

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Healthy Families
2 Subcommittee
3 Representative Perry offered the following:

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6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (2) of section 39.013, Florida
8 Statutes, is amended to read:

9 39.013 Procedures and jurisdiction; right to counsel.—

10 (2) The circuit court has exclusive original jurisdiction
11 of all proceedings under this chapter, of a child voluntarily
12 placed with a licensed child-caring agency, a licensed child-
13 placing agency, or the department, and of the adoption of
14 children whose parental rights have been terminated under this
15 chapter. Jurisdiction attaches when the initial shelter
16 petition, dependency petition, or termination of parental rights
17 petition, or a petition for an injunction to prevent child abuse
18 issued pursuant to s. 39.504, is filed or when a child is taken
19 into the custody of the department. The circuit court may assume

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20 jurisdiction over any such proceeding regardless of whether the
21 child was in the physical custody of both parents, was in the
22 sole legal or physical custody of only one parent, caregiver, or
23 some other person, or was not in the physical or legal custody
24 of any person when the event or condition occurred that brought
25 the child to the attention of the court. When the court obtains
26 jurisdiction of any child who has been found to be dependent,
27 the court shall retain jurisdiction, unless relinquished by its
28 order, until the child reaches 21 ~~18~~ years of age, with the
29 following exceptions:

30 (a) If a young adult chooses to leave foster care upon
31 reaching 18 years of age, the court shall relinquish
32 jurisdiction.

33 (b) If a young adult does not meet the eligibility
34 requirements to remain in foster care under s. 39.6251, the
35 court shall relinquish jurisdiction.

36 (c) ~~However,~~ If a young adult ~~youth~~ petitions the court at
37 any time before his or her 19th birthday requesting the court's
38 continued jurisdiction, the juvenile court may retain
39 jurisdiction under this chapter for a period not to exceed 1
40 year following the young adult's ~~youth's~~ 18th birthday for the
41 purpose of determining whether appropriate ~~aftercare support,~~
42 ~~Road to Independence Program, transitional support, mental~~
43 ~~health, and developmental disability services~~ that were required
44 to be provided to the young adult, ~~to the extent otherwise~~
45 authorized by law, have been provided to the formerly dependent
46 child who was in the legal custody of the department immediately
47 before his or her 18th birthday were provided.

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48 (d) If a petition for special immigrant juvenile status
49 and an application for adjustment of status have been filed on
50 behalf of a foster child and the petition and application have
51 not been granted by the time the child reaches 18 years of age,
52 the court may retain jurisdiction over the dependency case
53 solely for the purpose of allowing the continued consideration
54 of the petition and application by federal authorities. Review
55 hearings for the child shall be set solely for the purpose of
56 determining the status of the petition and application. The
57 court's jurisdiction terminates upon the final decision of the
58 federal authorities. Retention of jurisdiction in this instance
59 does not affect the services available to a young adult under s.
60 409.1451. The court may not retain jurisdiction of the case
61 after the immigrant child's 22nd birthday.

62 Section 2. Subsection (6) of section 39.6013, Florida
63 Statutes, is amended to read:

64 39.6013 Case plan amendments.—

65 (6) The case plan is deemed amended as to the child's
66 health, mental health, and education records required by s.
67 39.6012 when the child's updated health and education records
68 are filed by the department under s. 39.701(2)(a) ~~39.701(8)(a)~~.

69 Section 3. Section 39.6035, Florida Statutes, is created
70 to read:

71 39.6035 Transition plan.—

72 (1) During the 180-day period after a child reaches 17
73 years of age, the department and the community-based care
74 provider, in collaboration with the caregiver and any other
75 individual who the child would like to include, shall assist the

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76 child in developing a transition plan. The required transition
77 plan is in addition to standard case management requirements.
78 The transition plan must address specific options for the child
79 to use in obtaining services, including housing, health
80 insurance, education, and workforce support and employment
81 services. The plan must also consider establishing and
82 maintaining naturally occurring mentoring relationships and
83 other personal support services. The transition plan may be as
84 detailed as the child chooses. In developing the transition
85 plan, the department and the community-based provider shall:

86 (a) Provide the child with the documentation required
87 pursuant to s. 39.701(2); and

88 (b) Coordinate the transition plan with the independent
89 living provisions in the case plan and, for a child with
90 disabilities, the Individuals with Disabilities Education Act
91 transition plan.

92 (2) The department and the child shall schedule a time,
93 date, and place for a meeting to assist the child in drafting
94 the transition plan. The time, date, and place must be
95 convenient for the child and any individual who the child would
96 like to include. This meeting shall be conducted in the child's
97 primary language.

98 (3) The transition plan shall be reviewed periodically
99 with the child, the department, and other individuals of the
100 child's choice and updated when necessary before each judicial
101 review so long as the child or young adult remains in care.

102 (4) If a child is planning to leave care upon reaching 18
103 years of age, the transition plan must be approved by the court

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104 before the child leaves care and the court terminates
105 jurisdiction.

106 Section 4. Section 39.6251, Florida Statutes, is created
107 to read:

108 39.6251 Continuing care for young adults.-

109 (1) As used in this section, the term "child" means an
110 individual who has not attained 21 years of age, and the term
111 "young adult" means an individual who has attained 18 years of
112 age but who has not attained 21 years of age.

113 (2) The primary goal for a child in care is permanency. A
114 child who is living in licensed care on his or her 18th birthday
115 and who has not achieved permanency under s. 39.621 is eligible
116 to remain in licensed care under the jurisdiction of the court
117 and in the care of the department. A child is eligible to remain
118 in licensed care if he or she is:

119 (a) Completing secondary education or a program leading to
120 an equivalent credential;

121 (b) Enrolled in an institution that provides postsecondary
122 or vocational education;

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

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

126 (e) Unable to participate in programs or activities listed
127 in paragraphs (a)-(d) full time due to a physical, intellectual,
128 emotional, or psychiatric condition that limits participation.

129 Any such barrier to participation must be supported by
130 documentation in the child's case file or school or medical
131 records of a physical, intellectual, or psychiatric condition

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132 that impairs the child's ability to perform one or more life
133 activities. This decision is to be made by the department, and
134 is subject to judicial review.

135 (3) The permanency goal for a young adult who chooses to
136 remain in care is transition from licensed care to independent
137 living.

138 (4) (a) The young adult must reside in a supervised living
139 environment that is approved by the department or a community-
140 based care lead agency. The young adult shall live independently
141 but in an environment in which he or she is provided
142 supervision, case management, and supportive services by the
143 department or lead agency. Such an environment must offer
144 developmentally appropriate freedom and responsibility to
145 prepare the young adult for adulthood. For the purposes of this
146 subsection, a supervised living arrangement may include a
147 licensed foster home, licensed group home, college dormitory,
148 shared housing, apartment, or another housing arrangement if the
149 arrangement is approved by the community-based care lead agency
150 and is acceptable to the young adult, with first choice being a
151 licensed foster home. A young adult may continue to reside with
152 the same licensed foster family or group care provider with whom
153 he or she was residing at the time he or she reached the age of
154 18 years.

155 (b) Before approving the residential setting in which the
156 young adult will live, the department or community-based care
157 lead agency must ensure that:

158 1. The young adult will be provided with a level of
159 supervision consistent with his or her individual education,

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160 health care needs, permanency plan, and independent living goals
161 as assessed by the department or lead agency with input from the
162 young adult. Twenty-four hour onsite supervision is not
163 required; however, 24-hour crisis intervention and support must
164 be available.

165 2. The young adult will live in an independent living
166 environment that offers, at a minimum, life skills instruction,
167 counseling, educational support, employment preparation and
168 placement, and development of support networks. The
169 determination of the type and duration of services shall be
170 based on the young adult's assessed needs, interests, and input
171 and must be consistent with the goals set in the young adult's
172 case plan.

173 (5) Eligibility for a young adult to remain in extended
174 foster care ends on the earliest of the dates that the young
175 adult:

176 1. Reaches 21 years of age or, in the case of a young
177 adult with a disability, reaches 22 years of age;

178 2. Leaves care to live in a permanent home consistent with
179 his or her permanency plan; or

180 3. Knowingly and voluntarily withdraws his or her consent
181 to participate in extended care. Withdrawal of consent to
182 participate in extended care shall be verified by the court
183 pursuant to s. 39.701, unless the young adult refuses to
184 participate in any further court proceeding.

185 (6) A young adult who has reached 18 years of age but is
186 not yet 21 years of age and who has left care may return to care
187 by applying to the community-based care lead agency for

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188 readmission. The community-based care lead agency shall readmit
189 the young adult if he or she continues to meet the eligibility
190 requirements in this section.

191 (a) The department shall develop a standard procedure and
192 application packet for readmission to care to be used by all
193 community-based care lead agencies.

