

By Senator Storms

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.001,
3 F.S.; adding family-centered practice to the
4 principles upon which the child protection system
5 should be based; amending s. 39.01, F.S.; conforming a
6 cross-reference; amending s. 39.0121, F.S.; conforming
7 cross-references; amending s. 39.013, F.S.; conforming
8 terms; amending s. 39.202, F.S.; requiring the
9 Department of Children and Family Services to
10 permanently keep all records of child abuse,
11 abandonment, and neglect which relate to services
12 provided to the child; requiring the department to
13 notify the child's legal custodian or the adult child
14 of how such records may be obtained; requiring the
15 department to adopt rules; amending s. 39.301, F.S.;
16 providing definitions; providing for a safety
17 assessment as part of child protective investigations;
18 deleting provisions relating to preliminary
19 determinations, when to file petitions for dependency,
20 when to conduct onsite and enhanced onsite protective
21 investigations, when certain services should be
22 provided, certain training requirements, and certain
23 rule adoption requirements; providing a directive to
24 the Division of Statutory Revision; repealing ss.
25 39.311, 39.312, 39.313, 39.314, 39.315, 39.316,
26 39.317, 39.318, F.S., relating to the Family Builders
27 Program; creating s. 39.320, F.S.; providing
28 legislative findings and intent relating to family-
29 centered practice; creating s. 39.321, F.S.; providing

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30 goals for family-centered practice; creating s.
31 39.322, F.S.; providing principles for family-centered
32 practice; authorizing the department to adopt rules;
33 creating s. 39.323, F.S.; authorizing the department
34 to use certain funds for delivering family-centered
35 practice services; amending s. 39.504, F.S.; revising
36 provisions relating to an injunction to protect a
37 child; requiring the petition to be verified;
38 providing for hearings; amending s. 39.823, F.S.;
39 conforming a cross-reference; amending s. 409.1451,
40 F.S.; conforming terms relating to dependency
41 placement; allowing a participant in the Road-to-
42 Independence program to be reinstated; amending s.
43 409.1671, F.S.; requiring the Department of Children
44 and Family Services to ensure that contracts with
45 community-based agencies are funded by general revenue
46 and federal funding sources; requiring the agencies to
47 document federal earnings and to return undocumented
48 earnings to the department; permitting contracts with
49 the agencies to be increased by excess earnings;
50 authorizing the department to outsource certain
51 functions relating to the agencies; permitting certain
52 expenditures by the agencies; requiring that fixed-
53 price contracts with the agencies have a 2-month
54 advance and that interest on the advance be retained
55 by the agencies to expend on allowable child welfare
56 services; providing an effective date.

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

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Section 1. Paragraph (b) of subsection (1) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

(b) To recognize that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children. Therefore, the Legislature finds that policies and procedures that provide for prevention and intervention through the department's child protection system should be based on the following principles:

1. The health and safety of the children served shall be of paramount concern.

2. Family-centered practice as provided in part IV of this chapter if the department determines that the child will be safe and it is in the child's best interests.

~~3.2.~~ The prevention and intervention should engage families in constructive, supportive, and nonadversarial relationships.

~~4.3.~~ The prevention and intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and take the most parsimonious path to remedy a family's problems.

~~5.4.~~ The prevention and intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

Section 2. Subsection (10) of section 39.01, Florida

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88 Statutes, is amended to read:

89 39.01 Definitions.—When used in this chapter, unless the
90 context otherwise requires:

91 (10) "Caregiver" means the parent, legal custodian,
92 permanent guardian, adult household member, or other person
93 responsible for a child's welfare as defined in subsection (47)
94 ~~(46)~~.

95 Section 3. Subsection (10) and paragraph (b) of subsection
96 (16) of section 39.0121, Florida Statutes, are amended to read:

97 39.0121 Specific rulemaking authority.—Pursuant to the
98 requirements of s. 120.536, the department is specifically
99 authorized to adopt, amend, and repeal administrative rules
100 which implement or interpret law or policy, or describe the
101 procedure and practice requirements necessary to implement this
102 chapter, including, but not limited to, the following:

103 (10) The ~~Family Builders Program, the~~ Intensive Crisis
104 Counseling Program, and any other early intervention programs
105 and kinship care assistance programs.

106 (16) Provisions for reporting, locating, recovering, and
107 stabilizing children whose whereabouts become unknown while they
108 are involved with the department and for preventing recurrences
109 of such incidents. At a minimum, the rules must:

110 (b) Include criteria to determine when a child is missing
111 for purposes of making a report to a law enforcement agency, and
112 require that in all cases in which a law enforcement agency has
113 accepted a case for criminal investigation pursuant to s. 39.301
114 ~~s. 39.301(2)(c)~~ and the child's whereabouts are unknown, the
115 child shall be considered missing and a report made.

