

1                                   A bill to be entitled  
2           An act relating to foster care and related  
3           services; amending s. 216.136, F.S.; requiring  
4           the Child Welfare System Estimating Conference  
5           to include forecasts of child welfare caseloads  
6           within the information it generates; providing  
7           for inclusion of additional classes of children  
8           in need of care among estimates; amending s.  
9           409.1671, F.S.; providing that the Legislature  
10          does not intend to require local governments to  
11          fund foster care and related services  
12          previously funded by the state; providing for  
13          distribution of documented federal funds in  
14          excess of amounts appropriated by the  
15          Legislature; providing uses for such funds;  
16          providing for a review of the distribution  
17          program and a report; designating Broward  
18          County for either the state attorney or  
19          Attorney General to provide child welfare legal  
20          services; requiring community-based providers  
21          and their subcontractors to obtain certain  
22          liability insurance; prescribing limits on  
23          liability; prescribing immunity of employees of  
24          providers and their subcontractors; defining  
25          the term "culpable negligence"; declaring  
26          legislative intent with respect to inflationary  
27          increases in liability amounts; providing for  
28          hiring preference for state employees;  
29          prescribing requirements for preschool foster  
30          homes; changing the date for privatization of  
31          foster care and related services in district 5;

1 amending s. 409.906, F.S.; authorizing the  
2 Agency for Health Care Administration to  
3 establish a targeted case-management pilot  
4 project within certain counties; providing for  
5 the pilot project to determine the impact of  
6 targeted case-management services; providing  
7 for eligibility for coverage under the pilot  
8 project; providing certain limitations on  
9 funding; providing for severability; amending  
10 s. 39.013, F.S.; providing for circuit court  
11 jurisdiction in dependency proceedings until  
12 the child reaches a specified age; providing  
13 for an annual review during the time a child  
14 remains in the custody of or under the  
15 supervision of the Department of Children and  
16 Family Services; amending s. 409.145, F.S.;  
17 deleting a requirement that foster care  
18 services be terminated upon a child's leaving  
19 an educational program; creating s. 39.4085,  
20 F.S.; providing legislative intent; specifying  
21 goals in support of a "Bill of Rights,"  
22 specifying the rights of dependent children in  
23 shelter or foster care; clarifying that the  
24 establishment of goals does not create rights;  
25 prohibiting certain causes of action; providing  
26 an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Subsection (8) of section 216.136, Florida  
31 Statutes, 1998 Supplement, is amended to read:

1           216.136 Consensus estimating conferences; duties and  
2 principals.--

3           (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

4           (a) Duties.--The Child Welfare System Estimating  
5 Conference shall develop such official ~~the following~~  
6 information relating to the child welfare system of the state,  
7 including forecasts of child welfare caseloads, as the  
8 conference determines is needed for the state planning and  
9 budgeting system. Such official information may include, but  
10 is not limited to:

11           1. Estimates and projections of the number of initial  
12 and additional reports of child abuse, abandonment, or neglect  
13 made to the central abuse hotline maintained by the Department  
14 of Children and Family Services as established in s.  
15 39.201(4). Projections may take into account other factors  
16 that may influence the number of future reports to the abuse  
17 hotline.

18           2. Estimates and projections of the number of children  
19 who are alleged to be victims of child abuse, abandonment, or  
20 neglect and are in need of emergency shelter, foster care,  
21 residential group care, adoptive services, or other  
22 appropriate care ~~placement in a shelter.~~

23  
24 In addition, the conference shall develop other official  
25 information relating to the child welfare system of the state  
26 which the conference determines is needed for the state  
27 planning and budgeting system. The Department of Children and  
28 Family Services shall provide information on the child welfare  
29 system requested by the Child Welfare System Estimating  
30 Conference, or individual conference principals, in a timely  
31 manner.

1 (b) Principals.--The Executive Office of the Governor,  
2 the coordinator of the Office of Economic and Demographic  
3 Research, and professional staff who have forecasting  
4 expertise from the Department of Health and Rehabilitative  
5 Services, the Senate, and the House of Representatives, or  
6 their designees, are the principals of the Child Welfare  
7 System Estimating Conference. The principal representing the  
8 Executive Office of the Governor shall preside over sessions  
9 of the conference.