194 (b) Within 30 days after the young adult has been
195 readmitted to care, the community-based care lead agency shall
196 assign a case manager to update the case plan and the transition
197 plan and to arrange for the required services. Such activities
198 shall be undertaken in consultation with the young adult. The
199 department shall petition the court to reinstate jurisdiction
200 over the young adult.

201 (7) During each period of time that a young adult is in
202 care, the community-based care lead agency shall provide regular
203 case management reviews that must include at least monthly
204 contact with the case manager. If a young adult lives outside
205 the service area of his or her community-based care lead agency,
206 monthly contact may occur by telephone.

207 (8) During the time that a young adult is in care, the
208 court shall maintain jurisdiction to ensure that the department
209 and the lead agencies are providing services and coordinate
210 with, and maintain oversight of, other agencies involved in
211 implementing the young adult's case plan, individual education
212 plan, and transition plan. The court shall review the status of
213 the young adult at least every 6 months and hold a permanency
214 review hearing at least annually. The court may appoint a
215 guardian ad litem or continue the appointment of a guardian ad

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216 litem with the young adult's consent. The young adult or any
217 other party to the dependency case may request an additional
218 hearing or review.

219 (9) The department shall establish a procedure by which a
220 young adult may appeal a determination of eligibility to remain
221 in care that was made by a community-based care lead agency. The
222 procedure must be readily accessible to young adults, must
223 provide for timely decisions, and must provide for an appeal to
224 the department. The decision of the department constitutes final
225 agency action and is reviewable by the court as provided in s.
226 120.68.

227 Section 5. Section 39.701, Florida Statutes, is amended to
228 read:

229 39.701 Judicial review.—

230 (1) GENERAL PROVISIONS.—

231 (a) The court shall have continuing jurisdiction in
232 accordance with this section and shall review the status of the
233 child at least every 6 months as required by this subsection or
234 more frequently if the court deems it necessary or desirable.

235 (b) The court shall retain jurisdiction over a child
236 returned to his or her parents for a minimum period of 6 months
237 following the reunification, but, at that time, based on a
238 report of the social service agency and the guardian ad litem,
239 if one has been appointed, and any other relevant factors, the
240 court shall make a determination as to whether supervision by
241 the department and the court's jurisdiction shall continue or be
242 terminated.

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243 (c) 1. (2) (a) The court shall review the status of the child
244 and shall hold a hearing as provided in this part at least every
245 6 months until the child reaches permanency status. The court
246 may dispense with the attendance of the child at the hearing,
247 but may not dispense with the hearing or the presence of other
248 parties to the review unless before the review a hearing is held
249 before a citizen review panel.

250 2. (b) Citizen review panels may conduct hearings to review
251 the status of a child. The court shall select the cases
252 appropriate for referral to the citizen review panels and may
253 order the attendance of the parties at the review panel
254 hearings. However, any party may object to the referral of a
255 case to a citizen review panel. Whenever such an objection has
256 been filed with the court, the court shall review the substance
257 of the objection and may conduct the review itself or refer the
258 review to a citizen review panel. All parties retain the right
259 to take exception to the findings or recommended orders of a
260 citizen review panel in accordance with Rule 1.490(h), Florida
261 Rules of Civil Procedure.

262 3. (e) Notice of a hearing by a citizen review panel must
263 be provided as set forth in paragraph (f) subsection (5). At the
264 conclusion of a citizen review panel hearing, each party may
265 propose a recommended order to the chairperson of the panel.
266 Thereafter, the citizen review panel shall submit its report,
267 copies of the proposed recommended orders, and a copy of the
268 panel's recommended order to the court. The citizen review
269 panel's recommended order must be limited to the dispositional
270 options available to the court in paragraph (2) (d) subsection

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271 ~~(10)~~. Each party may file exceptions to the report and
272 recommended order of the citizen review panel in accordance with
273 Rule 1.490, Florida Rules of Civil Procedure.

274 (d)1.~~(3)(a)~~ The initial judicial review hearing must be
275 held no later than 90 days after the date of the disposition
276 hearing or after the date of the hearing at which the court
277 approves the case plan, whichever comes first, but in no event
278 shall the review be held later than 6 months after the date the
279 child was removed from the home. Citizen review panels may ~~shall~~
280 not conduct more than two consecutive reviews without the child
281 and the parties coming before the court for a judicial review.

282 2.~~(b)~~ If the citizen review panel recommends extending the
283 goal of reunification for any case plan beyond 12 months from
284 the date the child was removed from the home, the case plan was
285 adopted, or the child was adjudicated dependent, whichever date
286 came first, the court must schedule a judicial review hearing to
287 be conducted by the court within 30 days after receiving the
288 recommendation from the citizen review panel.

289 3.~~(e)~~ If the child is placed in the custody of the
290 department or a licensed child-placing agency for the purpose of
291 adoptive placement, judicial reviews must be held at least every
292 6 months until the adoption is finalized.

293 4.~~(d)~~ If the department and the court have established a
294 formal agreement that includes specific authorization for
295 particular cases, the department may conduct administrative
296 reviews instead of the judicial reviews for children in out-of-
297 home care. Notices of such administrative reviews must be
298 provided to all parties. However, an administrative review may

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299 not be substituted for the first judicial review, and in every
300 case the court must conduct a judicial review at least every 6
301 months. Any party dissatisfied with the results of an
302 administrative review may petition for a judicial review.

303 ~~5.(e)~~ The clerk of the circuit court shall schedule
304 judicial review hearings in order to comply with the mandated
305 times cited in this section.

306 ~~6.(f)~~ In each case in which a child has been voluntarily
307 placed with the licensed child-placing agency, the agency shall
308 notify the clerk of the court in the circuit where the child
309 resides of such placement within 5 working days. Notification of
310 the court is not required for any child who will be in out-of-
311 home care no longer than 30 days unless that child is placed in
312 out-of-home care a second time within a 12-month period. If the
313 child is returned to the custody of the parents before the
314 scheduled review hearing or if the child is placed for adoption,
315 the child-placing agency shall notify the court of the child's
316 return or placement within 5 working days, and the clerk of the
317 court shall cancel the review hearing.

318 ~~(e)(4)~~ The court shall schedule the date, time, and
319 location of the next judicial review during the judicial review
320 hearing and shall list same in the judicial review order.

321 ~~(f)(5)~~ Notice of a judicial review hearing or a citizen
322 review panel hearing, and a copy of the motion for judicial
323 review, if any, must be served by the clerk of the court upon
324 all of the following persons, if available to be served,
325 regardless of whether the person was present at the previous

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326 hearing at which the date, time, and location of the hearing was
327 announced:

328 ~~1.(a)~~ The social service agency charged with the
329 supervision of care, custody, or guardianship of the child, if
330 that agency is not the movant.

331 ~~2.(b)~~ The foster parent or legal custodian in whose home
332 the child resides.

333 ~~3.(c)~~ The parents.

334 ~~4.(d)~~ The guardian ad litem for the child, or the
335 representative of the guardian ad litem program if the program
336 has been appointed.

337 ~~5.(e)~~ The attorney for the child.

338 ~~6.(f)~~ The child, if the child is 13 years of age or older.

339 ~~7.(g)~~ Any preadoptive parent.

340 ~~8.(h)~~ Such other persons as the court may direct.

341 ~~(g)-(6)~~ The attorney for the department shall notify a
342 relative who submits a request for notification of all
343 proceedings and hearings pursuant to s. 39.301(14) (b). The
344 notice shall include the date, time, and location of the next
345 judicial review hearing.