116 Section 4. Subsection (2) of section 39.013, Florida

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117 Statutes, is amended to read:

118 39.013 Procedures and jurisdiction; right to counsel.—

119 (2) The circuit court has exclusive original jurisdiction
120 of all proceedings under this chapter, of a child voluntarily
121 placed with a licensed child-caring agency, a licensed child-
122 placing agency, or the department, and of the adoption of
123 children whose parental rights have been terminated under this
124 chapter. Jurisdiction attaches when a petition for injunction
125 issued pursuant to s. 39.504, the initial shelter petition,
126 dependency petition, or termination of parental rights petition
127 is filed or when a child is taken into the custody of the
128 department. The circuit court may assume jurisdiction over any
129 such proceeding regardless of whether the child was in the
130 physical custody of both parents, was in the sole legal or
131 physical custody of only one parent, caregiver, or some other
132 person, or was in the physical or legal custody of no person
133 when the event or condition occurred which ~~that~~ brought the
134 child to the attention of the court. If ~~When~~ the court obtains
135 jurisdiction of any child who has been found to be dependent,
136 the court shall retain jurisdiction, unless relinquished by its
137 order, until the child reaches 18 years of age. However:7

138 (a) If a youth petitions the court at any time before his
139 or her 19th birthday requesting the court's continued
140 jurisdiction, the juvenile court may retain jurisdiction under
141 this chapter for up to a period not to exceed 1 year following
142 the youth's 18th birthday for the purpose of determining whether
143 appropriate aftercare support, Road-to-Independence Program,
144 transitional support, mental health, and developmental
145 disability services, to the extent otherwise authorized by law,

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146 have been provided to the formerly dependent child who was in
147 the legal custody of the department immediately before his or
148 her 18th birthday.

149 (b) If a petition for special immigrant juvenile status and
150 an application for adjustment of status have been filed on
151 behalf of a foster child and the petition and application have
152 not been granted by the time the child reaches 18 years of age,
153 the court may retain jurisdiction over the dependency case
154 solely for the purpose of allowing the continued consideration
155 of the petition and application by federal authorities. Review
156 hearings for the child shall be set solely for the purpose of
157 determining the status of the petition and application. The
158 court's jurisdiction terminates upon the final decision of the
159 federal authorities. Retention of jurisdiction in this instance
160 does not affect the services available to a young adult under s.
161 409.1451. The court may not retain jurisdiction of the case
162 after the immigrant child's 22nd birthday.

163 Section 5. Subsection (7) of section 39.202, Florida
164 Statutes, is amended to read:

165 39.202 Confidentiality of reports and records in cases of
166 child abuse or neglect.—

167 (7) The department shall make and keep reports and records
168 of all cases under this chapter relating to child abuse,
169 abandonment, and neglect and shall preserve all records
170 pertaining to the provision of services to the child, including,
171 but not limited to, educational records, medical and dental
172 records, psychiatric and psychological records, as well as
173 photographs and all placement addresses consistent with
174 applicable law or rule. All other ~~the~~ records pertaining to the

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175 a child and family must be kept until 7 years after the last
176 entry was made or until the child is 18 years of age, whichever
177 date is later first reached, and may then be destroyed ~~destroy~~
178 ~~the records~~.

179 (a) Within 90 days after the child leaves department
180 custody, the department shall notify the person having legal
181 custody of the child, or the young adult who was in the
182 department's custody until his or her 18th birthday, in writing
183 how records may be obtained.

184 (b) Department records required by this chapter relating to
185 child abuse, abandonment, and neglect may be inspected only upon
186 order of the court or as provided for in this section.

187 (c) The department shall adopt rules regarding the format,
188 storage, retrieval and release of these records.

189 Section 6. Section 39.301, Florida Statutes, is amended to
190 read:

191 (Substantial rewording of section. See
192 s. 39.301, F.S., for present text.)

193 39.301 Initiation of protective investigations.-

194 (1) DEFINITIONS.-As used in this section, the term:

195 (a) "Criminal conduct or omission" means:

196 1. A child is known or suspected to be the victim of child
197 abuse, aggravated child abuse, or neglect of a child, as those
198 terms are defined in s. 827.03.

199 2. A child is known or suspected to have died as a result
200 of abuse or neglect.

201 3. A child is known or suspected to be the victim of sexual
202 battery, as defined in s. 827.071, or sexual abuse of a child,
203 as defined in s. 39.01.

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204 4. A child is known or suspected to be the victim of
205 institutional child abuse or neglect, as defined in s. 39.01,
206 and as contemplated in s. 39.302.

207 5. A child is known or suspected to be a victim of human
208 trafficking, as provided in s. 787.06.

209 (b) "Safe" means a condition in which the capacities of the
210 family are sufficient to protect the child from the presence or
211 imminent threat of serious harm.

212 (c) "Unsafe" means a condition in which the protective
213 capacities of the family are not sufficient to protect the child
214 from the presence or imminent threat of serious harm.

215 (d) "At risk" means the likelihood that a child will be
216 harmed in the future.

217 (2) REPORTS.—

218 (a) Upon receiving a report of known or suspected child
219 abuse, abandonment, or neglect, or that a child is in need of
220 supervision and care and does not have a caregiver immediately
221 known and available to provide supervision and care, the central
222 abuse hotline shall determine if the report requires an
223 immediate child protective investigation.

224 1. For reports requiring an immediate child protective
225 investigation, the central abuse hotline shall immediately
226 notify the department's designated staff or entity responsible
227 for child protective investigations in the applicable circuit to
228 ensure that an investigation is immediately initiated.

229 2. For reports not requiring an immediate child protective
230 investigation, the central abuse hotline shall notify the
231 department's designated staff or entity responsible for child
232 protective investigations in the applicable circuit in

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233 sufficient time to allow for a timely investigation.

234 (b) The department shall maintain a master file for each
235 child whose report is accepted by the central abuse hotline for
236 investigation. Such file must contain information on all reports
237 received concerning that child.

238 1. As part of the notification required under paragraph
239 (a), the central abuse hotline must provide information relating
240 to any previous report concerning any person who is a subject of
241 the current report and all available information concerning the
242 current report and all prior reports.