10 Section 2. Section 409.1671, Florida Statutes, 1998  
11 Supplement, is amended to read:

12 409.1671 Foster care and related services;  
13 privatization.--

14 (1)(a) It is the intent of the Legislature that the  
15 Department of Children and Family Services shall privatize the  
16 provision of foster care and related services statewide. It is  
17 further the Legislature's intent to encourage communities and  
18 other stakeholders in the well-being of children to  
19 participate in assuring that children are safe and  
20 well-nurtured. However, while recognizing that some local  
21 governments are presently funding portions of certain foster  
22 care and related services programs and may choose to expand  
23 such funding in the future, the Legislature does not intend by  
24 its privatization of foster care and related services that any  
25 county, municipality, or special district be required to  
26 assist in funding programs that previously have been funded by  
27 the state. Nothing in this paragraph prohibits any county,  
28 municipality, or special district from future voluntary  
29 funding participation in foster care and related services.As  
30 used in this section, the term "privatize" means to contract  
31 with competent, community-based agencies. The department

1 shall submit a plan to accomplish privatization statewide,  
2 through a competitive process, phased in over a 3-year period  
3 beginning January 1, 2000. This plan is to be submitted by  
4 July 1, 1999, to the President of the Senate, the Speaker of  
5 the House of Representatives, the Governor, and the minority  
6 leaders of both houses. This plan must be developed with local  
7 community participation, including, but not limited to, input  
8 from community-based providers that are currently under  
9 contract with the department to furnish community-based foster  
10 care and related services, and must include a methodology for  
11 determining and transferring all available funds, including  
12 federal funds that the provider is eligible for and agrees to  
13 earn and that portion of general revenue funds which is  
14 currently associated with the services that are being  
15 furnished under contract. Notwithstanding the provisions of s.  
16 215.425, all documented federal funds earned for the current  
17 fiscal year by the department and community-based agencies  
18 which exceed the amount appropriated by the Legislature shall  
19 be distributed to all entities that contributed to the excess  
20 earnings based on a schedule and methodology developed by the  
21 department and approved by the Executive Office of the  
22 Governor. Distribution shall be pro rata based on total  
23 earnings and shall be made only to those entities that  
24 contributed to excess earnings. Excess earnings of  
25 community-based agencies shall be used only in the district in  
26 which they were earned. Additional state funds appropriated by  
27 the Legislature for community-based agencies or made available  
28 pursuant to the budgetary amendment process described in s.  
29 216.177 shall be transferred to the community-based agencies.  
30 The department shall amend a community-based agency's contract  
31 to permit expenditure of the funds. The distribution program

1 applies only to entities that were under privatization  
2 contracts as of July 1, 1999. This program is authorized for a  
3 period of 3 years beginning July 1, 1999, and ending June 30,  
4 2002. The Office of Program Policy Analysis and Government  
5 Accountability shall review this program and report to the  
6 Legislature by December 31, 2001. The review shall assess the  
7 program to determine how the additional resources were used,  
8 the number of additional clients served, the improvements in  
9 quality of service attained, the performance outcomes  
10 associated with the additional resources, and the feasibility  
11 of continuing or expanding this program.The methodology must  
12 provide for the transfer of funds appropriated and budgeted  
13 for all services and programs that have been incorporated into  
14 the project, including all management, capital (including  
15 current furniture and equipment), and administrative funds to  
16 accomplish the transfer of these programs. This methodology  
17 must address expected workload and at least the 3 previous  
18 years' experience in expenses and workload. With respect to  
19 any district or portion of a district in which privatization  
20 cannot be accomplished within the 3-year timeframe, the  
21 department must clearly state in its plan the reasons the  
22 timeframe cannot be met and the efforts that should be made to  
23 remediate the obstacles, which may include alternatives to  
24 total privatization, such as public-private partnerships. As  
25 used in this section, the term "related services" means family  
26 preservation, independent living, emergency shelter,  
27 residential group care, foster care, therapeutic foster care,  
28 intensive residential treatment, foster care supervision, case  
29 management, postplacement supervision, permanent foster care,  
30 and family reunification. Unless otherwise provided for,  
31 beginning in fiscal year 1999-2000, either the state attorney