346 ~~(7)(a)~~ In addition to paragraphs (1) (a) and (2) (a), the
347 court shall hold a judicial review hearing within 90 days after
348 a youth's 17th birthday. The court shall also issue an order,
349 separate from the order on judicial review, that the disability
350 of nonage of the youth has been removed pursuant to s. 743.045.
351 The court shall continue to hold timely judicial review hearings
352 thereafter. In addition, the court may review the status of the
353 child more frequently during the year prior to the youth's 18th

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354 ~~birthday if necessary. At each review held under this~~
355 ~~subsection, in addition to any information or report provided to~~
356 ~~the court, the foster parent, legal custodian, guardian ad~~
357 ~~litem, and the child shall be given the opportunity to address~~
358 ~~the court with any information relevant to the child's best~~
359 ~~interests, particularly as it relates to independent living~~
360 ~~transition services. In addition to any information or report~~
361 ~~provided to the court, the department shall include in its~~
362 ~~judicial review social study report written verification that~~
363 ~~the child:~~

364 ~~1. Has been provided with a current Medicaid card and has~~
365 ~~been provided all necessary information concerning the Medicaid~~
366 ~~program sufficient to prepare the youth to apply for coverage~~
367 ~~upon reaching age 18, if such application would be appropriate.~~

368 ~~2. Has been provided with a certified copy of his or her~~
369 ~~birth certificate and, if the child does not have a valid~~
370 ~~driver's license, a Florida identification card issued under s.~~
371 ~~322.051.~~

372 ~~3. Has been provided information relating to Social~~
373 ~~Security Insurance benefits if the child is eligible for these~~
374 ~~benefits. If the child has received these benefits and they are~~
375 ~~being held in trust for the child, a full accounting of those~~
376 ~~funds must be provided and the child must be informed about how~~
377 ~~to access those funds.~~

378 ~~4. Has been provided with information and training related~~
379 ~~to budgeting skills, interviewing skills, and parenting skills.~~

380 ~~5. Has been provided with all relevant information related~~
381 ~~to the Road to Independence Program, including, but not limited~~

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382 ~~to, eligibility requirements, forms necessary to apply, and~~
383 ~~assistance in completing the forms. The child shall also be~~
384 ~~informed that, if he or she is eligible for the Road-to-~~
385 ~~Independence Program, he or she may reside with the licensed~~
386 ~~foster family or group care provider with whom the child was~~
387 ~~residing at the time of attaining his or her 18th birthday or~~
388 ~~may reside in another licensed foster home or with a group care~~
389 ~~provider arranged by the department.~~

390 ~~6. Has an open bank account, or has identification~~
391 ~~necessary to open an account, and has been provided with~~
392 ~~essential banking skills.~~

393 ~~7. Has been provided with information on public assistance~~
394 ~~and how to apply.~~

395 ~~8. Has been provided a clear understanding of where he or~~
396 ~~she will be living on his or her 18th birthday, how living~~
397 ~~expenses will be paid, and what educational program or school he~~
398 ~~or she will be enrolled in.~~

399 ~~9. Has been provided with notice of the youth's right to~~
400 ~~petition for the court's continuing jurisdiction for 1 year~~
401 ~~after the youth's 18th birthday as specified in s. 39.013(2) and~~
402 ~~with information on how to obtain access to the court.~~

403 ~~10. Has been encouraged to attend all judicial review~~
404 ~~hearings occurring after his or her 17th birthday.~~

405 ~~(b) At the first judicial review hearing held subsequent~~
406 ~~to the child's 17th birthday, in addition to the requirements of~~
407 ~~subsection (8), the department shall provide the court with an~~
408 ~~updated case plan that includes specific information related to~~
409 ~~independent living services that have been provided since the~~

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410 ~~child's 13th birthday, or since the date the child came into~~
411 ~~foster care, whichever came later.~~

412 ~~(c) At the time of a judicial review hearing held pursuant~~
413 ~~to this subsection, if, in the opinion of the court, the~~
414 ~~department has not complied with its obligations as specified in~~
415 ~~the written case plan or in the provision of independent living~~
416 ~~services as required by s. 409.1451 and this subsection, the~~
417 ~~court shall issue a show cause order. If cause is shown for~~
418 ~~failure to comply, the court shall give the department 30 days~~
419 ~~within which to comply and, on failure to comply with this or~~
420 ~~any subsequent order, the department may be held in contempt.~~

421 ~~(2)(8)~~ REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS
422 OF AGE.

423 (a) Social study report for judicial review.—Before every
424 judicial review hearing or citizen review panel hearing, the
425 social service agency shall make an investigation and social
426 study concerning all pertinent details relating to the child and
427 shall furnish to the court or citizen review panel a written
428 report that includes, but is not limited to:

429 1. A description of the type of placement the child is in
430 at the time of the hearing, including the safety of the child
431 and the continuing necessity for and appropriateness of the
432 placement.

433 2. Documentation of the diligent efforts made by all
434 parties to the case plan to comply with each applicable
435 provision of the plan.

436 3. The amount of fees assessed and collected during the
437 period of time being reported.

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438 4. The services provided to the foster family or legal
439 custodian in an effort to address the needs of the child as
440 indicated in the case plan.

441 5. A statement that either:

442 a. The parent, though able to do so, did not comply
443 substantially with the case plan, and the agency
444 recommendations;

445 b. The parent did substantially comply with the case plan;
446 or

447 c. The parent has partially complied with the case plan,
448 with a summary of additional progress needed and the agency
449 recommendations.

450 6. A statement from the foster parent or legal custodian
451 providing any material evidence concerning the return of the
452 child to the parent or parents.

453 7. A statement concerning the frequency, duration, and
454 results of the parent-child visitation, if any, and the agency
455 recommendations for an expansion or restriction of future
456 visitation.

457 8. The number of times a child has been removed from his
458 or her home and placed elsewhere, the number and types of
459 placements that have occurred, and the reason for the changes in
460 placement.

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

464 10. If the child has reached 13 years of age but is not
465 yet 18 years of age, a statement from the caregiver on the

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466 progress the child has made in acquiring independent living
467 skills ~~the results of the preindependent living, life skills, or~~
468 ~~independent living assessment; the specific services needed; and~~
469 ~~the status of the delivery of the identified services.~~

470 11. Copies of all medical, psychological, and educational
471 records that support the terms of the case plan and that have
472 been produced concerning the parents or any caregiver since the
473 last judicial review hearing.

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

476 (b) Submission and distribution of reports.—

477 1. A copy of the social service agency's written report
478 and the written report of the guardian ad litem must be served
479 on all parties whose whereabouts are known; to the foster
480 parents or legal custodians; and to the citizen review panel, at
481 least 72 hours before the judicial review hearing or citizen
482 review panel hearing. The requirement for providing parents with
483 a copy of the written report does not apply to those parents who
484 have voluntarily surrendered their child for adoption or who
485 have had their parental rights to the child terminated.

486 2.(e) In a case in which the child has been permanently
487 placed with the social service agency, the agency shall furnish
488 to the court a written report concerning the progress being made
489 to place the child for adoption. If the child cannot be placed
490 for adoption, a report on the progress made by the child towards
491 alternative permanency goals or placements, including, but not
492 limited to, guardianship, long-term custody, long-term licensed
493 custody, or independent living, must be submitted to the court.

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494 The report must be submitted to the court at least 72 hours
495 before each scheduled judicial review.

496 ~~3.(d)~~ In addition to or in lieu of any written statement
497 provided to the court, the foster parent or legal custodian, or
498 any pre-adoptive parent, shall be given the opportunity to
499 address the court with any information relevant to the best
500 interests of the child at any judicial review hearing.

501 ~~(c)(9)~~ Review determinations.—The court and any citizen
502 review panel shall take into consideration the information
503 contained in the social services study and investigation and all
504 medical, psychological, and educational records that support the
505 terms of the case plan; testimony by the social services agency,
506 the parent, the foster parent or legal custodian, the guardian
507 ad litem or surrogate parent for educational decision making if
508 one has been appointed for the child, and any other person
509 deemed appropriate; and any relevant and material evidence
510 submitted to the court, including written and oral reports to
511 the extent of their probative value. These reports and evidence
512 may be received by the court in its effort to determine the
513 action to be taken with regard to the child and may be relied
514 upon to the extent of their probative value, even though not
515 competent in an adjudicatory hearing. In its deliberations, the
516 court and any citizen review panel shall seek to determine:

517 ~~1.(a)~~ If the parent was advised of the right to receive
518 assistance from any person or social service agency in the
519 preparation of the case plan.

520 ~~2.(b)~~ If the parent has been advised of the right to have
521 counsel present at the judicial review or citizen review

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522 hearings. If not so advised, the court or citizen review panel
523 shall advise the parent of such right.

524 ~~3.(e)~~ If a guardian ad litem needs to be appointed for the
525 child in a case in which a guardian ad litem has not previously
526 been appointed or if there is a need to continue a guardian ad
527 litem in a case in which a guardian ad litem has been appointed.

528 ~~4.(d)~~ Who holds the rights to make educational decisions
529 for the child. If appropriate, the court may refer the child to
530 the district school superintendent for appointment of a
531 surrogate parent or may itself appoint a surrogate parent under
532 the Individuals with Disabilities Education Act and s. 39.0016.

533 ~~5.(e)~~ The compliance or lack of compliance of all parties
534 with applicable items of the case plan, including the parents'
535 compliance with child support orders.

536 ~~6.(f)~~ The compliance or lack of compliance with a
537 visitation contract between the parent and the social service
538 agency for contact with the child, including the frequency,
539 duration, and results of the parent-child visitation and the
540 reason for any noncompliance.

541 ~~7.(g)~~ The compliance or lack of compliance of the parent
542 in meeting specified financial obligations pertaining to the
543 care of the child, including the reason for failure to comply if
544 such is the case.