243 2. The file must be made available to any department staff
244 member, agent of the department, or contract provider who is
245 responsible for conducting a child protective investigation.

246 (c) If an investigation is closed and a person is not
247 identified as the caregiver who is responsible for the abuse,
248 neglect, or abandonment alleged in the report, the fact that a
249 person is named in some capacity in the report may not be used
250 to adversely affect the interests of that person. This applies
251 to the use of such information in employment screening,
252 licensing, child placement, adoption, or any other decisions by
253 a private adoption agency, a state agency, or its contracted
254 providers, except that a previous report may be used to
255 determine whether a child is safe and what the known risk is to
256 the child at any stage of a child-protection proceeding.

257 (3) CRIMINAL INVESTIGATIONS.—The department shall
258 immediately forward allegations of criminal conduct or omission
259 to the municipal or county law enforcement agency of the
260 municipality or county in which the alleged criminal conduct or
261 omission has occurred.

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262 (a) Upon receiving a written report of an allegation of
263 criminal conduct or omission from the department, the law
264 enforcement agency shall review the information in the written
265 report to determine whether a criminal investigation is
266 warranted. If the law enforcement agency accepts the case for
267 criminal investigation, it shall coordinate its investigative
268 activities with the department, if feasible. If the law
269 enforcement agency does not accept the case for criminal
270 investigation, the agency shall notify the department in
271 writing.

272 (b) Pursuant to a criminal investigation, photographs
273 documenting child abuse, abandonment, or neglect may be taken
274 when appropriate.

275 (c) The agreement with the local law enforcement agency
276 required by s. 39.306 must describe the specific local protocols
277 for implementing this section.

278 (d) Within 15 days after a case is reported to the state
279 attorney pursuant to this chapter, he or she shall report his or
280 her findings to the department and shall include in the report a
281 determination of whether or not prosecution is justified and
282 appropriate in view of the circumstances of the specific case.

283 (4) CHILD PROTECTIVE INVESTIGATIONS.—

284 (a) To the extent practical, all child protective
285 investigations shall be conducted or supervised by a single
286 child protective investigator in order to facilitate broad
287 knowledge and understanding of the child's history.

288 1. If a new investigator is assigned to investigate a
289 second or subsequent report involving a child, a
290 multidisciplinary staffing shall be conducted which includes new

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291 and prior investigators, their supervisors, and appropriate
292 private providers in order to ensure, to the extent possible,
293 that there is coordination among all parties.

294 2. The department may adopt rules that ensure that all
295 required investigative activities, including a review of the
296 child's complete investigative and protective services history,
297 are completed by the investigator, reviewed by the supervisor in
298 a timely manner, and signed and dated by both the investigator
299 and the investigator's supervisor.

300 (b) A child protective investigator's visit to the
301 household and face-to-face interviews with the child or family
302 shall be without advance notice unless it is determined by the
303 child protective investigator that an unannounced visit would
304 threaten the safety of the child.

305 (c) If the child protective investigator is denied
306 reasonable access to a child by the child's caregivers and the
307 investigator deems that the best interests of the child so
308 requires, he or she shall seek an appropriate court order or
309 other legal authority before examining and interviewing the
310 child.

311 (d) Upon commencing the investigation, the child protective
312 investigator shall inform any subject of the investigation:

313 1. The names of the investigators and identifying
314 credentials from the department;

315 2. The purpose of the investigation; and

316 3. The right to obtain his or her own attorney and how the
317 information provided by the subject may be used.

318 (e) In addition to the requirements of paragraph (d), the
319 child protective investigator shall inform the parent or legal

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320 custodian of the child:

321 1. The possible outcomes of the investigation and the
322 availability of department services;

323 2. The right of the parent or legal custodian to be
324 involved to the fullest extent possible in determining the
325 nature of the allegation and any identified problems;

326 3. The right of the parent or legal custodian to refuse
327 services, as well as the responsibility of the department to
328 protect the child regardless of the acceptance or refusal of
329 services; and

330 4. The duty of the parent or legal custodian to report any
331 change in the residence or location of the child to the
332 investigator and that the duty to report continues until the
333 investigation is closed.

334 (f) If, after having been notified of the requirement to
335 report a change in residence or location of the child to the
336 child protective investigator, a parent or legal custodian
337 causes the child to move, or allows the child to be moved, to a
338 different residence or location, or if the child leaves the
339 residence on his or her own accord and the parent or legal
340 custodian do not notify the child protective investigator of the
341 move within 2 business days, the child may be considered to be a
342 missing child for the purposes of filing a report with a law
343 enforcement agency under s. 937.021.

