

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WITHDRAWN	—	(Y/N)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: Health & Human Services
 2 Committee

3 Representative Harrell offered the following:

4

5 **Amendment (with title amendment)**

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

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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
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 years of age, or 22 years of
29 age if the child has a disability, with the following
30 exceptions:

31 (a) If a young adult chooses to leave foster care upon
32 reaching 18 years of age.

33 (b) If a young adult does not meet the eligibility
34 requirements to remain in foster care under s. 39.6251 or
35 chooses to leave care under that section.

36 (c) If a young adult petitions the court at any time
37 before his or her 19th birthday requesting the court's continued
38 jurisdiction, the juvenile court may retain jurisdiction under
39 this chapter for a period not to exceed 1 year following the
40 young adult's 18th birthday for the purpose of determining
41 whether appropriate services that were required to be provided
42 to the young adult before reaching 18 years of age have been
43 provided.

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

58 Section 2. Subsection (11) of section 39.2015, Florida
59 Statutes, is amended to read:

60 39.2015 Critical incident rapid response team.-

61 (11) The secretary shall appoint an advisory committee
62 made up of experts in child protection and child welfare,
63 including the Statewide Medical Director for Child Protection
64 under the Department of Health, a representative from the
65 institute established pursuant to s. 1004.615, an expert in
66 organizational management, and an attorney with experience in
67 child welfare, to conduct an independent review of investigative
68 reports from the critical incident rapid response teams and to
69 make recommendations to improve policies and practices related

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70 to child protection and child welfare services. The advisory
71 committee shall meet at least once each quarter and shall submit
72 quarterly reports to the secretary. The quarterly reports shall
73 ~~which~~ include findings and recommendations, and shall describe
74 the implementation status of all recommendations contained
75 within the advisory committee reports, including an entity's
76 reason for not implementing a recommendation, if applicable. The
77 secretary shall submit each report to the Governor, the
78 President of the Senate, and the Speaker of the House of
79 Representatives.

80 Section 3. Paragraph (f) and (h) of subsection (8) of
81 section 39.402, Florida Statutes, are amended to read:

82 39.402 Placement in a shelter.—

83 (8)

84 (f) At the shelter hearing, the department shall inform
85 the court of:

86 1. Any identified current or previous case plans
87 negotiated under this chapter in any judicial circuit district
88 with the parents or caregivers ~~under this chapter~~ and problems
89 associated with compliance;

90 2. Any adjudication of the parents or caregivers of
91 delinquency;

92 3. Any past or current injunction for protection from
93 domestic violence or an order of no contact; and

94 4. All of the child's places of residence during the prior
95 12 months.

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96 (h) The order for placement of a child in shelter care
97 must identify the parties present at the hearing and must
98 contain written findings:

99 1. That placement in shelter care is necessary based on
100 the criteria in subsections (1) and (2).

101 2. That placement in shelter care is in the best interest
102 of the child.

103 3. That continuation of the child in the home is contrary
104 to the welfare of the child because the home situation presents
105 a substantial and immediate danger to the child's physical,
106 mental, or emotional health or safety which cannot be mitigated
107 by the provision of ~~preventive~~ safety management services.

108 4. That based upon the allegations of the petition for
109 placement in shelter care, there is probable cause to believe
110 that the child is dependent or that the court needs additional
111 time, which may not exceed 72 hours, in which to obtain and
112 review documents pertaining to the family in order to
113 appropriately determine ~~the risk to the child~~ whether placement
114 in shelter care is necessary to ensure the child's safety.