545 ~~8.(h)~~ Whether the child is receiving safe and proper care
546 according to s. 39.6012, including, but not limited to, the
547 appropriateness of the child's current placement, including
548 whether the child is in a setting that is as family-like and as
549 close to the parent's home as possible, consistent with the

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550 child's best interests and special needs, and including
551 maintaining stability in the child's educational placement, as
552 documented by assurances from the community-based care provider
553 that:

554 ~~a.1.~~ The placement of the child takes into account the
555 appropriateness of the current educational setting and the
556 proximity to the school in which the child is enrolled at the
557 time of placement.

558 ~~b.2.~~ The community-based care agency has coordinated with
559 appropriate local educational agencies to ensure that the child
560 remains in the school in which the child is enrolled at the time
561 of placement.

562 ~~9.(i)~~ A projected date likely for the child's return home
563 or other permanent placement.

564 ~~10.(j)~~ When appropriate, the basis for the unwillingness
565 or inability of the parent to become a party to a case plan. The
566 court and the citizen review panel shall determine if the
567 efforts of the social service agency to secure party
568 participation in a case plan were sufficient.

569 ~~11.(k)~~ For a child who has reached 13 years of age but is
570 not yet 18 years of age, the adequacy of the child's preparation
571 for adulthood and independent living.

572 ~~12.(l)~~ If amendments to the case plan are required.
573 Amendments to the case plan must be made under s. 39.6013.

574 ~~(d)(10)(a)~~ Orders.-

575 1. Based upon the criteria set forth in paragraph (c)
576 ~~subsection (9)~~ and the recommended order of the citizen review
577 panel, if any, the court shall determine whether or not the

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578 social service agency shall initiate proceedings to have a child
579 declared a dependent child, return the child to the parent,
580 continue the child in out-of-home care for a specified period of
581 time, or initiate termination of parental rights proceedings for
582 subsequent placement in an adoptive home. Amendments to the case
583 plan must be prepared as prescribed in s. 39.6013. If the court
584 finds that the prevention or reunification efforts of the
585 department will allow the child to remain safely at home or be
586 safely returned to the home, the court shall allow the child to
587 remain in or return to the home after making a specific finding
588 of fact that the reasons for the creation of the case plan have
589 been remedied to the extent that the child's safety, well-being,
590 and physical, mental, and emotional health will not be
591 endangered.

592 2.~~(b)~~ The court shall return the child to the custody of
593 the parents at any time it determines that they have
594 substantially complied with the case plan, if the court is
595 satisfied that reunification will not be detrimental to the
596 child's safety, well-being, and physical, mental, and emotional
597 health.

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

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605 ~~4.(d)~~ If, at any judicial review, the court finds that the
606 parents have failed to substantially comply with the case plan
607 to the degree that further reunification efforts are without
608 merit and not in the best interest of the child, on its own
609 motion, the court may order the filing of a petition for
610 termination of parental rights, whether or not the time period
611 as contained in the case plan for substantial compliance has
612 expired.

613 ~~5.(e)~~ Within 6 months after the date that the child was
614 placed in shelter care, the court shall conduct a judicial
615 review hearing to review the child's permanency goal as
616 identified in the case plan. At the hearing the court shall make
617 findings regarding the likelihood of the child's reunification
618 with the parent or legal custodian within 12 months after the
619 removal of the child from the home. If the court makes a written
620 finding that it is not likely that the child will be reunified
621 with the parent or legal custodian within 12 months after the
622 child was removed from the home, the department must file with
623 the court, and serve on all parties, a motion to amend the case
624 plan under s. 39.6013 and declare that it will use concurrent
625 planning for the case plan. The department must file the motion
626 within 10 business days after receiving the written finding of
627 the court. The department must attach the proposed amended case
628 plan to the motion. If concurrent planning is already being
629 used, the case plan must document the efforts the department is
630 taking to complete the concurrent goal.

631 ~~6.(f)~~ The court may issue a protective order in
632 assistance, or as a condition, of any other order made under

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633 this part. In addition to the requirements included in the case
634 plan, the protective order may set forth requirements relating
635 to reasonable conditions of behavior to be observed for a
636 specified period of time by a person or agency who is before the
637 court; and the order may require any person or agency to make
638 periodic reports to the court containing such information as the
639 court in its discretion may prescribe.

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

641 (a) In addition to the review and report required under
642 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
643 a judicial review hearing within 90 days after a child's 17th
644 birthday. The court shall also issue an order, separate from the
645 order on judicial review, that the disability of nonage of the
646 child has been removed pursuant to s. 743.045 and shall continue
647 to hold timely judicial review hearings. If necessary, the court
648 may review the status of the child more frequently during the
649 year before the child's 18th birthday. At each review hearing
650 held under this subsection, in addition to any information or
651 report provided to the court by the foster parent, legal
652 custodian, or guardian ad litem, the child shall be given the
653 opportunity to address the court with any information relevant
654 to the child's best interest, particularly in relation to
655 independent living transition services. The department shall
656 include in the social study report for judicial review written
657 verification that the child has:

658 1. A current Medicaid card and all necessary information
659 concerning the Medicaid program sufficient to prepare the child

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660 to apply for coverage upon reaching the age of 18, if such
661 application is appropriate.

662 2. A certified copy of the child's birth certificate and a
663 valid driver license or, if the child does not have a valid
664 driver license, a Florida identification card issued under s.
665 322.051.

666 3. A social security card and information relating to
667 social security insurance benefits if the child is eligible for
668 those benefits. If the child has received such benefits and they
669 are being held in trust for the child, a full accounting of
670 these funds must be provided and the child must be informed as
671 to how to access those funds.

672 4. All relevant information related to the Road-to-
673 Independence Program, including, but not limited to, eligibility
674 requirements, information on participation, and assistance in
675 gaining admission to the program. If the child is eligible for
676 the Road-to-Independence Program, he or she must be advised that
677 he or she may continue to reside with the licensed family home
678 or group care provider with whom the child was residing at the
679 time the child attained his or her 18th birthday, in another
680 licensed family home, or with a group care provider arranged by
681 the department.

682 5. An open bank account or the identification necessary to
683 open a bank account and to acquire essential banking and
684 budgeting skills.

685 6. Information on public assistance and how to apply for
686 public assistance.

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687 7. A clear understanding of where he or she will be living
688 on his or her 18th birthday, how living expenses will be paid,
689 and the educational program or school in which he or she will be
690 enrolled.

691 8. Information related to the ability of the child to
692 remain in care until he or she reaches 21 years of age under s.
693 39.013.

694 9. A letter providing the dates that the child is under
695 the jurisdiction of the court.

696 10. When applicable, a letter stating that the child is in
697 compliance with financial aid documentation requirements.

698 11. The child's educational records.

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

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

701 14. A statement encouraging the child to attend all
702 judicial review hearings occurring after the child's 17th
703 birthday.

704 (b) At the first judicial review hearing held subsequent
705 to the child's 17th birthday, the department shall provide the
706 court with an updated case plan that includes specific
707 information related to the independent living skills that the
708 child has acquired since the child's 13th birthday, or since the
709 date the child came into foster care, whichever came later.

710 (c) If the court finds at the judicial review hearing that
711 the department has not met with its obligations to the child as
712 stated in the written case plan or in the provision of
713 independent living services, the court may issue an order
714 directing the department to show cause as to why it has not done

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715 so. If the department cannot justify its noncompliance, the
716 court may give the department 30 days within which to comply. If
717 the department fails to comply within 30 days, the court may
718 hold the department in contempt.

719 (d) At the last review hearing before the child reaches 18
720 years of age, and in addition to the requirements of subsection
721 (2), the court shall:

722 1. Address whether the child plans to remain in foster
723 care, and, if so, ensure that the child's transition plan
724 includes a plan for meeting one or more of the criteria
725 specified in s. 39.6251.

726 2. Ensure that the transition plan includes a supervised
727 living arrangement under s. 39.6251.

728 3. Ensure the child has been informed of:

729 a. The right to continued support and services from the
730 department and the community-based care lead agency.

731 b. The right to request termination of dependency
732 jurisdiction and be discharged from foster care.

733 c. The opportunity to reenter foster care pursuant to s.
734 39.6251.

735 4. Ensure that the young adult, if he or she requests
736 termination of dependency jurisdiction and discharge from foster
737 care, has been informed of:

738 a. Services or benefits for which the young adult may be
739 eligible based on his or her former placement in foster care.

740 b. Services or benefits that may be lost through
741 termination of dependency jurisdiction.

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742 c. Other federal, state, local, or community-based
743 services or supports available to him or her.

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

749 (a) The department and community-based care lead agency
750 shall prepare and submit to the court a report, developed in
751 collaboration with the young adult, which addresses the young
752 adult's progress in meeting the goals in the case plan. The
753 report must include progress information related to the young
754 adult's independent living plan and transition plan, if
755 applicable, and shall propose modifications as necessary to
756 further the young adult's goals.