1 or the Office of the Attorney General shall provide child  
2 welfare legal services, pursuant to chapter 39 and other  
3 relevant provisions, in Sarasota, Pinellas, Pasco, Broward,  
4 and Manatee Counties. Such legal services shall commence and  
5 be effective, as soon as determined reasonably feasible by the  
6 respective state attorney or the Office of the Attorney  
7 General, after the privatization of associated programs and  
8 child protective investigations has occurred. When a private  
9 nonprofit agency has received case management  
10 responsibilities, transferred from the state under this  
11 section, for a child who is sheltered or found to be dependent  
12 and who is assigned to the care of the privatization project,  
13 the agency may act as the child's guardian for the purpose of  
14 registering the child in school if a parent or guardian of the  
15 child is unavailable and his or her whereabouts cannot  
16 reasonably be ascertained. The private nonprofit agency may  
17 also seek emergency medical attention for such a child, but  
18 only if a parent or guardian of the child is unavailable, his  
19 or her whereabouts cannot reasonably be ascertained, and a  
20 court order for such emergency medical services cannot be  
21 obtained because of the severity of the emergency or because  
22 it is after normal working hours. However, the provider may  
23 not consent to sterilization, abortion, or termination of life  
24 support. If a child's parents' rights have been terminated,  
25 the nonprofit agency shall act as guardian of the child in all  
26 circumstances.

27 (b) As used in this section, the term "eligible lead  
28 community-based provider" means a single agency with which the  
29 department shall contract for the provision of child  
30 protective services in a community that is no smaller than a  
31

1 county. To compete for a privatization project, such agency  
2 must have:

3 1. The ability to coordinate, integrate, and manage  
4 all child protective services in the designated community in  
5 cooperation with child protective investigations.

6 2. The ability to ensure continuity of care from entry  
7 to exit for all children referred from the protective  
8 investigation and court systems.

9 3. The ability to provide directly, or contract for  
10 through a local network of providers, all necessary child  
11 protective services.

12 4. The willingness to accept accountability for  
13 meeting the outcomes and performance standards related to  
14 child protective services established by the Legislature and  
15 the Federal Government.

16 5. The capability and the willingness to serve all  
17 children referred to it from the protective investigation and  
18 court systems, regardless of the level of funding allocated to  
19 the community by the state, provided all related funding is  
20 transferred.

21 6. The willingness to ensure that each individual who  
22 provides child protective services completes the training  
23 required of child protective service workers by the Department  
24 of Children and Family Services.

25 (c)1. The Legislature finds that the state has  
26 traditionally provided foster care services to children who  
27 have been the responsibility of the state. As such, foster  
28 children have not had the right to recover for injuries beyond  
29 the limitations specified in s. 768.28. The Legislature has  
30 determined that foster care and related services need to be  
31 privatized pursuant to this section and that the provision of



1 such services is of paramount importance to the state. The  
2 purpose for such privatization is to increase the level of  
3 safety, security, and stability of children who are or become  
4 the responsibility of the state. One of the components  
5 necessary to secure a safe and stable environment for such  
6 children is that private providers maintain liability  
7 insurance. As such, insurance needs to be available and remain  
8 available to nongovernmental foster care and related services  
9 providers without the resources of such providers being  
10 significantly reduced by the cost of maintaining such  
11 insurance.

12 2. The Legislature further finds that, by requiring  
13 the following minimum levels of insurance, children in  
14 privatized foster care and related services will gain  
15 increased protection and rights of recovery in the event of  
16 injury than provided for in s. 768.28.

17 (d) Any eligible lead community-based provider, as  
18 defined in paragraph (b), or its employees or officers, except  
19 as otherwise provided in paragraph (e), must, as a part of its  
20 contract, obtain a minimum of \$1 million per claim/\$3 million  
21 per incident in general liability insurance coverage. In any  
22 tort action brought against such an eligible lead  
23 community-based provider, net economic damages shall be  
24 limited to \$1 million per claim, including, but not limited  
25 to, past and future medical expenses, wage loss, and loss of  
26 earning capacity, offset by any collateral source payment paid  
27 or payable. In any tort action brought against such an  
28 eligible lead community-based provider, noneconomic damages  
29 shall be limited to \$200,000 per claim. This paragraph does  
30 not preclude the filing of a claims bill pursuant to s. 768.28  
31 by the claimant for any amount exceeding the limits specified

1 in this paragraph. Any offset of collateral source payments  
2 made as of the date of the settlement or judgment shall be in  
3 accordance with s. 768.76. The lead community-based provider  
4 shall not be liable in tort for the acts or omissions of its  
5 subcontractors or the officers, agents, or employees of its  
6 subcontractors.