115 5. That the department has made reasonable efforts to
116 prevent or eliminate the need for removal of the child from the
117 home. A finding of reasonable effort by the department to
118 prevent or eliminate the need for removal may be made and the
119 department is deemed to have made reasonable efforts to prevent
120 or eliminate the need for removal if:

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121 a. The first contact of the department with the family
122 occurs during an emergency;

123 b. The appraisal of the home situation by the department
124 indicates that the home situation presents a substantial and
125 immediate danger to the child's physical, mental, or emotional
126 health or safety which cannot be mitigated by the provision of
127 ~~preventive services~~ safety management services including
128 issuance of an injunction against a perpetrator of domestic
129 violence pursuant to s. 39.504;

130 c. The child cannot safely remain at home, either because
131 there are no ~~preventive~~ safety management services, under s.
132 409.988(3)(b), that can ensure the health and safety of the
133 child or because, even with appropriate and available services
134 being provided, the health and safety of the child cannot be
135 ensured; or

136 d. The parent or legal custodian is alleged to have
137 committed any of the acts listed as grounds for expedited
138 termination of parental rights in s. 39.806(1)(f)-(i).

139 6. That the department has made reasonable efforts to keep
140 siblings together if they are removed and placed in out-of-home
141 care unless such placement is not in the best interest of each
142 child. It is preferred that siblings be kept together in a
143 foster home, if available. Other reasonable efforts shall
144 include short-term placement in a group home with the ability to
145 accommodate sibling groups if such a placement is available. The
146 department shall report to the court its efforts to place

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147 | siblings together unless the court finds that such placement is
148 | not in the best interest of a child or his or her sibling.

149 | 7. That the court notified the parents, relatives that are
150 | providing out-of-home care for the child, or legal custodians of
151 | the time, date, and location of the next dependency hearing and
152 | of the importance of the active participation of the parents,
153 | relatives that are providing out-of-home care for the child, or
154 | legal custodians in all proceedings and hearings.

155 | 8. That the court notified the parents or legal custodians
156 | of their right to counsel to represent them at the shelter
157 | hearing and at each subsequent hearing or proceeding, and the
158 | right of the parents to appointed counsel, pursuant to the
159 | procedures set forth in s. 39.013.

160 | 9. That the court notified relatives who are providing
161 | out-of-home care for a child as a result of the shelter petition
162 | being granted that they have the right to attend all subsequent
163 | hearings, to submit reports to the court, and to speak to the
164 | court regarding the child, if they so desire.

165 | Section 4. Paragraphs (b) through (f) of subsection (1) of
166 | section 39.521, Florida Statutes, are redesignated as paragraphs
167 | (c) through (g), respectively, a new paragraph (b) is added, and
168 | paragraph (a) of that subsection is amended to read:

169 | 39.521 Disposition hearings; powers of disposition.—

170 | (1) A disposition hearing shall be conducted by the court,
171 | if the court finds that the facts alleged in the petition for
172 | dependency were proven in the adjudicatory hearing, or if the

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173 parents or legal custodians have consented to the finding of
174 dependency or admitted the allegations in the petition, have
175 failed to appear for the arraignment hearing after proper
176 notice, or have not been located despite a diligent search
177 having been conducted.

178 (a) A written case plan and a predisposition study
179 prepared by an authorized agent of the department must be ~~filed~~
180 approved by the court. The department must file the case plan
181 and pre-disposition study with the court, ~~served~~ serve it upon
182 the parents of the child, ~~provided~~ provide it to the
183 representative of the guardian ad litem program, if the program
184 has been appointed, and provided to all other parties:

185 1. not less than 72 hours before the disposition hearing, ~~if~~
186 if the disposition hearing occurs on or after 60 days from when
187 the child was placed in out-of-home care. ~~All such case plans~~
188 must be approved by the court.

189 2. not less than 72 hours before the case plan acceptance
190 hearing, if the disposition hearing occurs prior to 60 days from
191 when the child was placed in out-of-home care and a case plan
192 was not submitted pursuant to paragraph (a) or ~~If~~ the court does
193 not approve the case plan at the disposition hearing. ~~The case~~
194 plan acceptance hearing must occur within 30 days of the
195 disposition hearing ~~the court must set a hearing within 30 days~~
196 after the disposition hearing to review and approve the case
197 plan.

