

By the Committee on Children, Families, and Elder Affairs; and  
Senator Book

586-02673-19

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1                                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.4085,  
3       F.S.; providing legislative findings and intent;  
4       specifying the rights of children and young adults in  
5       out-of-home care; providing roles and responsibilities  
6       for the Department of Children and Families,  
7       community-based care lead agencies, and other agency  
8       staff; providing roles and responsibilities for  
9       caregivers; requiring the department to adopt certain  
10      rules; creating s. 39.4088, F.S.; requiring the  
11      Florida Children's Ombudsman to serve as an autonomous  
12      entity within the department for certain purposes;  
13      providing general roles and responsibilities for the  
14      ombudsman; requiring the ombudsman to collect certain  
15      data; requiring the ombudsman, in consultation with  
16      the department and other specified entities and by a  
17      specified date, to develop standardized information  
18      explaining the rights of children and young adults  
19      placed in out-of-home care; requiring the department,  
20      community-based care lead agencies, and agency staff  
21      to use the information provided by the ombudsman in  
22      carrying out specified responsibilities; requiring the  
23      department to establish a statewide toll-free  
24      telephone number for the ombudsman; requiring the  
25      department to adopt certain rules; amending s.  
26      39.6011, F.S.; requiring that a case plan be developed  
27      in a face-to-face conference with a caregiver of a  
28      child under certain circumstances; providing  
29      additional requirements for the content of a case

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30 plan; providing additional requirements for a case  
31 plan when a child is 14 years of age or older or is of  
32 an appropriate age and capacity; requiring the  
33 department to provide a copy of the case plan to the  
34 caregiver of a child placed in a licensed foster home;  
35 amending s. 39.604, F.S.; requiring a caseworker to  
36 provide information about subsidies provided by early  
37 learning coalitions to caregivers of certain children;  
38 amending s. 39.701, F.S.; providing additional  
39 requirements for social study reports for judicial  
40 review; amending s. 409.145, F.S.; providing  
41 additional requirements for caregivers; providing  
42 additional requirements for records and information  
43 the department and any additional providers are  
44 required to make available to caregivers; amending s.  
45 409.175, F.S.; providing additional requirements for  
46 the licensure and operation of family foster homes,  
47 residential child-caring agencies, and child-placing  
48 agencies; amending s. 409.1753, F.S.; requiring a lead  
49 agency, rather than the department, to provide  
50 caregivers with a contact when the caseworker is  
51 unavailable; amending s. 409.988, F.S.; requiring lead  
52 agencies to recruit and retain foster homes; amending  
53 s. 39.6013, F.S.; conforming a cross-reference;  
54 providing an effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Section 39.4085, Florida Statutes, is amended to

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59 read:

60 (Substantial rewording of section. See

61 s. 39.4085, F.S., for present text.)

62 39.4085 Foster Children's Bill of Rights.-

63 (1) LEGISLATIVE FINDINGS AND INTENT.-

64 (a) The Legislature finds that children in, and young  
65 adults leaving, out-of-home care face more developmental,  
66 psychosocial, and economic challenges than their peers outside  
67 of the child welfare system and are more likely to be  
68 unemployed, undereducated, homeless, and dependent on public  
69 assistance; and to experience early parenthood and to suffer  
70 from substance abuse and mental health disorders.

71 (b) The Legislature also finds that emotional trauma,  
72 separation from family, frequent changes in placement, and  
73 frequent changes in school enrollment, as well as being  
74 dependent on the state to make decisions regarding current and  
75 future life options, may contribute to feelings of limited  
76 control over life circumstances for children and young adults in  
77 out-of-home care.

78 (c) The Legislature also recognizes that there are basic  
79 human rights guaranteed to everyone, but children and young  
80 adults in out-of-home care have additional rights that they  
81 should be aware of in order to better advocate for themselves.

82 (d) Therefore, it is the intent of the Legislature to  
83 empower these children and young adults by helping them become  
84 better informed of their rights so they can become stronger  
85 self-advocates.