757 (b) The court shall attempt to determine whether the
758 department and any service provider under contract with the
759 department are providing the appropriate services as provided in
760 the case plan.

761 (c) If the court believes that the young adult is entitled
762 under department policy or under a contract with a service
763 provider to additional services to achieve the goals enumerated
764 in the case plan, it may order the department to take action to
765 ensure that the young adult receives the identified services.

766 (d) The young adult or any other party to the dependency
767 case may request an additional hearing or judicial review.

768 (e) Notwithstanding the provisions of this subsection, if
769 a young adult has chosen to remain in extended foster care after

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770 he or she has reached 18 years of age, the department may not
771 close a case and the court may not terminate jurisdiction until
772 the court finds, following a hearing, that the following
773 criteria have been met:

774 1. Attendance of the young adult at the hearing; or

775 2. Findings by the court that:

776 a. The young adult has been informed by the department of
777 his or her right to attend the hearing and has provided written
778 consent to waive this right; and

779 b. The young adult has been informed of the potential
780 negative effects of early termination of care, the option to
781 reenter care before reaching 21 years of age, the procedure for,
782 and limitations on, reentering care, and the availability of
783 alternative services, and has signed a document attesting that
784 he or she has been so informed and understands these provisions;
785 or

786 c. The young adult has voluntarily left the program, has
787 not signed the document in sub-subparagraph b., and is unwilling
788 to participate in any further court proceeding.

789 (f) In all permanency hearings or hearings regarding the
790 transition of the young adult from care to independent living,
791 the court shall consult with the young adult regarding the
792 proposed permanency plan, case plan, and individual education
793 plan for the young adult and ensure that he or she has
794 understood the conversation.

795 Section 6. Section 409.145, Florida Statutes, is amended
796 to read:

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797 409.145 Care of children; quality parenting; "reasonable
798 and prudent parent" standard.—The child welfare system of the
799 department shall operate as a coordinated community-based system
800 of care which empowers all caregivers for children in foster
801 care to provide quality parenting, including approving or
802 disapproving a child's participation in activities based on the
803 caregiver's assessment using the "reasonable and prudent parent"
804 standard.

805 (1) SYSTEM OF CARE.—The department shall develop,
806 implement ~~conduct, supervise,~~ and administer a coordinated
807 community-based system of care ~~program~~ for ~~dependent~~ children
808 who are found to be dependent and their families. This system of
809 care must ~~The services of the department are to be directed~~
810 toward the following goals:

811 (a) ~~The~~ Prevention of separation of children from their
812 families.

813 (b) Intervention to allow children to remain safely in
814 their own homes.

815 (c) ~~(b)~~ ~~The~~ Reunification of families who have had children
816 removed from their care ~~placed in foster homes or institutions.~~

817 (d) Safety for children who are separated from their
818 families by providing alternative emergency or longer-term
819 parenting arrangements.

820 (e) Well-being of children through emphasis on maintaining
821 educational stability and providing timely health care.

822 (f) ~~(e)~~ Permanency for ~~The permanent placement of~~ children
823 for whom reunification ~~who cannot be reunited with their~~

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824 families is not possible or ~~when reunification would~~ is not be
825 in the best interest of the child.

826 ~~(d) The protection of dependent children or children~~
827 ~~alleged to be dependent, including provision of emergency and~~
828 ~~long-term alternate living arrangements.~~

829 ~~(g)(e)~~ The transition to independence and self-sufficiency
830 for older children who remain in foster care through adolescence
831 ~~continue to be in foster care as adolescents.~~

832 ~~(2) The following dependent children shall be subject to~~
833 ~~the protection, care, guidance, and supervision of the~~
834 ~~department or any duly licensed public or private agency:~~

835 ~~(a) Any child who has been temporarily or permanently~~
836 ~~taken from the custody of the parents, custodians, or guardians~~
837 ~~in accordance with those provisions in chapter 39 that relate to~~
838 ~~dependent children.~~

839 ~~(b) Any child who is in need of the protective supervision~~
840 ~~of the department as determined by intake or by the court in~~
841 ~~accordance with those provisions of chapter 39 that relate to~~
842 ~~dependent children.~~

843 ~~(c) Any child who is voluntarily placed, with the written~~
844 ~~consent of the parents or guardians, in the department's foster~~
845 ~~care program or the foster care program of a licensed private~~
846 ~~agency.~~

847 ~~(3) The circuit courts exercising juvenile jurisdiction in~~
848 ~~the various counties of this state shall cooperate with the~~
849 ~~department and its employees in carrying out the purposes and~~
850 ~~intent of this chapter.~~

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851 ~~(4) The department is authorized to accept children on a~~
852 ~~permanent placement basis by order of a court of competent~~
853 ~~jurisdiction for the single purpose of adoption placement of~~
854 ~~these children. The department is authorized to provide the~~
855 ~~necessary services to place these children ordered to the~~
856 ~~department on a permanent placement basis for adoption.~~

857 ~~(5) Any funds appropriated by counties for child welfare~~
858 ~~services may be matched by state and federal funds, such funds~~
859 ~~to be utilized by the department for the benefit of children in~~
860 ~~those counties.~~

861 ~~(6) Whenever any child is placed under the protection,~~
862 ~~care, and guidance of the department or a duly licensed public~~
863 ~~or private agency, or as soon thereafter as is practicable, the~~
864 ~~department or agency, as the case may be, shall endeavor to~~
865 ~~obtain such information concerning the family medical history of~~
866 ~~the child and the natural parents as is available or readily~~
867 ~~obtainable. This information shall be kept on file by the~~
868 ~~department or agency for possible future use as provided in ss.~~
869 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

870 ~~(7) Whenever any child is placed by the department in a~~
871 ~~shelter home, foster home, or other residential placement, the~~
872 ~~department shall make available to the operator of the shelter~~
873 ~~home, foster home, other residential placement, or other~~
874 ~~caretaker as soon thereafter as is practicable, all relevant~~
875 ~~information concerning the child's demographic, social, and~~
876 ~~medical history.~~

877 (2) QUALITY PARENTING.—A child in foster care shall be
878 placed only with a caregiver who has the ability to care for the

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879 child, is willing to accept responsibility for providing care,
880 and is willing and able to learn about and be respectful of the
881 child's culture, religion and ethnicity, special physical or
882 psychological needs, unique circumstances, and family
883 relationships. The department, the community-based care lead
884 agency, and other agencies shall provide such caregiver with all
885 available information necessary to assist the caregiver in
886 determining whether he or she is able to appropriately care for
887 a particular child.

888 (a) Roles and responsibilities of caregivers.-A caregiver
889 shall:

890 1. Participate in developing the case plan for the child
891 and his or her family and work with others involved in his or
892 her care to implement this plan. This participation includes the
893 caregiver's involvement in all team meetings or court hearings
894 related to the child's care.

895 2. Complete all training needed to improve skills in
896 parenting a child who has experienced trauma due to neglect,
897 abuse, or separation from home, to meet the child's special
898 needs, and to work effectively with child welfare agencies, the
899 court, the schools, and other community and governmental
900 agencies.

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

904 4. Effectively advocate for the child in the caregiver's
905 care with the child welfare system, the court, and community

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906 agencies, including the school, child care providers, health and
907 mental health providers, and employers.

908 5. Participate fully in the child's medical,
909 psychological, and dental care as the caregiver would for his or
910 her biological child.

911 6. Support the child's school success by participating in
912 school activities and meetings, including individual education
913 plan meetings, assisting with school assignments, supporting
914 tutoring programs, meeting with teachers and working with an
915 educational surrogate if one has been appointed, and encouraging
916 the child's participation in extracurricular activities.

917 7. Work in partnership with other stakeholders to obtain
918 and maintain records that are important to the child's well-
919 being, including child resource records, medical records, school
920 records, photographs, and records of special events and
921 achievements.

922 8. Ensure that the child who has reached 13 years of age
923 but is not yet 17 years of age learns and masters independent
924 living skills.

925 9. Ensure that the child is aware of the requirements and
926 benefits of the Road-to-Independence Program.

927 10. Work to enable the child to establish and maintain
928 naturally occurring mentoring relationships.

929 (b) Roles and responsibilities of the department, the
930 community-based care lead agency, and other agency staff.-The
931 department, the community-based care lead agency, and other
932 agency staff shall:

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933 1. Include the caregiver in the development and
934 implementation of the case plan for the child and his or her
935 family. The caregiver shall be authorized to participate in all
936 team meetings or court hearings related to the child's care and
937 future plans. The caregiver's participation shall be facilitated
938 through timely notification, an inclusive process, and
939 alternative methods for participation for a caregiver who cannot
940 be physically present.