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198 **(b)** The court may grant an exception to the requirement
199 for a predisposition study by separate order or within the
200 judge's order of disposition upon finding that all the family
201 and child information required by subsection (2) is available in
202 other documents filed with the court.

203 Section 5. Subsection (2) of section 39.522, Florida
204 Statutes, is amended to read:

205 39.522 Postdisposition change of custody.—The court may
206 change the temporary legal custody or the conditions of
207 protective supervision at a postdisposition hearing, without the
208 necessity of another adjudicatory hearing.

209 (2) In cases where the issue before the court is whether a
210 child should be reunited with a parent, the court shall
211 determine whether the circumstances that caused the out-of-home
212 placement and issues subsequently identified have been remedied
213 ~~parent has substantially complied with the terms of the case~~
214 ~~plan~~ to the extent that the return of the child to the home with
215 an in-home safety plan will not be detrimental to the child's
216 safety, well-being, and physical, mental, and emotional health
217 ~~of the child is not endangered by the return of the child to the~~
218 ~~home.~~

219 Section 6. Paragraphs (b) and (c) of subsection (1) of
220 section 39.6011, Florida Statutes, are redesignated as
221 paragraphs (c) and (d), respectively, and paragraph (b) is added
222 to that subsection, to read:

223 39.6011 Case plan development.—

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224 (1) The department shall prepare a draft of the case plan
225 for each child receiving services under this chapter. A parent
226 of a child may not be threatened or coerced with the loss of
227 custody or parental rights for failing to admit in the case plan
228 of abusing, neglecting, or abandoning a child. Participating in
229 the development of a case plan is not an admission to any
230 allegation of abuse, abandonment, or neglect, and it is not a
231 consent to a finding of dependency or termination of parental
232 rights. The case plan shall be developed subject to the
233 following requirements:

234 (b) If the child has attained 14 years of age or is
235 otherwise of an appropriate age and capacity, the child must:

236 1. Be consulted on the development of the case plan; have
237 the opportunity to attend a face-to-face conference, if
238 appropriate; express a placement preference; and have the option
239 to choose two members of the case planning team who are not a
240 foster parent or caseworker for the child.

241 a. An individual selected by a child to be a member of the
242 case planning team may be rejected at any time if there is good
243 cause to believe that the individual would not act in the best
244 interests of the child. One individual selected by a child to be
245 a member of the child's case planning team may be designated to
246 be the child's advisor and, as necessary, advocate, with respect
247 to the application of the reasonable and prudent parent standard
248 to the child.

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249 b. The child may not be included in any aspect of the case
250 planning process when information will be revealed or discussed
251 that is of a nature that would best be presented to the child in
252 a more therapeutic setting.

253 2. Sign the case plan, unless there is reason to waive the
254 child's signature.

255 3. Receive an explanation of the provisions of the case
256 plan from the department.

257 4. Be provided a copy of the case plan after the case plan
258 has been agreed upon and signed and within 72 hours before the
259 disposition hearing after jurisdiction attaches and the plan has
260 been filed with the court.

261 Section 7. Subsection (4) of section 39.6035, Florida
262 Statutes, is amended to read:

263 39.6035 Transition plan.—

264 ~~(4) If a child is planning to leave care upon reaching 18~~
265 ~~years of age,~~ The transition plan must be approved by the court
266 before the child's 18th birthday and must be attached to the
267 case plan and updated before each judicial review ~~child leaves~~
268 ~~care and the court terminates jurisdiction.~~

269 Section 8. Subsections (2) through (11) of section 39.621,
270 Florida Statutes, are renumbered as subsections (3) through
271 (12), respectively, subsection (2) is added to that section, and
272 present subsection (2) is amended, to read:

273 39.621 Permanency determination by the court.—

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274 (2) The permanency goal of maintaining and strengthening
275 the placement with a parent may be used in the following
276 circumstances:

277 (a) If a child has not been removed from a parent, even if
278 adjudication of dependency is withheld, the court may leave the
279 child in the current placement with maintaining and
280 strengthening the placement as a permanency option.

