

By Senator Dawson

30-61C-00

1                                   A bill to be entitled  
2           An act relating to relative caregiving;  
3           amending s. 39.5085, F.S.; providing  
4           legislative intent; prescribing the date of  
5           entitlement to benefits under the Relative  
6           Caregiver Program; authorizing the Department  
7           of Children and Family Services to transfer  
8           TANF savings to the Title XX Social Services  
9           Block Grant to provide program benefits;  
10          exempting children receiving relative caregiver  
11          benefits from the Work and Gain Economic  
12          Self-sufficiency (WAGES) Act; amending s.  
13          239.117, F.S.; exempting certain postsecondary  
14          students who are receiving caregiving services  
15          from paying registration, matriculation, and  
16          laboratory fees; requiring the department to  
17          establish a pilot Relative Caregiver Program;  
18          requiring a report to the Legislature;  
19          providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23           Section 1. Paragraph (c) of subsection (1) and  
24           subsection (2) of section 39.5085, Florida Statutes, are  
25           amended to read:

26           39.5085 Relative Caregiver Program.--

27           (1) It is the intent of the Legislature in enacting  
28           this section to:

29           (c) Recognize that permanency is in the best interest  
30           of the child and can be achieved through a variety of  
31           permanency options, including long-term relative custody,

1 guardianship, or adoption, and to provide additional placement  
2 options and incentives that will achieve permanency and  
3 stability for many children who are otherwise at risk of  
4 foster care placement ~~because of abuse, abandonment, or~~  
5 ~~neglect, but who may successfully be able to be placed by the~~  
6 ~~dependency court in the care of such relatives.~~

7 (2)(a) The Department of Children and Family Services  
8 shall establish and operate the Relative Caregiver Program  
9 pursuant to eligibility guidelines established in this section  
10 as further implemented by rule of the department. The Relative  
11 Caregiver Program shall, within the limits of available  
12 funding, provide financial assistance to relatives who are  
13 within the fifth degree by blood or marriage to the parent or  
14 stepparent of a child and who are caring full-time for that  
15 child in the role of substitute parent as a result of a  
16 court's determination of child abuse, neglect, or abandonment  
17 and subsequent placement with the relative pursuant to this  
18 chapter. Such placement may be either court-ordered temporary  
19 legal custody to the relative awarded by a state court of  
20 competent jurisdiction pursuant to s. 39.508(9)(a)4., or  
21 court-ordered placement in the home of a relative under  
22 protective supervision of the department pursuant to s.  
23 39.508(9)(a)3. The Relative Caregiver Program shall offer  
24 financial assistance to caregivers who are relatives and who  
25 would be unable to serve in that capacity without the relative  
26 caregiver payment because of financial burden, thus exposing  
27 the child to the trauma of placement in a shelter or in foster  
28 care.

29 (b) Caregivers who are relatives and who receive  
30 assistance under this section must be capable, as determined  
31 by a home study, of providing a physically safe environment

1 and a stable, supportive home for the children under their  
2 care, and must assure that the children's well-being is met,  
3 including, but not limited to, the provision of immunizations,  
4 education, and mental health services as needed.

5 (c) Relatives who qualify for and participate in the  
6 Relative Caregiver Program are not required to meet foster  
7 care licensing requirements under s. 409.175.

8 (d) Relatives who are caring for children placed with  
9 them by a ~~the~~ court ~~pursuant to this chapter~~ shall receive a  
10 special monthly relative caregiver benefit established by rule  
11 of the department. The amount of the special benefit payment  
12 shall be based on the child's age within a payment schedule  
13 established by rule of the department and subject to  
14 availability of funding. The statewide average monthly rate  
15 for children judicially placed with relatives who are not  
16 licensed as foster homes may not exceed 82 percent of the  
17 statewide average foster care rate, nor may the cost of  
18 providing the assistance described in this section to any  
19 relative caregiver exceed the cost of providing out-of-home  
20 care in emergency shelter or foster care.