344 (g) The department shall orally notify the jurisdictionally
345 responsible state attorney, and county sheriff's office or local
346 police department, and, within 3 working days, transmit a full
347 written report to those agencies immediately upon learning
348 during the course of an investigation that:

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- 349 1. The immediate safety or well-being of a child is
350 endangered;
- 351 2. The family is likely to flee;
- 352 3. A child died as a result of abuse, abandonment, or
353 neglect;
- 354 4. A child is a victim of aggravated child abuse as defined
355 in s. 827.03; or
- 356 5. A child is a victim of sexual battery or sexual abuse.
357
- 358 The law enforcement agency shall review the report and determine
359 whether a criminal investigation needs to be conducted and shall
360 assume lead responsibility for all criminal fact-finding
361 activities. A criminal investigation shall be coordinated,
362 whenever possible, with the child protective investigation of
363 the department. Any interested person who has information
364 regarding an offense described in this paragraph may forward a
365 statement to the state attorney as to whether prosecution is
366 warranted and appropriate.
- 367 (h) The department shall complete its protective
368 investigation within 60 days after receiving the initial report,
369 unless:
- 370 1. There is also an active, concurrent criminal
371 investigation that is continuing beyond the 60-day period and
372 the closure of the protective investigation may compromise
373 successful criminal prosecution of the child abuse, abandonment,
374 or neglect case, in which case the closure date shall coincide
375 with the closure date of the criminal investigation and any
376 resulting legal action.
- 377 2. In child death cases, the final report of the medical

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378 examiner is necessary for the department to close an
379 investigation. If the report has not been received within the
380 60-day period, the closure date shall be extended to accommodate
381 receipt and consideration of the medical examiner's report.

382 3. If a child who is necessary to an investigation has been
383 declared missing by the department, a law enforcement agency, or
384 a court, the 60-day period shall be extended until the child has
385 been located or until sufficient information exists to close the
386 investigation despite the unknown location of the child.

387 (i) If a petition for dependency is not being filed by the
388 department, the person or agency originating the report shall be
389 advised of the right to file a dependency petition pursuant to
390 this chapter.

391 (5) SAFETY ASSESSMENT.—For each report received by the
392 central abuse hotline alleging child abuse, abandonment, or
393 neglect, the department or the sheriff providing child
394 protective investigation services under s. 39.3065, shall, as
395 part of the child protective investigation, perform a safety
396 assessment through the use and completion of a standardized
397 safety assessment instrument to determine if the child is safe,
398 unsafe, or at risk.

399 (a) The safety assessment shall be completed as soon as
400 possible, but no later than 48 hours after initial contact with
401 the alleged victim. At a minimum, the safety assessment must
402 include:

403 1. Face-to-face interviews with the child, parents and
404 legal custodians, siblings, caregivers, and other adults in the
405 household.

406 2. Collateral contacts with individuals likely to have

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407 first-hand knowledge of the family, specifically including the
408 reporter.

409 3. A determination of the composition of the family or
410 household, including the name, address, birth date, social
411 security number, gender, and race of each child named in the
412 report, each sibling of each such child, any other child in the
413 household or in the care of the same caregiver, and any other
414 adults living in the household.

415 4. A state and federal records check, including, if
416 feasible, the records of the Department of Corrections, of the
417 child's caregivers and any other persons in the same household,
418 which may be used solely for purposes supporting the detection,
419 apprehension, prosecution, pretrial release, posttrial release,
420 or rehabilitation of criminal offenders or persons accused of
421 the crimes of child abuse, abandonment, or neglect. The
422 information may not be further disseminated or used for any
423 other purpose. The department's child protective investigators
424 are designated a criminal justice agency for the purpose of
425 accessing criminal justice information to be used for enforcing
426 state laws concerning the crimes of child abuse, abandonment,
427 and neglect.

428 5. A determination whether there is any indication that any
429 child in the family or household has been abused, abandoned, or
430 neglected and, if so, the nature and extent of present or prior
431 abuse, abandonment, or neglect, and any evidence thereof, and
432 the name, address, birth date, social security number, gender,
433 and race of any person apparently responsible for the abuse,
434 abandonment, or neglect.

435 6. A determination of whether a differential response is

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436 the most effective strategy for delivering prevention or
437 intervention services pursuant to part IV of this chapter if it
438 is determined that there are risk factors that may result in an
439 unsafe environment without the provision of assistance to the
440 family.

441 (b) The safety assessment must be conducted in a manner
442 that is sensitive to the social, economic, and cultural
443 environment of the family.

444 (c) Unless the child protective investigator determines
445 that the child is safe, in completing the child safety
446 assessment, the investigator shall request that the child's
447 parent or legal custodian disclose the names, relationships, and
448 addresses of all parents, prospective parents, and relatives, so
449 far as are known.

450 (d) If the child protective investigator determines that
451 the child is at risk, the investigator shall refer the parent or
452 legal custodian and child for family-centered services, which
453 the parent, legal custodian, or child may voluntarily accept.

454 (e) If the child protective investigator determines that
455 the child is unsafe, the department shall immediately initiate
456 safety interventions that may include one or more of the
457 following: developing a safety plan, obtaining an injunction,
458 filing a dependency petition, sheltering the child, filing a
459 termination-of-parental-rights petition, or any other action
460 deemed appropriate by the department.

461 (6) SCHOOL INTERVIEWS.—

462 (a) In a child protective investigation or a criminal
463 investigation, if the initial interview with the child is
464 conducted at school, the department or the law enforcement

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465 agency may, notwithstanding the provisions of s. 39.0132(4),
466 allow a school staff member who is known by the child to be
467 present during the initial interview if:

468 1. The department or law enforcement agency believes that
469 the school staff member could enhance the success of the
470 interview by his or her presence; and

471 2. The child requests or consents to the presence of the
472 school staff member at the interview.

473 (b) School staff may be present only as authorized by this
474 subsection. Information received during the interview or from
475 any other source regarding the alleged abuse or neglect of the
476 child is confidential and exempt from the provisions of s.
477 119.07(1), except as provided by court order.

478 (c) A separate record of the investigation of the abuse,
479 abandonment, or neglect may not be maintained by the school or
480 school staff member.