281 (b) If a child has been removed from a parent and is
282 placed with the parent from whom the child was not removed, the
283 court may leave the child in the placement with the parent from
284 whom the child was not removed with maintaining and
285 strengthening the placement as a permanency option.

286 (c) If a child has been removed from a parent and is
287 subsequently reunified with that parent, the court may leave the
288 child with that parent with maintaining and strengthening the
289 placement as a permanency option.

290 (23) Except as provided in subsection (2), the permanency
291 goals available under this chapter, listed in order of
292 preference, are:

293 (a) Reunification;

294 (b) Adoption, if a petition for termination of parental
295 rights has been or will be filed;

296 (c) Permanent guardianship of a dependent child under s.
297 39.6221;

298 (d) Permanent placement with a fit and willing relative
299 under s. 39.6231; or

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300 (e) Placement in another planned permanent living
301 arrangement under s. 39.6241.

302 Section 9. Paragraphs (a) and (d) of subsection (2) of
303 section 39.701, Florida Statutes, are amended to read:

304 39.701 Judicial review.—

305 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
306 AGE.—

307 (a) Social study report for judicial review.—Before every
308 judicial review hearing or citizen review panel hearing, the
309 social service agency shall make an investigation and social
310 study concerning all pertinent details relating to the child and
311 shall furnish to the court or citizen review panel a written
312 report that includes, but is not limited to:

313 1. A description of the type of placement the child is in
314 at the time of the hearing, including the safety of the child,
315 ~~and the continuing necessity for and appropriateness of the~~
316 placement, and that the placement is the least restrictive and
317 family-like setting available that meets the needs of the child,
318 or an explanation as to why the placement is not the least
319 restrictive and family-like setting available that meets the
320 needs of the child.

321 2. Documentation of the diligent efforts made by all
322 parties to the case plan to comply with each applicable
323 provision of the plan.

324 3. The amount of fees assessed and collected during the
325 period of time being reported.

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326 4. The services provided to the foster family or legal
327 custodian in an effort to address the needs of the child as
328 indicated in the case plan.

329 5. A statement that either:

330 a. The parent, though able to do so, did not comply
331 substantially with the case plan, and the agency
332 recommendations;

333 b. The parent did substantially comply with the case plan;
334 or

335 c. The parent has partially complied with the case plan,
336 with a summary of additional progress needed and the agency
337 recommendations.

338 6. A statement concerning whether the circumstances that
339 caused the out-of-home placement and issues subsequently
340 identified have been remedied to the extent that the return of
341 the child to the home with an in-home safety plan will not be
342 detrimental to the child's safety, well-being, and physical,
343 mental, and emotional health.

344 ~~6~~ 7. A statement from the foster parent or legal custodian
345 providing any material evidence concerning the return of the
346 child to the parent or parents.

347 ~~7~~ 8. A statement concerning the frequency, duration, and
348 results of the parent-child visitation, if any, and the agency
349 recommendations for an expansion or restriction of future
350 visitation.

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351 ~~8~~ 9. The number of times a child has been removed from his
352 or her home and placed elsewhere, the number and types of
353 placements that have occurred, and the reason for the changes in
354 placement.

355 ~~9~~ 10. The number of times a child's educational placement
356 has been changed, the number and types of educational placements
357 which have occurred, and the reason for any change in placement.

358 ~~10~~ 11. If the child has reached 13 years of age but is not
359 yet 18 years of age, a statement from the caregiver on the
360 progress the child has made in acquiring independent living
361 skills.

362 ~~11~~ 12. Copies of all medical, psychological, and
363 educational records that support the terms of the case plan and
364 that have been produced concerning the parents or any caregiver
365 since the last judicial review hearing.