941 2. Develop and make available to the caregiver the
942 information, services, training, and support that the caregiver
943 needs to improve his or her skills in parenting children who
944 have experienced trauma due to neglect, abuse, or separation
945 from home, to meet these children's special needs, and to
946 advocate effectively with child welfare agencies, the courts,
947 schools, and other community and governmental agencies.

948 3. Provide the caregiver with all information related to
949 services and other benefits that are available to the child.

950 (c) Transitions.—

951 1. Once a caregiver accepts the responsibility of caring
952 for a child, the child will be removed from the home of that
953 caregiver only if:

954 a. The caregiver is clearly unable to safely or legally
955 care for the child;

956 b. The child and his or her biological family are
957 reunified;

958 c. The child is being placed in a legally permanent home
959 pursuant to the case plan or a court order;

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960 d. The removal is demonstrably in the child's best
961 interest; or

962 e. The caregiver is no longer able or willing to care for
963 the child.

964 2. In the absence of an emergency, if a child leaves the
965 caregiver's home for a reason provided under subparagraph 1.,
966 the transition must be accomplished according to a plan that
967 involves cooperation and sharing of information among all
968 persons involved, respects the child's developmental stage and
969 psychological needs, ensures the child has all of his or her
970 belongings, and allows for a gradual transition from the
971 caregiver's home and, if possible, for continued contact with
972 the caregiver after the child leaves.

973 (d) Information sharing.—Whenever a foster home or
974 residential group home assumes responsibility for the care of a
975 child, the department and any additional providers shall make
976 available to the caregiver as soon as is practicable all
977 relevant information concerning the child. Records and
978 information that are required to be shared with caregivers
979 include, but are not limited to:

980 1. Medical, dental, psychological, psychiatric, and
981 behavioral history, as well as ongoing evaluation or treatment
982 needs.

983 2. School records.

984 3. Copies of his or her birth certificate and, if
985 appropriate, immigration status documents.

986 4. Consents signed by parents.

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987 5. Comprehensive behavioral assessments and other social
988 assessments.

989 6. Court orders.

990 7. Visitation and case plans.

991 8. Guardian ad litem reports.

992 9. Staffing forms.

993 10. Judicial or citizen review panel reports and
994 attachments filed with the court, except confidential medical,
995 psychiatric, and psychological information regarding any party
996 or participant other than the child.

997 (e) Caregivers employed by residential group homes.-All
998 caregivers in residential group homes shall meet the same
999 education, training, and background and other screening
1000 requirements as foster parents.

1001 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1002 (a) Definitions.-As used in this subsection, the term:

1003 1. "Age-appropriate" means generally accepted as suitable
1004 for a child of the same chronological age or level of maturity.
1005 Age appropriateness is based on the development of cognitive,
1006 emotional, physical, and behavioral capacity which is typical
1007 for an age or age group.

1008 2. "Caregiver" means a person with whom the child is
1009 placed in out-of-home care, or a designated official for a group
1010 care facility licensed by the department under s. 409.175.

1011 3. "Reasonable and prudent parent standard" means the
1012 standard characterized by careful and sensible parental
1013 decisions that maintain the child's health, safety, and best
1014 interest while at the same time encouraging the child's

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1015 emotional and developmental growth, that a caregiver shall use
1016 when determining whether to allow a child in out-of-home care to
1017 participate in extracurricular, enrichment, and social
1018 activities.

1019 (b) Application of standard of care.-

1020 1. Every child who comes into out-of-home care pursuant to
1021 this chapter is entitled to participate in age-appropriate
1022 extracurricular, enrichment, and social activities.

1023 2. Each caregiver shall use the reasonable and prudent
1024 parent standard in determining whether to give permission for a
1025 child living in out-of-home care to participate in
1026 extracurricular, enrichment, or social activities. When using
1027 the reasonable and prudent parent standard, the caregiver must
1028 consider:

1029 a. The child's age, maturity, and developmental level to
1030 maintain the overall health and safety of the child.

1031 b. The potential risk factors and the appropriateness of
1032 the extracurricular, enrichment, or social activity.

1033 c. The best interest of the child, based on information
1034 known by the caregiver.

1035 d. The importance of encouraging the child's emotional and
1036 developmental growth.

1037 e. The importance of providing the child with the most
1038 family-like living experience possible.

1039 f. The behavioral history of the child and the child's
1040 ability to safely participate in the proposed activity.

1041 (c) Verification of services delivered.-The department and
1042 each community-based care lead agency shall verify that private

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1043 agencies providing out-of-home care services to dependent
 1044 children have policies in place which are consistent with this
 1045 section and that these agencies promote and protect the ability
 1046 of dependent children to participate in age-appropriate
 1047 extracurricular, enrichment, and social activities.

1048 (d) Limitation of liability.—A caregiver is not liable for
 1049 harm caused to a child who participates in an activity approved
 1050 by the caregiver, provided that the caregiver has acted in
 1051 accordance with the reasonable and prudent parent standard. This
 1052 paragraph may not be interpreted as removing or limiting any
 1053 existing liability protection afforded by law.

1054 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1055 (a) Effective October 1, 2013, monthly room and board
 1056 rates paid to foster parents are as follows:

<u>Monthly Foster</u>	<u>0-5 Years Age</u>	<u>6-12 Years Age</u>	<u>13-21 Years Age</u>
<u>Care Rate</u>			
	<u>\$429</u>	<u>\$440</u>	<u>\$515</u>

1058
 1059
 1060
 1061 (b) Foster parents who are receiving the minimum room and
 1062 board rate as provided in paragraph (a) shall receive an annual
 1063 cost of living increase. The department shall calculate the new
 1064 room and board rate increase equal to the percentage change in
 1065 the Consumer Price Index for All Urban Consumers, U.S. City
 1066 Average, All Items, not seasonally adjusted, or successor
 1067 reports, for the preceding December compared to the prior

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1068 December as initially reported by the United States Department
1069 of Labor, Bureau of Labor Statistics.

1070 (c) The amount of the monthly foster parent room and board
1071 rate may be increased upon agreement among the department, the
1072 community-based care lead agency, and the foster parent.

1073 (d) Community-based care lead agencies providing care
1074 under contract with the department may pay a supplemental room
1075 and board payment to foster care parents for providing
1076 independent life skills and normalcy supports to children who
1077 are age 13 through 17 placed in their care. The supplemental
1078 payment shall be paid monthly to the foster care parents on a
1079 per-child basis in addition to the current monthly room and
1080 board rate payment. The supplemental monthly payment shall be
1081 based on 10 percent of the monthly room and board rate for
1082 children age 13 through 21 as provided under this section and
1083 adjusted annually.

1084 (5) RULEMAKING.—The department shall adopt by rule
1085 procedures to administer this section.

1086 Section 7. Section 409.1451, Florida Statutes, is amended
1087 to read:

1088 (Substantial rewording of section. See
1089 s. 409.1451, F.S., for present text).

1090 409.1451 The Road-to-Independence Program.—

1091 (1) LEGISLATIVE FINDINGS AND INTENT.—

1092 (a) The Legislature recognizes that most children and
1093 young adults are resilient and, with adequate support, can
1094 expect to be successful as independent adults. Not unlike many
1095 young adults, some young adults who have lived in foster care

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1096 need additional support and resources for a period of time after
1097 reaching 18 years of age.

1098 (b) The Legislature finds that while it is important to
1099 provide young adults who have lived in foster care with
1100 education and independent living skills, there is also a need to
1101 focus more broadly on creating and preserving family
1102 relationships so that young adults have a permanent connection
1103 with at least one committed adult who provides a safe and stable
1104 parenting relationship.

1105 (c) It is the intent of the Legislature that young adults
1106 who choose to participate in the program receive the skills,
1107 education, and support necessary to become self-sufficient and
1108 leave foster care with a lifelong connection to a supportive
1109 adult through the Road-to-Independence Program, either through
1110 postsecondary education services and support, as provided in
1111 subsection (2), or aftercare services.

1112 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1113 (a) A young adult is eligible for services and support
1114 under this subsection if he or she:

1115 1. Was living in licensed care on his or her 18th birthday
1116 or is currently living in licensed care, or was at least 16
1117 years of age and was adopted from foster care or placed with a
1118 court-approved dependency guardian after spending at least 6
1119 months in licensed care within the 12 months immediately
1120 preceding such placement or adoption;

1121 2. Spent at least 6 months in licensed care before
1122 reaching his or her 18th birthday;

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1123 3. Earned a standard high school diploma or its equivalent
1124 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1125 or s. 1003.435;

1126 4. Has been admitted for enrollment as a full-time student
1127 or its equivalent in an eligible postsecondary educational
1128 institution as provided in s. 1009.533 unless the young adult
1129 has a recognized disability preventing full-time attendance;

1130 5. Has reached 18 years of age but is not yet 23 years of
1131 age;

1132 6. Has applied, with assistance from the young adult's
1133 caregiver and the community-based care lead agency, for grants
1134 and scholarships;

1135 7. Submitted a Free Application for Federal Student Aid
1136 which is complete and error free; and

1137 8. Signed an agreement to allow the department and the
1138 community-based care lead agency access to school records.