481 (d) A violation of this subsection is a misdemeanor of the
482 second degree, punishable as provided in s. 775.082 or s.
483 775.083.

484 (7) TRAINING AND QUALITY ASSURANCE.—

485 (a) The department's training program must ensure that
486 child protective investigators know how to fully inform parents
487 or legal custodians of their rights and options, including
488 opportunities for audio or video recording of investigators'
489 interviews with parents or legal custodians or children.

490 (b) To enhance the skills of individual staff and to
491 improve the region's overall child protection system, the
492 department's training program at the regional level must include
493 periodic reviews of child protective investigation cases handled

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494 within the region in order to identify weaknesses as well as
495 examples of effective interventions which occurred at each point
496 in the case.

497 (c) The department shall incorporate into its quality
498 assurance program the monitoring of the outcome or result of
499 child protective investigations.

500 Section 7. The Division of Statutory Revision is requested
501 to rename part IV of chapter 39, Florida Statutes, consisting of
502 ss. 39.320-39.323, as "Family-Centered Practice."

503 Section 8. Sections 39.311, 39.312, 39.313, 39.314, 39.315,
504 39.316, 39.317, and 39.318, Florida Statutes, are repealed.

505 Section 9. Section 39.320, Florida Statutes, is created to
506 read:

507 39.320 Legislative findings and intent.—The Legislature
508 finds that child welfare services should be delivered in a
509 manner that engages, involves, strengthens, and supports
510 families while ensuring every child's safety, permanency, and
511 well-being. The Legislature also finds that the department and
512 its community-based providers need to work in partnership with
513 children and families in the assessment, planning, coordination,
514 and service-delivery process. Therefore, the Legislature intends
515 that the department and its community-based providers provide,
516 to the extent practicable, family-centered practice if it is
517 safe for the child and in the best interests of the child to do
518 so.

519 Section 10. Section 39.321, Florida Statutes, is created to
520 read:

521 39.321 Goals of family-centered practice.—The goals of
522 family-centered practice are to:

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523 (1) Ensure the safety and well-being of children by
524 protecting them from abuse and neglect.

525 (2) Reduce the number of children in out-of-home care by
526 enabling children to safely remain with their families, be
527 safely reunified with their families, or by finding other
528 permanency options such as adoptions or safe placements.

529 (3) Help families engage in and effectively use available
530 community resources and informal support systems in order to
531 help resolve the underlying conditions that brought them to the
532 attention of the child-protection system.

533 Section 11. Section 39.322, Florida Statutes, is created to
534 read:

535 39.322 Delivery of family-centered services.—The department
536 and its community-based care providers shall promote the policy
537 of family-centered practice in all settings. To achieve that
538 policy:

539 (1) The department and its community-based care providers
540 shall support the goal of having children remain safely in their
541 homes with their families or ensuring safe permanent placement
542 with relatives consistent with s. 39.621.

543 (2) Family-centered practice shall be delivered to children
544 and their families in accordance with the following principles:

545 (a) If not contrary to the child's safety or well-being,
546 due diligence shall be exercised in maintaining sibling ties and
547 maintaining or establishing other family connections for
548 children in out-of-home care or children at risk of entering
549 out-of-home care.

550 (b) The child, if of appropriate age and competence, and
551 their family shall be actively involved as team members in the

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552 case-planning process pursuant to s. 39.6011.

553 (c) The child, family, and service providers shall
554 participate as partners and be engaged in assessment, treatment
555 planning, decisionmaking, and service delivery, if it is safe
556 for the child to have the family included in the process.

557 (d) Service delivery may be restricted only if necessary to
558 ensure the safety of the child or family.

559 (e) The contact between child welfare professionals or
560 service providers and the child and family must be of sufficient
561 frequency and duration to help ensure the child's safety and to
562 meet the child and family's unique needs.

563 (f) The child and family shall be encouraged to use
564 services offered and shall be supported in their attempt to do
565 so. If the child or a family member refuses or fails to
566 participate in referred services, the reasons for their refusal
567 or failure shall be assessed. If appropriate and reasonably
568 possible, the offered services shall be modified or arrangements
569 for the provision of alternative services coordinated in order
570 to promote timely acceptance of appropriate services.

571 (g) Pursuant to s. 39.621, if the family is not making
572 adequate progress on successfully completing the tasks and
573 achieving the goals in their case plan, other approaches for the
574 timely achievement of permanency for the child shall be pursued.

575 (3) The department shall adopt rules to implement family-
576 centered practice and administer this section.

577 Section 12. Section 39.323, Florida Statutes, is created to
578 read:

579 39.323 Funding.—The department may use appropriate state,
580 federal, and private funds within its budget for delivering

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581 quality, family-centered services.

582 Section 13. Section 39.504, Florida Statutes, is amended to
583 read:

584 39.504 Injunction for the protection of the child ~~pending~~
585 ~~disposition of petition; penalty.-~~

586 (1) At any time after a protective investigation has been
587 initiated pursuant to part III of this chapter, the court, upon
588 petition by the request of the department, a law enforcement
589 officer, the state attorney, or other responsible person, or
590 upon its own motion, may, if there is reasonable cause, issue an
591 injunction pursuant to this section to prevent any act of child
592 abuse. Reasonable cause ~~for the issuance of an injunction~~ exists
593 if there is evidence of child abuse or if there is a reasonable
594 likelihood of such abuse occurring based upon a recent overt act
595 or failure to act. The petition must be a verified petition or a
596 petition that has an affidavit setting forth the specific
597 actions by the respondent from which the child must be protected
598 and all remedies sought.