86 (2) BILL OF RIGHTS.-The department's child welfare system  
87 shall operate with the understanding that the rights of children

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88 and young adults in out-of-home care are critical to their  
89 safety, permanence, and well-being and shall work with all  
90 stakeholders to help such children and young adults become  
91 knowledgeable about their rights and the resources available to  
92 them. A child should be able to remain in the custody of his or  
93 her parents or legal custodians unless a qualified person  
94 exercising competent professional judgment determines that  
95 removal is necessary to protect the child's physical, mental, or  
96 emotional health or safety. Except as otherwise provided in this  
97 chapter, the rights of a child placed in out-of-home care are:

98 (a) To live in a safe, healthy, and comfortable home where  
99 he or she is treated with respect and where the caregiver is  
100 aware of and understands the child's history, needs, and risk  
101 factors.

102 (b) To be free from physical, sexual, emotional, or other  
103 abuse, or corporal punishment. This includes the right to be  
104 placed away from other children or young adults who are known to  
105 pose a threat of harm to him or her because of his or her own  
106 risk factors or those of the other child or young adult.

107 (c) To receive adequate and healthful food, adequate  
108 clothing, and an allowance.

109 (d) To receive medical, dental, vision, and mental health  
110 services, as needed.

111 (e) To be free of the administration of psychotropic  
112 medication or chemical substances, unless authorized by this  
113 chapter.

114 (f) To be able to contact and visit his or her family  
115 members and fictive kin, unless prohibited by court order.

116 (g) To be placed together with his or her siblings who are

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117 under the court's jurisdiction, or to maintain contact with and  
118 visit his or her siblings at least once per week, unless  
119 prohibited by court order.

120 (h) To be able to contact the Florida Children's Ombudsman,  
121 as described in s. 39.4086, regarding violations of rights; to  
122 speak to the ombudsman confidentially; and to be free from  
123 threats or punishment for making complaints.

124 (i) To make and receive uncensored telephone calls and to  
125 send and receive unopened mail, unless prohibited by court  
126 order.

127 (j) To attend the religious services and activities of his  
128 or her choice, and to not be compelled to unwillingly attend  
129 religious services or activities.

130 (k) To maintain a bank account and manage personal income,  
131 consistent with his or her age and developmental level, unless  
132 prohibited by the case plan and to be informed about any funds  
133 being held in the master trust on behalf of the child.

134 (l) To not be locked in any room, building, or facility  
135 premises, unless placed in a residential treatment center  
136 pursuant to this chapter.

137 (m) To attend school and participate in extracurricular,  
138 cultural, and personal enrichment activities consistent with his  
139 or her age and developmental level.

140 (n) To work and develop job skills at an age-appropriate  
141 level that is consistent with state law.

142 (o) To have social contact with people outside of the  
143 foster care system such as teachers, church members, mentors,  
144 and friends.

145 (p) To attend independent living program classes and

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146 activities if he or she meets the age requirements.

147 (q) To attend all court hearings and address the court.

148 (r) To have storage space for private use.

149 (s) To participate in creating and reviewing his or her  
150 case plan if he or she is 14 years of age or older or, if  
151 younger, is of an appropriate age and capacity to receive  
152 information about his or her out-of-home placement and case  
153 plan, including being told of changes to the plan, and to have  
154 the ability to object to provisions of the case plan.

155 (t) To be free from unreasonable searches of his or her  
156 personal belongings.

157 (u) To the confidentiality of all juvenile court records  
158 consistent with state law.

159 (v) To have fair and equal access to all available  
160 services, placement, care, treatment, and benefits, and to not  
161 be subjected to discrimination or harassment on the basis of  
162 actual or perceived race, ethnic group identification, ancestry,  
163 national origin, color, religion, sex, sexual orientation,  
164 gender identity, mental or physical disability, or HIV status.

165 (w) If he or she is 16 years of age or older, to have  
166 access to existing information regarding the educational and  
167 financial assistance options available to him or her, including,  
168 but not limited to, the coursework necessary for vocational and  
169 postsecondary educational programs, postsecondary educational  
170 services and support, the Keys to Independence program, and the  
171 tuition waiver available under s. 1009.25.

172 (x) To not be moved by the department or a community-based  
173 care lead agency to another out-of-home placement unless the  
174 current home is unsafe or the change is court-ordered and, if

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175 moved, the right to a transition that respects his or her  
176 relationships and property pursuant to s. 409.145.