1139 (b) The amount of the financial assistance shall be as
1140 follows:

1141 1. For a young adult who does not remain in foster care
1142 and is attending a postsecondary educational institution as
1143 provided in s. 1009.533, the amount is \$1,256 monthly.

1144 2. For a young adult who remains in foster care, is
1145 attending a postsecondary educational institution as provided in
1146 s. 1009.533, and continues to reside in a licensed foster home,
1147 the amount is the established room and board rate for foster
1148 parents as provided in s. 409.145(4).

1149 3. For a young adult who remains in foster care, but
1150 temporarily resides away from a licensed foster home for

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1151 purposes of attending a postsecondary educational institution as
1152 provided in s. 1009.533, the amount is \$1,256 monthly while the
1153 child resides away. The amount is the board rate while the child
1154 resides in the foster home, instead of the \$1,256.

1155 4. For a young adult who remains in foster care, is
1156 attending a postsecondary educational institution as provided in
1157 s. 1009.533, and continues to reside in a licensed group home,
1158 the amount is negotiated between the community-based care lead
1159 agency and the licensed group home provider.

1160 5. For a young adult who remains in foster care but
1161 temporarily resides away from a licensed group home for purposes
1162 of attending a postsecondary educational institution as provided
1163 in s. 1009.533, the amount is \$1,256 monthly while the child
1164 resides away from the licensed group home. The amount is
1165 negotiated between the licensed group home and the community-
1166 based care lead agency while the child resides in the licensed
1167 group home, instead of the \$1,256.

1168 6. The amount of the award may be disregarded for purposes
1169 of determining the eligibility for, or the amount of, any other
1170 federal or federally supported assistance.

1171 7. A young adult is eligible to receive financial
1172 assistance during the months when enrolled in a postsecondary
1173 educational institution.

1174 (c) Payment of financial assistance for a young adult who:

1175 1. Has chosen not to remain in foster care and is
1176 attending a postsecondary educational institution as provided in
1177 s. 1009.533 shall be made to the community-based care lead
1178 agency in order to secure housing and utilities, with the

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1179 balance being paid directly to the young adult until such time
1180 the lead agency and the young adult determine that the young
1181 adult can successfully manage the full amount of the assistance.

1182 2. Has remained in foster care, is an attending
1183 postsecondary educational institution as provided in s.
1184 1009.533, and is residing in a foster home or group home shall
1185 be made directly to the foster parent or group home provider.

1186 3. Has chosen to reside temporarily away from a licensed
1187 foster home or group home for purposes of attending
1188 postsecondary educational institution as provided in s. 1009.533
1189 shall be made to the community-based care lead agency in order
1190 to secure housing and utilities, with the balance being paid
1191 directly to the young adult while they temporarily reside away
1192 from a licensed foster home or group home for purposes of
1193 attending postsecondary school. When the young adult returns to
1194 reside in the foster home or group home, the payment will be
1195 paid directly to the foster parent or licensed group home.

1196 (d)1. The department must advertise the availability of
1197 the stipend and must provide notification of the criteria and
1198 application procedures for the stipend to children and young
1199 adults leaving, or who were formerly in, foster care;
1200 caregivers; case managers; guidance and family services
1201 counselors; principals or other relevant school administrators;
1202 and guardians ad litem.

1203 2. If the award recipient transfers from one eligible
1204 institution to another and continues to meet eligibility
1205 requirements, the award shall be transferred with the recipient.

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1206 3. The department or an agency under contract with the
1207 department, shall evaluate each Road-to-Independence award for
1208 renewal eligibility on an annual basis. In order to be eligible
1209 for a renewal award for the subsequent year, the young adult
1210 must:

1211 a. Be enrolled for or have completed the number of hours,
1212 or the equivalent, to be considered a full-time student by the
1213 eligible postsecondary educational institution in which he or
1214 she is enrolled, unless that young adult has a recognized
1215 disability preventing full-time attendance.

1216 b. Maintain appropriate progress as required by the
1217 educational institution, except that if the young adult's
1218 progress is insufficient to renew the award at any time during
1219 the eligibility period, the young adult may restore eligibility
1220 by improving his or her progress to the required level.

1221 4. Funds may be terminated during the interim between an
1222 award and the evaluation for a renewal award if the department,
1223 or an agency under contract with the department, determines that
1224 the award recipient is no longer enrolled in an educational
1225 institution as described in subparagraph (a)4. or is no longer a
1226 resident of this state.

1227 5. The department, or an agency under contract with the
1228 department, shall notify a recipient who is terminated and
1229 inform the recipient of his or her right to appeal.

1230 6. An award recipient who does not qualify for a renewal
1231 award or who chooses not to renew the award may immediately
1232 apply for reinstatement. An application for reinstatement must
1233 be made before the young adult reaches 23 years of age, and a

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1234 student may not apply for reinstatement more than once. In order
1235 to be eligible for reinstatement, the young adult must meet the
1236 eligibility criteria and the criteria for award renewal for the
1237 program.

1238 (3) POSTSECONDARY EDUCATIONAL MENTORS.—

1239 (a) The department or an agency under contract with the
1240 department, shall ensure that former foster care young adults
1241 attending a postsecondary educational institution have a
1242 designated mentor.

1243 (b) A mentor is a caring, responsible adult who serves as
1244 a positive role model and provides ongoing information,
1245 guidance, and support to a young adult transitioning to
1246 postsecondary education and adulthood.

1247 (c) All Road-to-Independence mentors shall be mutually
1248 agreed upon by either the department, or an agency under
1249 contract with the department, and the student.

1250 (d) All Road-to-Independence mentors shall submit to a
1251 level 2 background screening that is paid for by the community-
1252 based care lead agency in a manner that is consistent with the
1253 screening requirements contained in s. 435.04.

1254 (e) The agencies under contract with the department shall
1255 maintain a current listing, and make it available to the
1256 department as needed, of assigned mentors and those young adults
1257 that do not currently have a mentor. The agencies shall confirm
1258 and document on at least an annual basis that a mentor is
1259 willing to continue mentoring.

1260 (4) AFTERCARE SERVICES.—

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1261 (a) Aftercare services are available to young adults who
1262 have chosen not to remain in foster care after reaching 18 years
1263 of age and who are not receiving financial assistance under
1264 subsection (2) to pursue postsecondary education. These
1265 aftercare services include, but are not limited to, the
1266 following:

- 1267 1. Mentoring and tutoring.
- 1268 2. Mental health services and substance abuse counseling.
- 1269 3. Life skills classes, including credit management and
1270 preventive health activities.
- 1271 4. Parenting classes.
- 1272 5. Job and career skills training.
- 1273 6. Counselor consultations.
- 1274 7. Temporary financial assistance for emergency
1275 situations.
- 1276 8. Financial literacy skills training.

1277
1278 The specific services to be provided under this paragraph shall
1279 be determined by an assessment of the young adult and may be
1280 provided by the community-based care provider or through
1281 referrals in the community.

1282 (b) Temporary assistance provided to prevent homelessness
1283 shall be provided as expeditiously as possible and within the
1284 limitations defined by the department.

1285 (c) A young adult who has reached 18 years of age but is
1286 not yet 23 years of age who leaves foster care at 18 years of
1287 age may request and is eligible for such services before
1288 reaching 23 years of age.

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1289 (5) APPEAL PROCEDURE.-

1290 (a) The department shall have a procedure by which a young
1291 adult may appeal the department's refusal to provide Road-to-
1292 Independence Program services or support, or the termination of
1293 such services or support if funds for such services or support
1294 are available.

1295 (b) The appeal procedure must be readily accessible to
1296 young adults, must provide for timely decisions, and must
1297 provide for an appeal to the department. The decision of the
1298 department constitutes final agency action and is reviewable by
1299 the court as provided in s. 120.68.

1300 (6) PORTABILITY.-The services provided under this section
1301 are portable across county lines and between lead agencies.

1302 (a) The service needs that are identified in the original
1303 or updated transition plan, pursuant to s. 39.6035, shall be
1304 provided by the lead agency where the young adult is currently
1305 residing but shall be funded by the lead agency that initiated
1306 the transition plan.

1307 (b) The lead agency with primary case management
1308 responsibilities shall provide maintenance payments, case
1309 planning, including a written description of all services that
1310 will assist a child 16 years of age or older in preparing for
1311 the transition from care to independence, and regular case
1312 reviews that conform with all federal scheduling and content
1313 requirements for all children in foster care who are placed or
1314 visiting out-of-state.