599 (2) Upon the filing of the petition for injunction, the
600 court shall set a hearing to be held at the earliest possible
601 time. The respondent shall be personally served before the
602 hearing with a copy of the petition, all other pleadings related
603 to the petition, a notice of hearing, and the temporary
604 injunction, if one was entered. The court may also issue a
605 temporary ex parte injunction that has verified pleadings or
606 affidavits as evidence. The temporary ex parte injunction is
607 effective for up to 15 days, at which time, or sooner if the
608 respondent has received notice, the full hearing must be held.
609 After the full hearing, the court may enter a final injunction.

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610 The court may grant a continuance of the hearing at any time for
611 good cause shown by any party, including a continuance to obtain
612 service of process. ~~Notice shall be provided to the parties as~~
613 ~~set forth in the Florida Rules of Juvenile Procedure, unless the~~
614 ~~child is reported to be in imminent danger, in which case the~~
615 ~~court may issue an injunction immediately. A judge may issue an~~
616 ~~emergency injunction pursuant to this section without notice if~~
617 ~~the court is closed for the transaction of judicial business. If~~
618 ~~an immediate injunction is issued, the court must hold a hearing~~
619 ~~on the next day of judicial business to dissolve the injunction~~
620 ~~or to continue or modify it in accordance with this section.~~

621 (3) If an injunction is issued under this section, the
622 primary purpose of the injunction must be to protect and promote
623 the best interests of the child, taking the preservation of the
624 child's immediate family into consideration.

625 (a) The injunction applies ~~shall apply~~ to the alleged or
626 actual offender in a case of child abuse or acts of domestic
627 violence. The conditions of the injunction shall be determined
628 by the court, which ~~conditions~~ may include ordering the alleged
629 or actual offender to:

- 630 1. Refrain from further abuse or acts of domestic violence.
- 631 2. Participate in a specialized treatment program.
- 632 3. Limit contact or communication with the child victim,
633 other children in the home, or any other child.
- 634 4. Refrain from contacting the child at home, school, work,
635 or wherever the child may be found.
- 636 5. Have limited or supervised visitation with the child.
- 637 ~~6. Pay temporary support for the child or other family~~
638 ~~members; the costs of medical, psychiatric, and psychological~~

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639 ~~treatment for the child incurred as a result of the offenses;~~
640 ~~and similar costs for other family members.~~

641 ~~6.7.~~ Vacate the home in which the child resides.

642 (b) Upon proper pleading, the court may award the following
643 relief in the final injunction ~~If the intent of the injunction~~
644 ~~is to protect the child from domestic violence, the conditions~~
645 ~~may also include:~~

646 1. ~~Awarding~~ The exclusive use and possession of the
647 dwelling to the caregiver, or the exclusion of ~~excluding~~ the
648 alleged or actual offender from the residence of the caregiver.

649 2. Temporary support for the child or other family members;
650 the costs of medical, psychiatric, and psychological treatment
651 for the child incurred as a result of the offenses; similar
652 costs for other family members; and any other relief that the
653 court deems just and appropriate.

654 ~~3.2.~~ ~~Awarding~~ Temporary custody of the child to the
655 caregiver.

656 ~~3.~~ ~~Establishing temporary support for the child.~~

657
658 This paragraph does not preclude the adult victim of domestic
659 violence from seeking protection for herself or himself under s.
660 741.30.

661 (c) The terms of the injunction shall remain in effect
662 until modified or dissolved by the court. The petitioner,
663 respondent, or caregiver may move at any time to modify or
664 dissolve the injunction. The injunction is valid and enforceable
665 in all counties in the state.

666 (4) Service of process on the respondent shall be carried
667 out pursuant to s. 741.30. The department shall deliver a copy

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668 of any injunction issued pursuant to this section to the
669 protected party or to a parent, caregiver, or individual acting
670 in the place of a parent who is not the respondent. Law
671 enforcement officers may exercise their arrest powers as
672 provided in s. 901.15(6) to enforce the terms of the injunction.

673 (5) Any person who fails to comply with an injunction
674 issued pursuant to this section commits a misdemeanor of the
675 first degree, punishable as provided in s. 775.082 or s.
676 775.083.

677 Section 14. Section 39.823, Florida Statutes, is amended to
678 read:

679 39.823 Guardian advocates for drug dependent newborns.—The
680 Legislature finds that increasing numbers of drug dependent
681 children are born in this state. Because of the parents'
682 continued dependence upon drugs, the parents may temporarily
683 leave their child with a relative or other adult or may have
684 agreed to voluntary family services ~~under s. 39.301(14)~~. The
685 relative or other adult may be left with a child who is likely
686 to require medical treatment but for whom they are unable to
687 obtain medical treatment. The purpose of this section is to
688 provide an expeditious method for such relatives or other
689 responsible adults to obtain a court order that ~~which~~ allows
690 them to provide consent for medical treatment and otherwise
691 advocate for the needs of the child and to provide court review
692 of such authorization.