7 (e) The liability of an eligible lead community-based  
8 provider described in this section shall be exclusive and in  
9 place of all other liability of such provider. The same  
10 immunities from liability enjoyed by such providers shall  
11 extend as well to each employee of the provider when such  
12 employee is acting in furtherance of the provider's business.  
13 Such immunities shall not be applicable to a provider or an  
14 employee who acts in a culpably negligent manner or with  
15 willful and wanton disregard or unprovoked physical aggression  
16 when such acts result in injury or death or such acts  
17 proximately cause such injury or death; nor shall such  
18 immunities be applicable to employees of the same provider  
19 when each is operating in the furtherance of the provider's  
20 business, but they are assigned primarily to unrelated works  
21 within private or public employment. The same immunity  
22 provisions enjoyed by a provider shall also apply to any sole  
23 proprietor, partner, corporate officer or director,  
24 supervisor, or other person who in the course and scope of his  
25 or her duties acts in a managerial or policymaking capacity  
26 and the conduct that caused the alleged injury arose within  
27 the course and scope of those managerial or policymaking  
28 duties. Culpable negligence is defined as reckless  
29 indifference or grossly careless disregard of human life.

30 (f) Any subcontractor of an eligible lead  
31 community-based provider, as defined in paragraph (b), which

1 is a direct provider of foster care and related services to  
2 children and families, and its employees or officers, except  
3 as otherwise provided in paragraph (e), must, as a part of its  
4 contract, obtain a minimum of \$1 million per claim/\$3 million  
5 per incident in general liability insurance coverage. In any  
6 tort action brought against such subcontractor, net economic  
7 damages shall be limited to \$1 million per claim, including,  
8 but not limited to, past and future medical expenses, wage  
9 loss, and loss of earning capacity, offset by any collateral  
10 source payment paid or payable. In any tort action brought  
11 against such subcontractor, noneconomic damages shall be  
12 limited to \$200,000 per claim. This paragraph does not  
13 preclude the filing of a claims bill pursuant to section s.  
14 768.28 by the claimant for any amount exceeding the limits  
15 specified in this paragraph. Any offset of collateral source  
16 payments made as of the date of the settlement or judgment  
17 shall be in accordance with s. 768.76.

18 (g) The liability of a subcontractor of an eligible  
19 lead community-based provider that is a direct provider of  
20 foster care and related services as described in this section  
21 shall be exclusive and in place of all other liability of such  
22 provider. The same immunities from liability enjoyed by such  
23 subcontractor provider shall extend as well to each employee  
24 of the subcontractor when such employee is acting in  
25 furtherance of the subcontractor's business. Such immunities  
26 shall not be applicable to a subcontractor or an employee who  
27 acts in a culpably negligent manner or with willful and wanton  
28 disregard or unprovoked physical aggression when such acts  
29 result in injury or death or such acts proximately cause such  
30 injury or death; nor shall such immunities be applicable to  
31 employees of the same subcontractor when each is operating in

1 the furtherance of the subcontractor's business, but they are  
2 assigned primarily to unrelated works within private or public  
3 employment. The same immunity provisions enjoyed by a  
4 subcontractor shall also apply to any sole proprietor,  
5 partner, corporate officer or director, supervisor, or other  
6 person who in the course and scope of his or her duties acts  
7 in a managerial or policymaking capacity and the conduct that  
8 caused the alleged injury arose within the course and scope of  
9 those managerial or policymaking duties. Culpable negligence  
10 is defined as reckless indifference or grossly careless  
11 disregard of human life.