177 (y) To have a guardian ad litem appointed to represent his  
178 or her best interests and, if appropriate, an attorney ad litem  
179 appointed to represent his or her legal interests. The guardian  
180 ad litem and attorney ad litem shall have immediate and  
181 unlimited access to the children they represent.

182 (3) ROLES AND RESPONSIBILITIES OF THE DEPARTMENT,  
183 COMMUNITY-BASED CARE LEAD AGENCIES, AND OTHER AGENCY STAFF.-

184 (a) The department shall develop training related to the  
185 rights of children and young adults in out-of-home care under  
186 this section. All child protective investigators, case managers,  
187 and other appropriate staff must complete annual training  
188 relating to these rights.

189 (b) The department shall provide a copy of this bill of  
190 rights to all children and young adults entering out-of-home  
191 care, and the department shall explain the bill of rights to the  
192 child or young adult in a manner the child or young adult can  
193 understand. Such explanation must occur in a manner that is the  
194 most effective for each individual and must use words and  
195 terminology that make sense to the child or young adult. If a  
196 child or young adult has cognitive, physical, or behavioral  
197 challenges that would prevent him or her from fully  
198 comprehending the bill of rights as presented, such information  
199 must be documented in the case record.

200 (c) The caseworker or other appropriate agency staff shall  
201 document in court reports and case notes the date he or she  
202 reviewed the bill of rights in age-appropriate language with the  
203 foster child or young adult.

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204       (d) The bill of rights must be reviewed with the child or  
205 young adult by appropriate staff upon entry into out-of-home  
206 care and must be subsequently reviewed with the child or young  
207 adult every 6 months until the child leaves care and upon every  
208 change in placement. Each child or young adult must be given the  
209 opportunity to ask questions about any of the rights that he or  
210 she does not clearly understand.

211       (e) Facilities licensed to care for six or more children  
212 and young adults in out-of-home care must post information about  
213 the rights of these individuals in a prominent place in the  
214 facility.

215       (4) ROLES AND RESPONSIBILITIES OF CAREGIVERS.—All  
216 caregivers must ensure that a child or young adult in their care  
217 is aware of and understands his or her rights under this section  
218 and must assist the child or young adult in contacting the  
219 Florida Children's Ombudsman, if necessary.

220       (5) RULEMAKING.—The department shall adopt rules to  
221 implement this section.

222       Section 2. Section 39.4088, Florida Statutes, is created to  
223 read:

224       39.4088 Florida Children's Ombudsman.—The Florida  
225 Children's Ombudsman shall serve as an autonomous entity within  
226 the department for the purpose of providing children and young  
227 adults who are placed in out-of-home care with a means to  
228 resolve issues related to their care, placement, or services  
229 without fear of retribution. The ombudsman shall have access to  
230 any record of a state or local agency which is necessary to  
231 carry out his or her responsibilities and may meet or  
232 communicate with any child or young adult in the child or young

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233 adult's placement or elsewhere.

234 (1) GENERAL ROLES AND RESPONSIBILITIES OF THE OMBUDSMAN.—

235 The ombudsman shall:

236 (a) Disseminate information on the rights of children and  
237 young adults in out-of-home care under s. 39.4085 and the  
238 services provided by the ombudsman.

239 (b) Attempt to resolve a complaint informally.

240 (c) Conduct whatever investigation he or she determines is  
241 necessary to resolve a complaint.

242 (d) Update the complainant on the progress of the  
243 investigation and notify the complainant of the final outcome.

244

245 The ombudsman may not investigate, challenge, or overturn court-  
246 ordered decisions.

247 (2) DATA COLLECTION.—The ombudsman shall:

248 (a) Document the number, source, origin, location, and  
249 nature of all complaints.

250 (b) Compile all data collected over the course of the year  
251 including, but not limited to, the number of contacts to the  
252 toll-free telephone number; the number of complaints made,  
253 including the type and source of those complaints; the number of  
254 investigations performed by the ombudsman; the trends and issues  
255 that arose in the course of investigating complaints; the number  
256 of referrals made; and the number of pending complaints.

257 (c) Post the compiled data on the department's website.

