volunteers to participate in a work activity may receive child  
1018 care or support services consistent with such participation.

1019 4. Families in which the only parent in a single-parent  
1020 family or both parents in a two-parent family are not eligible  
1021 for cash assistance due to immigration status or other  
1022 limitation of federal law. To the extent required by federal  
1023 law, such cases shall not be considered families containing an  
1024 adult.

1025 5. To the extent permitted by federal law and subject to  
1026 appropriations, special needs children who have been adopted  
1027 pursuant to s. 409.166 and whose adopting family qualifies as a  
1028 needy family under the state program for temporary assistance  
1029 for needy families. Notwithstanding any provision to the  
1030 contrary in s. 414.075, s. 414.085, or s. 414.095, a family  
1031 shall be considered a needy family if:

1032 a. The family is determined by the department to have an  
1033 income below 200 percent of the federal poverty level;

1034 b. The family meets the requirements of s. 414.095(2) and  
1035 (3) related to residence, citizenship, or eligible noncitizen  
1036 status; and

1037 c. The family provides any information that may be  
1038 necessary to meet federal reporting requirements specified under  
1039 Part A of Title IV of the Social Security Act.

1040 6. Families in the Guardianship Assistance Program as  
1041 provided in s. 39.6225.

1042  
1043 Families described in subparagraph 1., subparagraph 2., or  
1044 subparagraph 3. may receive child care assistance or other

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1045 supports or services so that the children may continue to be  
1046 cared for in their own homes or in the homes of relatives. Such  
1047 assistance or services may be funded from the temporary  
1048 assistance for needy families block grant to the extent  
1049 permitted under federal law and to the extent funds have been  
1050 provided in the General Appropriations Act.

1051 Section 15. Paragraph (d) of subsection (1) of section  
1052 1009.25, Florida Statutes, is amended to read:

1053 1009.25 Fee exemptions.—

1054 (1) The following students are exempt from the payment of  
1055 tuition and fees, including lab fees, at a school district that  
1056 provides workforce education programs, Florida College System  
1057 institution, or state university:

1058 (d) A student who is or was at the time he or she reached  
1059 18 years of age in the custody of a relative or nonrelative  
1060 under s. 39.5085 or s. 39.6225 or who was adopted from the  
1061 Department of Children and Families after May 5, 1997. Such  
1062 exemption includes fees associated with enrollment in applied  
1063 academics for adult education instruction. The exemption remains  
1064 valid until the student reaches 28 years of age.

1065 Section 16. This act shall take effect July 1, 2019.