12 (h) The Legislature is cognizant of the increasing  
13 costs of goods and services each year and recognizes that  
14 fixing a set amount of compensation actually has the effect of  
15 a reduction in compensation each year. Accordingly, the  
16 conditional limitations on damages in this section shall be  
17 increased at the rate of 5 percent each year, prorated from  
18 the effective date of this paragraph to the date at which  
19 damages subject to such limitations are awarded by final  
20 judgment or settlement.

21 (2)(a) The department may contract for the delivery,  
22 administration, or management of protective services, the  
23 services specified in subsection (1) relating to foster care,  
24 and other related services or programs, as appropriate. The  
25 department shall retain responsibility for the quality of  
26 contracted services and programs and shall ensure that  
27 services are delivered in accordance with applicable federal  
28 and state statutes and regulations.

29 (b) Persons employed by the department in the  
30 provision of foster care and related services whose positions  
31 are being privatized pursuant to this statute shall be given

1 hiring preference by the provider, if provider qualifications  
2 are met.

3 (3)(a) The department shall establish a quality  
4 assurance program for privatized services. The quality  
5 assurance program may be performed by a national accrediting  
6 organization such as the Council on Accreditation of Services  
7 for Families and Children, Inc. (COA) or the Council on  
8 Accreditation of Rehabilitation Facilities (CARF). The  
9 department shall develop a request for proposal for such  
10 oversight. This program must be developed and administered at  
11 a statewide level. The Legislature intends that the department  
12 be permitted to have limited flexibility to use funds for  
13 improving quality assurance. To this end, effective January 1,  
14 2000, the department may transfer up to 0.125 percent of the  
15 total funds from categories used to pay for these  
16 contractually provided services, but the total amount of such  
17 transferred funds may not exceed \$300,000 in any fiscal year.  
18 When necessary, the department may establish, in accordance  
19 with s. 216.177, additional positions that will be exclusively  
20 devoted to these functions. Any positions required under this  
21 paragraph may be established, notwithstanding ss.  
22 216.262(1)(a) and 216.351. The department, in consultation  
23 with the community-based agencies that are undertaking the  
24 privatized projects, shall establish minimum thresholds for  
25 each component of service, consistent with standards  
26 established by the Legislature. Each program operated under  
27 contract with a community-based agency must be evaluated  
28 annually by the department. The department shall submit an  
29 annual report regarding quality performance, outcome measure  
30 attainment, and cost efficiency to the President of the  
31 Senate, the Speaker of the House of Representatives, the

1 minority leader of each house of the Legislature, and the  
2 Governor no later than January 31 of each year for each  
3 project in operation during the preceding fiscal year.

4 (b) The department shall use these findings in making  
5 recommendations to the Governor and the Legislature for future  
6 program and funding priorities in the child welfare system.

7 (4)(a) The community-based agency must comply with  
8 statutory requirements and agency rules in the provision of  
9 contractual services. Each foster home, therapeutic foster  
10 home, emergency shelter, or other placement facility operated  
11 by the community-based agency or agencies must be licensed by  
12 the Department of Children and Family Services under chapter  
13 402 or this chapter. Each community-based agency must be  
14 licensed as a child-caring or child-placing agency by the  
15 department under this chapter. The department, in order to  
16 eliminate or reduce the number of duplicate inspections by  
17 various program offices, shall coordinate inspections required  
18 pursuant to licensure of agencies under this section.

19 (b) Substitute care providers who are licensed under  
20 s. 409.175 and have contracted with a lead agency authorized  
21 under this section shall also be authorized to provide  
22 registered or licensed family day care under s. 402.313, if  
23 consistent with federal law and if the home has met:

- 24 1. The requirements of s. 402.313; and  
25 2. The requirements of s. 402.281 and has received  
26 Gold Seal Quality Care designation.

27 (c) A dually licensed home under this section shall be  
28 eligible to receive both the foster care board rate and the  
29 subsidized child care rate for the same child only if care is  
30 provided 24 hours a day. The subsidized child care rate shall  
31 be no more than the approved full-time rate.