693 Section 15. Paragraph (b) of subsection (2) and paragraph
694 (b) of subsection (5) of section 409.1451, Florida Statutes, are
695 amended to read:

696 409.1451 Independent living transition services.—

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697 (2) ELIGIBILITY.—

698 (b) The department shall serve young adults who have
699 reached 18 years of age but are not yet 23 years of age and who
700 were in foster care when they turned 18 ~~years of age~~ or, after
701 reaching 16 years of age, were adopted from foster care or were
702 in placed with a court-approved dependency placement ~~guardian~~
703 and have spent a minimum of 6 months in foster care within the
704 12 months immediately preceding such placement or adoption, by
705 providing services pursuant to subsection (5). Young adults to
706 be served must meet the eligibility requirements set forth for
707 specific services in this section.

708 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—

709 Based on the availability of funds, the department shall provide
710 or arrange for the following services to young adults formerly
711 in foster care who meet the prescribed conditions and are
712 determined eligible by the department. The department, or a
713 community-based care lead agency when the agency is under
714 contract with the department to provide the services described
715 under this subsection, shall develop a plan to implement those
716 services. A plan shall be developed for each community-based
717 care service area in the state. Each plan that is developed by a
718 community-based care lead agency shall be submitted to the
719 department. Each plan shall include the number of young adults
720 to be served each month of the fiscal year and specify the
721 number of young adults who will reach 18 years of age who will
722 be eligible for the plan and the number of young adults who will
723 reach 23 years of age and will be ineligible for the plan or who
724 are otherwise ineligible during each month of the fiscal year;
725 staffing requirements and all related costs to administer the

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726 services and program; expenditures to or on behalf of the
727 eligible recipients; costs of services provided to young adults
728 through an approved plan for housing, transportation, and
729 employment; reconciliation of these expenses and any additional
730 related costs with the funds allocated for these services; and
731 an explanation of and a plan to resolve any shortages or
732 surpluses in order to end the fiscal year with a balanced
733 budget. The categories of services available to assist a young
734 adult formerly in foster care to achieve independence are:

735 (b) *Road-to-Independence Program.*—

736 1. The Road-to-Independence Program is intended to help
737 eligible students who are former foster children in this state
738 to receive the educational and vocational training needed to
739 achieve independence. The amount of the award shall be based on
740 the living and educational needs of the young adult and may ~~be~~
741 ~~up to, but may not exceed,~~ the amount of earnings that the
742 student would have been eligible to earn working a 40-hour-a-
743 week federal minimum wage job.

744 2. A young adult who has earned a standard high school
745 diploma or its equivalent as described in s. 1003.43 or s.
746 1003.435, has earned a special diploma or special certificate of
747 completion as described in s. 1003.438, or has reached 18 ~~years~~
748 ~~of age~~ but is not yet 21 years of age is eligible for the
749 initial award, and a young adult under 23 years of age is
750 eligible for renewal awards, if he or she:

751 a. Was a dependent child, under chapter 39, and was living
752 in licensed foster care or in subsidized independent living at
753 the time of his or her 18th birthday or is currently living in
754 licensed foster care or subsidized independent living, or, after

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755 reaching the age of 16, was adopted from foster care or was in
756 ~~placed with~~ a court-approved dependency placement ~~guardian~~ and
757 has spent a minimum of 6 months in foster care immediately
758 preceding such placement or adoption;

759 b. Spent at least 6 months living in foster care before
760 reaching his or her 18th birthday;

761 c. Is a resident of this state as defined in s. 1009.40;
762 and

763 d. Meets one of the following qualifications:

764 (I) Has earned a standard high school diploma or its
765 equivalent as described in s. 1003.43 or s. 1003.435, or has
766 earned a special diploma or special certificate of completion as
767 described in s. 1003.438, and has been admitted for full-time
768 enrollment in an eligible postsecondary education institution as
769 defined in s. 1009.533.†

770 (II) Is enrolled full time in an accredited high school.†
771 ~~or~~

772 (III) Is enrolled full time in an accredited adult
773 education program designed to provide the student with a high
774 school diploma or its equivalent.

775 3. A young adult applying for the Road-to-Independence
776 Program must apply for any other grants and scholarships for
777 which he or she may qualify. The department shall assist the
778 young adult in the application process and may use the federal
779 financial aid grant process to determine the funding needs of
780 the young adult.

781 4. An award shall be available to a young adult who is
782 considered a full-time student or its equivalent by the
783 educational institution in which he or she is enrolled, unless

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784 that young adult has a recognized disability preventing full-
785 time attendance. The amount of the award, whether it is being
786 used by a young adult working toward completion of a high school
787 diploma or its equivalent or working toward completion of a
788 postsecondary education program, shall be determined based on an
789 assessment of the funding needs of the young adult. This
790 assessment must consider the young adult's living and
791 educational costs and other grants, scholarships, waivers,
792 earnings, and other income to be received by the young adult. An
793 award is ~~shall be~~ available only to the extent that other grants
794 and scholarships are not sufficient to meet the living and
795 educational needs of the young adult, but ~~an award~~ may not be
796 less than \$25 in order to maintain Medicaid eligibility for the
797 young adult as provided in s. 409.903.

798 5. The amount of the award may be disregarded for purposes
799 of determining the eligibility for, or the amount of, any other
800 federal or federally supported assistance.

801 6.a. The department must advertise the criteria,
802 application procedures, and availability of the program to:

803 (I) Children and young adults in, leaving, or formerly in
804 foster care.

805 (II) Case managers.

806 (III) Guidance and family services counselors.

807 (IV) Principals or other relevant school administrators.

808 (V) Guardians ad litem.

809 (VI) Foster parents.

810 b. The department shall issue awards from the program for
811 each young adult who meets all the requirements of the program
812 to the extent funding is available.