258 (3) DEVELOPMENT AND DISSEMINATION OF INFORMATION.—

259 (a) By January 1, 2020, the ombudsman, in consultation with  
260 the department, children's advocacy and support groups, and  
261 current or former children and young adults in out-of-home care,

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262 shall develop standardized information explaining the rights  
263 granted under s. 39.4085. The information must be age-  
264 appropriate, reviewed and updated by the ombudsman annually, and  
265 made available through a variety of formats.

266 (b) The department, community-based care lead agencies, and  
267 other agency staff must use the information provided by the  
268 ombudsman to carry out their responsibilities to inform children  
269 and young adults in out-of-home care of their rights pursuant to  
270 the duties established under s. 409.145.

271 (c) The department shall establish a statewide toll-free  
272 telephone number for the ombudsman and post the number on the  
273 homepage of the department's website.

274 (4) RULEMAKING.—The department shall adopt rules to  
275 implement this section.

276 Section 3. Subsections (4) through (8) of section 39.6011,  
277 Florida Statutes, are redesignated as subsections (5) through  
278 (9), respectively, paragraph (a) of subsection (1) and paragraph  
279 (b) of present subsection (6) of that section are amended,  
280 paragraph (f) is added to subsection (2) of that section, and a  
281 new subsection (4) is added to that section, to read:

282 39.6011 Case plan development.—

283 (1) The department shall prepare a draft of the case plan  
284 for each child receiving services under this chapter. A parent  
285 of a child may not be threatened or coerced with the loss of  
286 custody or parental rights for failing to admit in the case plan  
287 of abusing, neglecting, or abandoning a child. Participating in  
288 the development of a case plan is not an admission to any  
289 allegation of abuse, abandonment, or neglect, and it is not a  
290 consent to a finding of dependency or termination of parental

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291 rights. The case plan shall be developed subject to the  
292 following requirements:

293 (a) The case plan must be developed in a face-to-face  
294 conference with the parent of the child, any court-appointed  
295 guardian ad litem, and, if appropriate, the child and the  
296 temporary custodian or caregiver of the child.

297 (2) The case plan must be written simply and clearly in  
298 English and, if English is not the principal language of the  
299 child's parent, to the extent possible in the parent's principal  
300 language. Each case plan must contain:

301 (f) If the child has attained 14 years of age or is  
302 otherwise of an appropriate age and capacity:

303 1. A document that describes the rights of the child under  
304 s. 39.4085 and the right to be provided with the documents  
305 pursuant to s. 39.701.

306 2. A signed acknowledgement by the child or young adult, or  
307 the caregiver if the child is too young or otherwise unable to  
308 sign, that the child has been provided with a copy of the  
309 document and that the rights contained in the document have been  
310 explained to the child in a way that the child understands.

311 3. Documentation that a consumer credit report for the  
312 child was requested from all three credit reporting agencies  
313 pursuant to federal law at no charge to the child and that any  
314 results were provided to the child. The case plan must include  
315 documentation of any barriers to obtaining the credit reports.  
316 If the consumer credit report reveals any accounts, the case  
317 plan must detail how the department ensured the child received  
318 assistance with interpreting the credit report and resolving any  
319 inaccuracies, including any referrals made for such assistance.

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320 (4) If the child has attained 14 years of age or, if  
321 younger, is of an appropriate age and capacity, the child must:

322 (a) Be consulted on the development of the case plan; have  
323 the opportunity to attend a face-to-face conference, if  
324 appropriate; have the opportunity to express a placement  
325 preference; and have the option to choose two members for the  
326 case planning team who are not a foster parent or caseworker for  
327 the child.

328 1. An individual selected by a child to be a member of the  
329 case planning team may be rejected at any time if there is good  
330 cause to believe that the individual would not act in the best  
331 interest of the child. One individual selected by a child to be  
332 a member of the child's case planning team may be designated to  
333 act as the child's advisor and, as necessary, advocate with  
334 respect to the application of the reasonable and prudent parent  
335 standard to the child.

336 2. The child may not be included in any aspect of case plan  
337 development if information could be revealed or discussed which  
338 is of a nature that would best be presented to the child in a  
339 therapeutic setting.

340 (b) Sign the case plan, unless there is reason to waive the  
341 child's signature.

342 (c) Receive an explanation of the provisions of the case  
343 plan from the department.

344 (d) After the case plan is agreed on and signed by all  
345 parties, and after jurisdiction attaches and the case plan is  
346 filed with the court, be provided a copy of the case plan within  
347 72 hours before the disposition hearing.