21 (e) Children receiving cash benefits under this  
22 section are not eligible to simultaneously receive WAGES cash  
23 benefits under chapter 414.

24 (f) The date of entitlement to benefits under the  
25 Relative Caregiver Program is the date of authorization of  
26 payment or the 30th day after the submission of a signed and  
27 dated application for benefits, whichever occurs first. The  
28 child is eligible for retroactive benefits to the date of  
29 entitlement if the application is not acted upon by the 30th  
30 day after submission of the signed and dated application for  
31 benefits.

1            (g)~~(f)~~ Within available funding, the Relative  
2 Caregiver Program shall provide relative caregivers with  
3 family support and preservation services, flexible funds in  
4 accordance with s. 409.165, subsidized child care, and other  
5 available services in order to support the child's safety,  
6 growth, and healthy development. Children living with  
7 relative caregivers who are receiving assistance under this  
8 section shall be eligible for Medicaid coverage.

9            (h)~~(g)~~ The department may use appropriate available  
10 state, federal, and private funds to operate the Relative  
11 Caregiver Program. The department may transfer TANF savings to  
12 the Title XX Social Services Block Grant in order to provide  
13 benefits under the Relative Caregiver Program. Any child  
14 receiving relative-caregiver benefits is not subject to the  
15 provisions of the Work and Gain Economic Self-sufficiency  
16 (WAGES) Act. The child must be recertified as eligible for  
17 benefits under the Relative Caregiver Program once each year  
18 by the department.

19            Section 2. Paragraph (c) of subsection (4) of section  
20 239.117, Florida Statutes, is amended to read:

21            239.117 Workforce development postsecondary student  
22 fees.--

23            (4) The following students are exempt from the payment  
24 of registration, matriculation, and laboratory fees:

25            (c) A student for whom the state is paying a foster  
26 care board payment pursuant to s. 409.145(3) or pursuant to  
27 parts II and III of chapter 39, or is paying a relative  
28 caregiver payment under s. 39.5085,for whom the permanency  
29 planning goal pursuant to ~~part III~~ of chapter 39 is long-term  
30 foster care, custody to a foster parent or legal custodian on  
31 a permanent basis, long-term relative placement, custody to a

1 relative on a permanent basis, or independent living, or who  
2 is adopted from the Department of Children and Family Services  
3 after May 5, 1997. Such exemption includes fees associated  
4 with enrollment in vocational-preparatory instruction and  
5 completion of the college-level communication and computation  
6 skills testing program. Such exemption shall be available to  
7 any student adopted from the Department of Children and Family  
8 Services after May 5, 1997; however, the exemption shall be  
9 valid for no more than 4 years after the date of graduation  
10 from high school.

11 Section 3. The Department of Children and Family  
12 Services shall establish, or contract on a pilot-project basis  
13 with a privatized, community-based organization for the  
14 operation of the Relative Caregiver Program in one urban  
15 district. The contract terms must include the establishment of  
16 eligibility, the conduct of home studies, and the processing  
17 of payments. The department shall report to the Legislature by  
18 January 1, 2001, on the success of the pilot project in  
19 reducing delays in the application process and in serving  
20 eligible applicants.

21 Section 4. This act shall take effect July 1, 2000.

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24 SENATE SUMMARY

25 Provides legislative intent relating to the Relative  
26 Caregiver Program. Prescribes the date of entitlement for  
27 program benefits. Authorizes the Department of Children  
28 and Family Services to transfer TANF savings to the Title  
29 XX Social Services Block Grant to provide program  
30 benefits. Exempts children receiving relative caregiver  
31 benefits from the Work and Gain Economic Self-sufficiency  
(WAGES) Act. Exempts certain postsecondary students who  
are receiving caregiving services from paying  
registration, matriculation, and laboratory fees.  
Requires the department to establish a pilot Relative  
Caregiver Program. Requires a report to the Legislature.