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813 c. An award shall be issued at the time the eligible
814 student reaches 18 years of age.

815 d. A young adult who is eligible for the Road-to-
816 Independence Program, transitional support services, or
817 aftercare services and who so desires may ~~shall be allowed to~~
818 reside with the licensed foster family or group care provider
819 with whom he or she was residing at the time of attaining his or
820 her 18th birthday or to reside in another licensed foster home
821 or with a group care provider arranged by the department.

822 e. If the award recipient transfers from one eligible
823 institution to another and continues to meet eligibility
824 requirements, the award must be transferred with the recipient.

825 f. Funds awarded to any eligible young adult under this
826 program are in addition to any other services or funds provided
827 ~~to the young adult~~ by the department through transitional
828 support services or aftercare services.

829 g. The department shall provide information concerning
830 young adults receiving funding through the Road-to-Independence
831 Program to the Department of Education for inclusion in the
832 student financial assistance database, as provided in s.
833 1009.94.

834 h. Funds are intended to help eligible young adults who are
835 former foster children in this state to receive the educational
836 and vocational training needed to become independent and self-
837 supporting. The funds shall be terminated when the young adult
838 has attained one of four postsecondary goals under subsection
839 (3) or reaches 23 years of age, whichever occurs first ~~earlier~~.
840 In order to initiate postsecondary education, to allow for a
841 change in career goal, or to obtain additional skills in the

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842 same educational or vocational area, a young adult may earn no
843 more than two diplomas, certificates, or credentials. A young
844 adult attaining an associate of arts or associate of science
845 degree may ~~shall be permitted to~~ work toward completion of a
846 bachelor of arts or a bachelor of science degree or an
847 equivalent undergraduate degree. Road-to-Independence Program
848 funds may not be used for education or training after a young
849 adult has attained a bachelor of arts or a bachelor of science
850 degree or an equivalent undergraduate degree.

851 i. The department shall evaluate and renew each award
852 annually during the 90-day period before the young adult's
853 birthday. ~~In order~~ To be eligible for a renewal award for the
854 subsequent year, the young adult must:

855 (I) Complete the number of hours, or the equivalent
856 considered full time by the educational institution, unless the
857 ~~that~~ young adult has a recognized disability preventing full-
858 time attendance, in the last academic year in which the young
859 adult earned an award, except for a young adult who meets the
860 requirements of s. 1009.41.

861 (II) Maintain appropriate progress as required by the
862 educational institution, except that, if the young adult's
863 progress is insufficient to renew the award at any time during
864 the eligibility period, the young adult may restore eligibility
865 by improving his or her progress to the required level.

866 j. Funds may be terminated during the interim between an
867 award and the evaluation for a renewal award if the department
868 determines that the award recipient is no longer enrolled in an
869 educational institution as defined in sub-subparagraph 2.d., or
870 is no longer a state resident. The department shall notify a

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871 recipient who is terminated and inform the recipient of his or
872 her right to appeal.

873 k. An award recipient who does not qualify for a renewal
874 award or who chooses not to renew the award may subsequently
875 apply for reinstatement. An application for reinstatement must
876 be made before the young adult reaches 23 years of age, ~~and a~~
877 ~~student may not apply for reinstatement more than once.~~ In order
878 to be eligible for reinstatement, the young adult must
879 demonstrate that he or she has again been accepted to, or is
880 enrolled in, an eligible educational institution ~~meet the~~
881 ~~eligibility criteria and the criteria for award renewal for the~~
882 ~~program.~~

883 Section 16. Present subsections (10) and (11) of section
884 409.1671, Florida Statutes, are redesignated as subsections (14)
885 and (15), respectively, and new subsections (10), (11), (12),
886 and (13) are added to that section, to read:

887 409.1671 Foster care and related services; outsourcing.—
888 (10) The department shall ensure that contracts entered
889 into with community-based agencies pursuant to this section are
890 funded by a grant of general revenue and by applicable federal
891 funding sources. The community-based agencies shall document
892 federal earnings, and earnings that are not documented must be
893 returned to the department. Notwithstanding subsection (8), the
894 community-based agencies' annual contract amounts may be
895 increased by excess federal earnings in accordance with s.
896 216.181(11).

897 (11) The department may contract for the programmatic,
898 administrative, or fiscal oversight of community-based agencies.
899 Notwithstanding any other provision of law, the following

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- 900 community-based agency expenditures are permissible:
- 901 (a) Staff cellular telephone allowances.
- 902 (b) Contracts requiring deferred payments and maintenance
- 903 agreements.
- 904 (c) Security deposits for office leases.
- 905 (d) Related professional membership dues and professional
- 906 state license fees.
- 907 (e) Food and refreshments.
- 908 (f) Promotional materials.
- 909 (g) Costs associated with fundraising personnel who are
- 910 employed by or under contract with a community-based agency.
- 911 (12) The department shall enter into fixed-price contracts
- 912 with community-based agencies which have a 2-month advance
- 913 payment at the beginning of the fiscal year followed by equal
- 914 monthly payments.
- 915 (13) Notwithstanding s. 216.181(16)(b), community-based
- 916 agencies may retain any interest earned on advances and expend
- 917 such earnings on allowable child welfare and related services.
- 918 The department shall develop reporting requirements that require
- 919 the community-based agency to annually document their interest
- 920 earnings and associated expenditures.
- 921 Section 17. This act shall take effect July 1, 2009.