348 (7)~~(6)~~ After the case plan has been developed, the

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349 department shall adhere to the following procedural  
350 requirements:

351 (b) After the case plan has been agreed upon and signed by  
352 the parties, a copy of the plan must be given immediately to the  
353 parties, including the child if appropriate, the caregiver if  
354 the child is placed in a licensed foster home, and to other  
355 persons as directed by the court.

356 1. A case plan must be prepared, but need not be submitted  
357 to the court, for a child who will be in care no longer than 30  
358 days unless that child is placed in out-of-home care a second  
359 time within a 12-month period.

360 2. In each case in which a child has been placed in out-of-  
361 home care, a case plan must be prepared within 60 days after the  
362 department removes the child from the home and shall be  
363 submitted to the court before the disposition hearing for the  
364 court to review and approve.

365 3. After jurisdiction attaches, all case plans must be  
366 filed with the court, and a copy provided to all the parties  
367 whose whereabouts are known, not less than 3 business days  
368 before the disposition hearing. The department shall file with  
369 the court, and provide copies to the parties, all case plans  
370 prepared before jurisdiction of the court attached.

371 Section 4. Paragraph (c) is added to subsection (3) of  
372 section 39.604, Florida Statutes, to read:

373 39.604 Rilya Wilson Act; short title; legislative intent;  
374 child care; early education; preschool.—

375 (3) REQUIREMENTS.—

376 (c) For children placed in a licensed foster home and who  
377 are required to be enrolled in an early education or child care

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378 program under this section, the caseworker shall inform the  
379 caregiver of the amount of the subsidy provided by an early  
380 learning coalition, that this amount may not be sufficient to  
381 pay the full cost of the services, and that the caregiver will  
382 be responsible for paying the difference between the subsidy and  
383 the full cost charged by the early education or child care  
384 program.

385 Section 5. Paragraph (a) of subsection (2) and paragraph  
386 (a) of subsection (3) of section 39.701, Florida Statutes, are  
387 amended to read:

388 39.701 Judicial review.—

389 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
390 AGE.—

391 (a) *Social study report for judicial review.*—Before every  
392 judicial review hearing or citizen review panel hearing, the  
393 social service agency shall make an investigation and social  
394 study concerning all pertinent details relating to the child and  
395 shall furnish to the court or citizen review panel a written  
396 report that includes, but is not limited to:

397 1. A description of the type of placement the child is in  
398 at the time of the hearing, including the safety of the child  
399 and the continuing necessity for and appropriateness of the  
400 placement.

401 2. Documentation of the diligent efforts made by all  
402 parties to the case plan to comply with each applicable  
403 provision of the plan.

404 3. The amount of fees assessed and collected during the  
405 period of time being reported.

406 4. The services provided to the foster family or legal

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407 custodian in an effort to address the needs of the child as  
408 indicated in the case plan.

409 5. A statement that either:

410 a. The parent, though able to do so, did not comply  
411 substantially with the case plan, and the agency  
412 recommendations;

413 b. The parent did substantially comply with the case plan;  
414 or

415 c. The parent has partially complied with the case plan,  
416 with a summary of additional progress needed and the agency  
417 recommendations.

418 6. A statement from the foster parent or legal custodian  
419 providing any material evidence concerning the return of the  
420 child to the parent or parents.

421 7. A statement concerning the frequency, duration, and  
422 results of the parent-child visitation, if any, and the agency  
423 recommendations for an expansion or restriction of future  
424 visitation.

425 8. The number of times a child has been removed from his or  
426 her home and placed elsewhere, the number and types of  
427 placements that have occurred, and the reason for the changes in  
428 placement.

429 9. The number of times a child's educational placement has  
430 been changed, the number and types of educational placements  
431 which have occurred, and the reason for any change in placement.

432 10. If the child has reached 13 years of age but is not yet  
433 18 years of age, a statement from the caregiver on the progress  
434 the child has made in acquiring independent living skills.

435 11. Copies of all medical, psychological, and educational

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436 records that support the terms of the case plan and that have  
437 been produced concerning the parents or any caregiver since the  
438 last judicial review hearing.