1           (5) Beginning January 1, 1999, and continuing at least  
2 through June 30, 2000 ~~December 31, 1999~~, the Department of  
3 Children and Family Services shall privatize all foster care  
4 and related services in district 5 while continuing to  
5 contract with the current model programs in districts 1, 4,  
6 and 13, and in subdistrict 8A, and shall expand the  
7 subdistrict 8A pilot program to incorporate Manatee County.  
8 Planning for the district 5 privatization shall be done by  
9 providers that are currently under contract with the  
10 department for foster care and related services and shall be  
11 done in consultation with the department. A lead provider of  
12 the district 5 program shall be competitively selected, must  
13 demonstrate the ability to provide necessary comprehensive  
14 services through a local network of providers, and must meet  
15 criteria established in this section. Contracts with  
16 organizations responsible for the model programs must include  
17 the management and administration of all privatized services  
18 specified in subsection (1). However, the department may use  
19 funds for contract management only after obtaining written  
20 approval from the Executive Office of the Governor. The  
21 request for such approval must include, but is not limited to,  
22 a statement of the proposed amount of such funds and a  
23 description of the manner in which such funds will be used. If  
24 the community-based organization selected for a model program  
25 under this subsection is not a Medicaid provider, the  
26 organization shall be issued a Medicaid provider number  
27 pursuant to s. 409.907 for the provision of services currently  
28 authorized under the state Medicaid plan to those children  
29 encompassed in this model and in a manner not to exceed the  
30 current level of state expenditure.  
31

1           (6) Each district and subdistrict that participates in  
2 the model program effort or any future privatization effort as  
3 described in this section must thoroughly analyze and report  
4 the complete direct and indirect costs of delivering these  
5 services through the department and the full cost of  
6 privatization, including the cost of monitoring and evaluating  
7 the contracted services.

8           Section 3. Subsection (24) is added to section  
9 409.906, Florida Statutes, 1998 Supplement, to read:

10           409.906 Optional Medicaid services.--Subject to  
11 specific appropriations, the agency may make payments for  
12 services which are optional to the state under Title XIX of  
13 the Social Security Act and are furnished by Medicaid  
14 providers to recipients who are determined to be eligible on  
15 the dates on which the services were provided. Any optional  
16 service that is provided shall be provided only when medically  
17 necessary and in accordance with state and federal law.  
18 Nothing in this section shall be construed to prevent or limit  
19 the agency from adjusting fees, reimbursement rates, lengths  
20 of stay, number of visits, or number of services, or making  
21 any other adjustments necessary to comply with the  
22 availability of moneys and any limitations or directions  
23 provided for in the General Appropriations Act or chapter 216.  
24 Optional services may include:

25           (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The  
26 Agency for Health Care Administration, in consultation with  
27 the Department of Children and Family Services, may establish  
28 a targeted case-management pilot project in those counties  
29 identified by the Department of Children and Family Services  
30 and for the community-based child welfare project in Sarasota  
31 and Manatee counties, as authorized under s. 409.1671. These



1 projects shall be established for the purpose of determining  
2 the impact of targeted case management on the child welfare  
3 program and the earnings from the child welfare program.  
4 Results of the pilot projects shall be reported to the Child  
5 Welfare Estimating Conference and the Social Services  
6 Estimating Conference established under s. 216.136. The number  
7 of projects may not be increased until requested by the  
8 Department of Children and Family Services, recommended by the  
9 Child Welfare Estimating Conference and the Social Services  
10 Estimating Conference, and approved by the Legislature. The  
11 covered group of individuals who are eligible to receive  
12 targeted case management include children who are eligible for  
13 Medicaid; who are between the ages of birth through 21; and  
14 who are under protective supervision or postplacement  
15 supervision, under foster-care supervision, or in shelter care  
16 or foster care. The number of individuals who are eligible to  
17 receive targeted case management shall be limited to the  
18 number for whom the Department of Children and Family Services  
19 has available matching funds to cover the costs. The general  
20 revenue funds required to match the funds for services  
21 provided by the community-based child welfare projects are  
22 limited to funds available for services described under s.  
23 409.1671. The Department of Children and Family Services may  
24 transfer the general revenue matching funds as billed by the  
25 Agency for Health Care Administration.

26           Section 4. If any provision of this act or the  
27 application thereof to any person or circumstance is held  
28 invalid, the invalidity does not affect other provisions or  
29 applications of the act which can be given effect without the  
30 invalid provision or application, and to this end the  
31 provisions of this act are declared severable.