1315 (7) ACCOUNTABILITY.-The department shall develop outcome
1316 measures for the program and other performance measures in order

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1317 to maintain oversight of the program. No later than January 31
1318 of each year, the department shall prepare a report on the
1319 outcome measures and the department's oversight activities and
1320 submit the report to the President of the Senate, the Speaker of
1321 the House of Representatives, and the committees with
1322 jurisdiction over issues relating to children and families in
1323 the Senate and the House of Representatives. The report must
1324 include:

1325 (a) An analysis of performance on the outcome measures
1326 developed under this section reported for each community-based
1327 care lead agency and compared with the performance of the
1328 department on the same measures.

1329 (b) A description of the department's oversight of the
1330 program, including, by lead agency, any programmatic or fiscal
1331 deficiencies found, corrective actions required, and current
1332 status of compliance.

1333 (c) Any rules adopted or proposed under this section since
1334 the last report. For the purposes of the first report, any rules
1335 adopted or proposed under this section must be included.

1336 (8) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1337 secretary shall establish the Independent Living Services
1338 Advisory Council for the purpose of reviewing and making
1339 recommendations concerning the implementation and operation of
1340 the provisions of s. 39.6015 and the Road-to-Independence
1341 Program. The advisory council shall function as specified in
1342 this subsection until the Legislature determines that the
1343 advisory council can no longer provide a valuable contribution

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1344 to the department's efforts to achieve the goals of the services
1345 designed to enable a young adult to live independently.

1346 (a) The advisory council shall assess the implementation
1347 and operation of the Road-to-Independence Program and advise the
1348 department on actions that would improve the ability of these
1349 Road-to-Independence Program services to meet the established
1350 goals. The advisory council shall keep the department informed
1351 of problems being experienced with the services, barriers to the
1352 effective and efficient integration of services and support
1353 across systems, and successes that the system of services has
1354 achieved. The department shall consider, but is not required to
1355 implement, the recommendations of the advisory council.

1356 (b) The advisory council shall report to the secretary on
1357 the status of the implementation of the Road-To-Independence
1358 Program, efforts to publicize the availability of the Road-to-
1359 Independence Program, the success of the services, problems
1360 identified, recommendations for department or legislative
1361 action, and the department's implementation of the
1362 recommendations contained in the Independent Living Services
1363 Integration Workgroup Report submitted to the appropriate
1364 substantive committees of the Legislature by December 31, 2013.
1365 The department shall submit a report by December 31 of each year
1366 to the Governor, the President of the Senate, and the Speaker of
1367 the House of Representatives which includes a summary of the
1368 factors reported on by the advisory council and identifies the
1369 recommendations of the advisory council and either describes the
1370 department's actions to implement the recommendations or

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1371 provides the department's rationale for not implementing the
1372 recommendations.

1373 (c) Members of the advisory council shall be appointed by
1374 the secretary of the department. The membership of the advisory
1375 council must include, at a minimum, representatives from the
1376 headquarters and regional offices of the Department of Children
1377 and Families, community-based care lead agencies, the Department
1378 of Juvenile Justice, the Department of Economic Opportunity, the
1379 Department of Education, the Agency for Health Care
1380 Administration, the State Youth Advisory Board, Workforce
1381 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1382 parents, recipients of services and funding through the Road-to-
1383 Independence Program, and advocates for children in care. The
1384 secretary shall determine the length of the term to be served by
1385 each member appointed to the advisory council, which may not
1386 exceed 4 years.

1387 (d) The department shall provide administrative support to
1388 the Independent Living Services Advisory Council to accomplish
1389 its assigned tasks. The advisory council shall be afforded
1390 access to all appropriate data from the department, each
1391 community-based care lead agency, and other relevant agencies in
1392 order to accomplish the tasks set forth in this section. The
1393 data collected may not include any information that would
1394 identify a specific child or young adult.

1395 (e) The advisory council report required under paragraph
1396 (b) must include an analysis of the system of independent living
1397 transition services for young adults who reach 18 years of age
1398 while in foster care before completing high school or its

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1399 equivalent and recommendations for department or legislative
1400 action. The council shall assess and report on the most
1401 effective method of assisting these young adults to complete
1402 high school or its equivalent by examining the practices of
1403 other states.

1404 (9) PERSONAL PROPERTY.—Property acquired on behalf of a
1405 young adult in this program shall become the personal property
1406 of the young adult and is not subject to the requirements of
1407 chapter 273 relating to state-owned tangible personal property.
1408 Such property continues to be subject to applicable federal
1409 laws.

1410 (10) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN
1411 CARE.—The department or community-based care lead agency shall
1412 document that eligible young adults are enrolled in Medicaid
1413 under s. 409.903(4).

1414 (11) RULEMAKING.—The department shall adopt rules to
1415 administer this section.

1416 Section 8. Paragraph (a) of subsection (3) of section
1417 409.175, Florida Statutes, is amended to read:

1418 409.175 Licensure of family foster homes, residential
1419 child-caring agencies, and child-placing agencies; public
1420 records exemption.—

1421 (3) (a) The total number of children placed in each family
1422 foster home shall be based on the recommendation of the
1423 department, or the community-based care lead agency where one is
1424 providing foster care and related services, based on the needs
1425 of each child in care, the ability of the foster family to meet
1426 the individual needs of each child, including any adoptive or

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1427 biological children or young adults remaining in foster care
1428 living in the home, the amount of safe physical plant space, the
1429 ratio of active and appropriate adult supervision, and the
1430 background, experience, and skill of the family foster parents.

1431 Section 9. Subsection (4) of section 409.903, Florida
1432 Statutes, is amended to read:

1433 409.903 Mandatory payments for eligible persons.—The
1434 agency shall make payments for medical assistance and related
1435 services on behalf of the following persons who the department,
1436 or the Social Security Administration by contract with the
1437 Department of Children and Family Services, determines to be
1438 eligible, subject to the income, assets, and categorical
1439 eligibility tests set forth in federal and state law. Payment on
1440 behalf of these Medicaid eligible persons is subject to the
1441 availability of moneys and any limitations established by the
1442 General Appropriations Act or chapter 216.

1443 (4) A child who is eligible under Title IV-E of the Social
1444 Security Act for subsidized board payments, foster care, or
1445 adoption subsidies, and a child for whom the state has assumed
1446 temporary or permanent responsibility and who does not qualify
1447 for Title IV-E assistance but is in foster care, shelter or
1448 emergency shelter care, or subsidized adoption. This category
1449 includes a young adult who is eligible to receive services under
1450 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
1451 without regard to any income, resource, or categorical
1452 eligibility test that is otherwise required. This category also
1453 includes a person who as a child was eligible under Title IV-E
1454 of the Social Security Act for foster care or the state-provided

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1455 foster care and who is a participant in the Road-to-Independence
1456 Program.

1457 Section 10. (1) The Department of Children and Families
1458 shall acquire, through the use of existing independent living
1459 services funding and via contract, postsecondary educational
1460 campus coaching positions. These positions shall be integrated
1461 into state colleges' and university institutions' general
1462 support services structure to provide former foster care youth
1463 with dedicated, on-campus support to aid these youth in
1464 transitioning from foster care toward graduation. The number and
1465 distribution of these positions shall be determined by the
1466 department based on the availability of funds and overall need,
1467 as determined by the number of former foster care youth
1468 attending postsecondary educational institutions receiving Road-
1469 to-Independence education tuition waivers within a given
1470 community.

1471 (2) The existing independent living services funding shall
1472 also provide for a network coordinator, who shall be responsible
1473 for overseeing startup, implementation, and evaluation of the
1474 support program described in subsection (1). The network
1475 coordinator's position shall be a state full-time equivalent
1476 position.

1477 Section 11. Effective October 1, 2013, a child or young
1478 adult who is a participant in the Road-to-Independence Program
1479 may continue in the program as it exists through December 31,
1480 2013. Effective January 1, 2014, a child or young adult who is a
1481 participant in the program shall transfer to the program
1482 services provided in this act, and his or her monthly stipend

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1483 may not be reduced, the method of payment of the monthly stipend
1484 may not be changed, and the young adult may not be required to
1485 change his or her living arrangement. These conditions shall
1486 remain in effect for a child or young adult until he or she
1487 ceases to meet the eligibility requirements under which he or
1488 she entered the Road-to-Independence Program. A child or young
1489 adult applying or reapplying for the Road-to-Independence
1490 Program on or after October 1, 2013, may apply for program
1491 services only as provided in this act.

1492 Section 12. The cost of foster care payments for children
1493 in foster care from age 18 until age 21, and the cost of
1494 independent living services for those qualified former foster
1495 care children until the age of 23, shall be paid from a special
1496 category established for that purpose in the General
1497 Appropriations Act. The amount and fund source in this special
1498 category will be set each year by the Legislature.

1499 Section 13. This act shall take effect October 1, 2013.