439 12. Copies of the child's current health, mental health,  
440 and education records as identified in s. 39.6012.

441 13. Documentation that the Foster Children's Bill of  
442 Rights, as described in s. 39.4085, has been provided to and  
443 reviewed with the child.

444 14. A signed acknowledgement by the child, or the caregiver  
445 if the child is too young or otherwise unable to sign, stating  
446 that the child has been provided an explanation of the rights  
447 under s. 39.4085.

448 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

449 (a) In addition to the review and report required under  
450 paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
451 a judicial review hearing within 90 days after a child's 17th  
452 birthday. The court shall also issue an order, separate from the  
453 order on judicial review, that the disability of nonage of the  
454 child has been removed pursuant to ss. 743.044, 743.045,  
455 743.046, and 743.047, and for any of these disabilities that the  
456 court finds is in the child's best interest to remove. The court  
457 shall continue to hold timely judicial review hearings. If  
458 necessary, the court may review the status of the child more  
459 frequently during the year before the child's 18th birthday. At  
460 each review hearing held under this subsection, in addition to  
461 any information or report provided to the court by the foster  
462 parent, legal custodian, or guardian ad litem, the child shall  
463 be given the opportunity to address the court with any  
464 information relevant to the child's best interest, particularly

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465 in relation to independent living transition services. The  
466 department shall include in the social study report for judicial  
467 review written verification that the child has:

468 1. A current Medicaid card and all necessary information  
469 concerning the Medicaid program sufficient to prepare the child  
470 to apply for coverage upon reaching the age of 18, if such  
471 application is appropriate.

472 2. A certified copy of the child's birth certificate and,  
473 if the child does not have a valid driver license, a Florida  
474 identification card issued under s. 322.051.

475 3. A social security card and information relating to  
476 social security insurance benefits if the child is eligible for  
477 those benefits. If the child has received such benefits and they  
478 are being held in trust for the child, a full accounting of  
479 these funds must be provided and the child must be informed as  
480 to how to access those funds.

481 4. All relevant information related to the Road-to-  
482 Independence Program, including, but not limited to, eligibility  
483 requirements, information on participation, and assistance in  
484 gaining admission to the program. If the child is eligible for  
485 the Road-to-Independence Program, he or she must be advised that  
486 he or she may continue to reside with the licensed family home  
487 or group care provider with whom the child was residing at the  
488 time the child attained his or her 18th birthday, in another  
489 licensed family home, or with a group care provider arranged by  
490 the department.

491 5. An open bank account or the identification necessary to  
492 open a bank account and to acquire essential banking and  
493 budgeting skills.

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494 6. Information on public assistance and how to apply for  
495 public assistance.

496 7. A clear understanding of where he or she will be living  
497 on his or her 18th birthday, how living expenses will be paid,  
498 and the educational program or school in which he or she will be  
499 enrolled.

500 8. Information related to the ability of the child to  
501 remain in care until he or she reaches 21 years of age under s.  
502 39.013.

503 9. A letter providing the dates that the child is under the  
504 jurisdiction of the court.

505 10. A letter stating that the child is in compliance with  
506 financial aid documentation requirements.

507 11. The child's educational records.

508 12. The child's entire health and mental health records.

509 13. The process for accessing his or her case file.

510 14. A statement encouraging the child to attend all  
511 judicial review hearings occurring after the child's 17th  
512 birthday.

513 15. Information on how to obtain a driver license or  
514 learner's driver license.

515 16. Been provided with the Foster Children's Bill of  
516 Rights, as described in s. 39.0485, and that the rights have  
517 been reviewed with the child.

518 17. Signed an acknowledgement stating that he or she has  
519 been provided an explanation of the rights or, if the child is  
520 too young or otherwise unable to sign, that such acknowledgment  
521 has been signed by the child's caregiver.

522 Section 6. Paragraphs (a) and (d) of subsection (2) of

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523 section 409.145, Florida Statutes, are amended to read:

524 409.145 Care of children; quality parenting; "reasonable  
525 and prudent parent" standard.—The child welfare system of the  
526 department shall operate as a coordinated community-based system  
527 of care which empowers all caregivers for children in foster  
528 care to provide quality parenting, including approving or  
529 disapproving a child's participation in activities based on the  
530 caregiver's assessment using the "reasonable and prudent parent"  
531 standard.