1           Section 5. Subsections (2) and (7) of section 39.013,  
2 Florida Statutes, 1998 Supplement, are amended to read:

3           39.013 Procedures and jurisdiction; right to  
4 counsel.--

5           (2) The circuit court shall have exclusive original  
6 jurisdiction of all proceedings under this chapter, of a child  
7 voluntarily placed with a licensed child-caring agency, a  
8 licensed child-placing agency, or the department, and of the  
9 adoption of children whose parental rights have been  
10 terminated pursuant to this chapter. Jurisdiction attaches  
11 when the initial shelter petition, dependency petition, or  
12 termination of parental rights petition is filed or when a  
13 child is taken into the custody of the department. The circuit  
14 court may assume jurisdiction over any such proceeding  
15 regardless of whether the child was in the physical custody of  
16 both parents, was in the sole legal or physical custody of  
17 only one parent, caregiver, or some other person, or was in  
18 the physical or legal custody of no person when the event or  
19 condition occurred that brought the child to the attention of  
20 the court. When the court obtains jurisdiction of any child  
21 who has been found to be dependent, the court shall retain  
22 jurisdiction, unless relinquished by its order, until the  
23 child reaches 18 years of age, and may retain jurisdiction of  
24 such individual until he or she reaches 21 years of age.

25           (7) For any child who remains in the custody or under  
26 the supervision of the department, the court shall, within the  
27 6-month period before the child's 18th birthday, hold a  
28 hearing to review the progress of the child while in the  
29 custody or under the supervision of the department.

30 Thereafter, an annual review shall be conducted during the  
31

1 time the child remains in the custody of or under the  
2 supervision of the department.

3 Section 6. Paragraph (b) of subsection (3) of section  
4 409.145, Florida Statutes, 1998 Supplement, is amended to  
5 read:

6 409.145 Care of children.--

7 (3)

8 (b) The services of the foster care program shall  
9 continue for those individuals 18 to 21 years of age only for  
10 the period of time the individual is continuously enrolled in  
11 high school, in a program leading to a high school equivalency  
12 diploma as defined in s. 229.814, or in a full-time career  
13 education program. Services may ~~shall~~ be terminated upon  
14 completion of or withdrawal or permanent expulsion from high  
15 school, the program leading to a high school equivalency  
16 diploma, or the full-time career education program, subject to  
17 the review of the juvenile court.

18 Section 7. Section 39.4085, Florida Statutes, is  
19 created to read:

20 39.4085 Legislative findings and declaration of intent  
21 for goals for dependent children.--The Legislature finds and  
22 declares that the design and delivery of child welfare  
23 services should be directed by the principle that the health  
24 and safety of children should be of paramount concern and,  
25 therefore, establishes the following goals for children in  
26 shelter or foster care:

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

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

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

9           (4) To have personnel providing services who are  
10 sufficiently qualified and experienced to assess the risk  
11 children face prior to removal from their homes and to meet  
12 the needs of the children once they are in the custody of the  
13 department.

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

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

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

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

31

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

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

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

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

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

18           (14) To receive regular communication with a  
19 caseworker, at least once a month, which shall include meeting  
20 with the child alone and conferring with the shelter or foster  
21 caregiver.

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

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

26           (17) To receive a free and appropriate education;  
27 minimal disruption to their education and retention in their  
28 home school, if appropriate; referral to the child study team;  
29 all special educational services, including, where  
30 appropriate, the appointment of a parent surrogate; the  
31 sharing of all necessary information between the school board

1 and the department, including information on attendance and  
2 educational progress.

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

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

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

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

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

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

27  
28 The provisions of this section establish goals and not rights.  
29 Nothing in this section shall be interpreted as requiring the  
30 delivery of any particular service or level of service in  
31 excess of existing appropriations. No person shall have a

1 cause of action against the state or any of its subdivisions,  
2 agencies, contractors, subcontractors, or agents, based upon  
3 the adoption of or failure to provide adequate funding for the  
4 achievement of these goals by the Legislature. Nothing herein  
5 shall require the expenditure of funds to meet the goals  
6 established herein except funds specifically appropriated for  
7 such purpose.

8           Section 8. This act shall take effect upon becoming a  
9 law.

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