532 (2) QUALITY PARENTING.—A child in foster care shall be  
533 placed only with a caregiver who has the ability to care for the  
534 child, is willing to accept responsibility for providing care,  
535 and is willing and able to learn about and be respectful of the  
536 child's culture, religion and ethnicity, special physical or  
537 psychological needs, any circumstances unique to the child, and  
538 family relationships. The department, the community-based care  
539 lead agency, and other agencies shall provide such caregiver  
540 with all available information necessary to assist the caregiver  
541 in determining whether he or she is able to appropriately care  
542 for a particular child.

543 (a) *Roles and responsibilities of caregivers.*—A caregiver  
544 shall:

545 1. Participate in developing the case plan for the child  
546 and his or her family and work with others involved in his or  
547 her care to implement this plan. This participation includes the  
548 caregiver's involvement in all team meetings or court hearings  
549 related to the child's care.

550 2. Complete all training needed to improve skills in  
551 parenting a child who has experienced trauma due to neglect,

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552 abuse, or separation from home, to meet the child's special  
553 needs, and to work effectively with child welfare agencies, the  
554 court, the schools, and other community and governmental  
555 agencies.

556 3. Respect and support the child's ties to members of his  
557 or her biological family and assist the child in maintaining  
558 allowable visitation and other forms of communication.

559 4. Effectively advocate for the child in the caregiver's  
560 care with the child welfare system, the court, and community  
561 agencies, including the school, child care, health and mental  
562 health providers, and employers.

563 5. Participate fully in the child's medical, psychological,  
564 and dental care as the caregiver would for his or her biological  
565 child.

566 6. Support the child's educational success by participating  
567 in activities and meetings associated with the child's school or  
568 other educational setting, including Individual Education Plan  
569 meetings and meetings with an educational surrogate if one has  
570 been appointed, assisting with assignments, supporting tutoring  
571 programs, and encouraging the child's participation in  
572 extracurricular activities.

573 a. Maintaining educational stability for a child while in  
574 out-of-home care by allowing the child to remain in the school  
575 or educational setting that he or she attended before entry into  
576 out-of-home care is the first priority, unless not in the best  
577 interest of the child.

578 b. If it is not in the best interest of the child to remain  
579 in his or her school or educational setting upon entry into out-  
580 of-home care, the caregiver must work with the case manager,

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581 guardian ad litem, teachers and guidance counselors, and  
582 educational surrogate if one has been appointed to determine the  
583 best educational setting for the child. Such setting may include  
584 a public school that is not the school of origin, a private  
585 school pursuant to s. 1002.42, a virtual instruction program  
586 pursuant to s. 1002.45, or a home education program pursuant to  
587 s. 1002.41.

588 7. Work in partnership with other stakeholders to obtain  
589 and maintain records that are important to the child's well-  
590 being, including child resource records, medical records, school  
591 records, photographs, and records of special events and  
592 achievements.

593 8. Ensure that the child in the caregiver's care who is  
594 between 13 and 17 years of age learns and masters independent  
595 living skills.

596 9. Ensure that the child in the caregiver's care is aware  
597 of the requirements and benefits of the Road-to-Independence  
598 Program.

599 10. Work to enable the child in the caregiver's care to  
600 establish and maintain naturally occurring mentoring  
601 relationships.

602 11. Pay the difference between the subsidy from an early  
603 learning coalition and the full cost charged by an early  
604 education or child care program.

605 12. Ensure that the child in the caregiver's care is aware  
606 of and understands his or her rights under s. 309.4085.

607 13. Assist the child in contacting the Florida Children's  
608 Ombudsman, if necessary.

609 (d) *Information sharing.*—Whenever a foster home or

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610 residential group home assumes responsibility for the care of a  
611 child, the department and any additional providers shall make  
612 available to the caregiver as soon as is practicable all  
613 relevant information concerning the child. Records and  
614 information that are required to be shared with caregivers  
615 include, but are not limited to:

616 1. Medical, dental, psychological, psychiatric, and  
617 behavioral history, as well as ongoing evaluation or treatment  
618 needs or treatment plans and information on how the caregiver  
619 can support any treatment plan within the foster home;

620 2. School records;

621 3. Copies of his or her birth certificate and, if  
622 appropriate, immigration status documents;

623 4. Consents signed by parents;

624 5. Comprehensive behavioral assessments and other social  
625 assessments and information on how the caregiver can manage any  
626 behavioral issues;

627 6. Court orders;

628 7. Visitation and case plans;

629 8. Guardian ad litem reports;

630 9. Staffing forms; and

631 10. Judicial or citizen review panel reports and  
632 attachments filed with the court, except confidential medical,  
633 psychiatric, and psychological information regarding any party  
634 or participant other than the child.

635 Section 7. Paragraph (b) of subsection (5) of section  
636 409.175, Florida Statutes, is amended to read:

637 409.175 Licensure of family foster homes, residential  
638 child-caring agencies, and child-placing agencies; public

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639 records exemption.—

640 (5) The department shall adopt and amend rules for the  
641 levels of licensed care associated with the licensure of family  
642 foster homes, residential child-caring agencies, and child-  
643 placing agencies. The rules may include criteria to approve  
644 waivers to licensing requirements when applying for a child-  
645 specific license.

646 (b) The requirements for licensure and operation of family  
647 foster homes, residential child-caring agencies, and child-  
648 placing agencies shall include:

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

652 2. The provision of food, clothing, educational  
653 opportunities, services, equipment, and individual supplies to  
654 assure the healthy physical, emotional, and mental development  
655 of the children served.

656 3. The appropriateness, safety, cleanliness, and general  
657 adequacy of the premises, including fire prevention and health  
658 standards, to provide for the physical comfort, care, and well-  
659 being of the children served.

660 4. The ratio of staff to children required to provide  
661 adequate care and supervision of the children served and, in the  
662 case of foster homes, the maximum number of children in the  
663 home.

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

666 6. The department may grant exemptions from  
667 disqualification from working with children or the

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668 developmentally disabled as provided in s. 435.07.

669 7. The provision of preservice and inservice training for  
670 all foster parents and agency staff.

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

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

676 10. The provision for parental involvement to encourage  
677 preservation and strengthening of a child's relationship with  
678 the family.

679 11. The transportation safety of children served.

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

682 13. Provisions to safeguard the legal rights of children  
683 served, as well as rights of children established under s.  
684 39.4085.

685 Section 8. Section 409.1753, Florida Statutes, is amended  
686 to read:

687 409.1753 Foster care; duties.—The department shall ensure  
688 that each lead agency provides, ~~within each district,~~ each  
689 foster home with is given a telephone number for the foster  
690 parent to call during normal working hours whenever immediate  
691 assistance is needed and the child's caseworker is unavailable.  
692 This number must be staffed and answered by individuals  
693 possessing the knowledge and authority necessary to assist  
694 foster parents.

695 Section 9. Paragraph (1) is added to subsection (1) of  
696 section 409.988, Florida Statutes, to read:

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697 409.988 Lead agency duties; general provisions.—

698 (1) DUTIES.—A lead agency:

699 (1) Shall recruit and retain foster homes. In performing  
700 such duty, a lead agency shall:

701 1. Develop a plan to recruit and retain foster homes using  
702 best practices identified by the department and specify how the  
703 lead agency complies with s. 409.1753.

704 2. Annually submit such plan to the department for  
705 approval.

706 3. Provide to the department a quarterly report detailing  
707 the number of licensed foster homes and beds and occupancy rate.

708 4. Conduct exit interviews with foster parents who  
709 voluntarily give up their license to determine the reasons for  
710 giving up their license and identify suggestions for how to  
711 better recruit and retain foster homes, and provide a quarterly  
712 summary of such interviews to the department.

713 Section 10. Subsection (8) of section 39.6013, Florida  
714 Statutes, is amended to read:

715 39.6013 Case plan amendments.—

716 (8) Amendments must include service interventions that are  
717 the least intrusive into the life of the parent and child, must  
718 focus on clearly defined objectives, and must provide the most  
719 efficient path to quick reunification or permanent placement  
720 given the circumstances of the case and the child's need for  
721 safe and proper care. A copy of the amended plan must be  
722 immediately given to the persons identified in s. 39.6011(7)(b)  
723 ~~s. 39.6011(6)(b)~~.

724 Section 11. This act shall take effect October 1, 2019.