366 ~~12~~ 13. Copies of the child's current health, mental
367 health, and education records as identified in s. 39.6012.

368 (d) Orders.—

369 1.
370 Based upon the criteria ~~set forth~~ in paragraph (c) and the
371 recommended order of the citizen review panel, if any, the court
372 shall determine whether ~~or not~~ the social service agency shall
373 initiate proceedings to have a child declared a dependent child,
374 return the child to the parent, continue the child in out-of-
375 home care for a specified period of time, or initiate
376 termination of parental rights proceedings for subsequent

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377 placement in an adoptive home. Amendments to the case plan must
378 be prepared as prescribed in s. 39.6013. If the court finds that
379 ~~the prevention or reunification efforts of the department will~~
380 ~~allow the child to remain safely at home or be safely returned~~
381 ~~to the home~~ remaining in the home with an in-home safety plan
382 will not be detrimental to the child's safety, well-being, and
383 physical, mental, and emotional health, the court shall allow
384 the child to remain in ~~or return to~~ the home ~~after making a~~
385 ~~specific finding of fact that the reasons for the creation of~~
386 ~~the case plan have been remedied to the extent that the child's~~
387 ~~safety, well-being, and physical, mental, and emotional health~~
388 ~~will not be endangered.~~

389 2. The court shall return the child to the custody of the
390 parents at any time it determines that ~~they have substantially~~
391 ~~complied with the case plan, if the court is satisfied that~~
392 ~~reunification will not be detrimental to the child's safety,~~
393 ~~well-being, and physical, mental, and emotional health.~~ the
394 circumstances that caused the out-of-home placement and issues
395 subsequently identified have been remedied to the extent that
396 the return of the child to the home with an in-home safety plan
397 will not be detrimental to the child's safety, well-being, and
398 physical, mental, and emotional health.

399 3. If, in the opinion of the court, the social service
400 agency has not complied with its obligations as specified in the
401 written case plan, the court may find the social service agency
402 in contempt, shall order the social service agency to submit its

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403 plans for compliance with the agreement, and shall require the
404 social service agency to show why the child could not safely be
405 returned to the home of the parents.

406 4. If, at any judicial review, the court finds that the
407 parents have failed to substantially comply with the case plan
408 to the degree that further reunification efforts are without
409 merit and not in the best interest of the child, on its own
410 motion, the court may order the filing of a petition for
411 termination of parental rights, whether or not the time period
412 as contained in the case plan for substantial compliance has
413 expired.

414 5. Within 6 months after the date that the child was
415 placed in shelter care, the court shall conduct a judicial
416 review hearing to review the child's permanency goal as
417 identified in the case plan. At the hearing the court shall make
418 findings regarding the likelihood of the child's reunification
419 with the parent or legal custodian within 12 months after the
420 removal of the child from the home. If the court makes a written
421 finding that it is not likely that the child will be reunified
422 with the parent or legal custodian within 12 months after the
423 child was removed from the home, the department must file with
424 the court, and serve on all parties, a motion to amend the case
425 plan under s. 39.6013 and declare that it will use concurrent
426 planning for the case plan. The department must file the motion
427 within 10 business days after receiving the written finding of
428 the court. The department must attach the proposed amended case

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429 plan to the motion. If concurrent planning is already being
430 used, the case plan must document the efforts the department is
431 taking to complete the concurrent goal.

432 6. The court may issue a protective order in assistance,
433 or as a condition, of any other order made under this part. In
434 addition to the requirements included in the case plan, the
435 protective order may set forth requirements relating to
436 reasonable conditions of behavior to be observed for a specified
437 period of time by a person or agency who is before the court;
438 and the order may require any person or agency to make periodic
439 reports to the court containing such information as the court in
440 its discretion may prescribe.

441 Section 10. Paragraph (a) of subsection (3) of section
442 409.1451, Florida Statutes, is amended to read:

443 409.1451 The Road-to-Independence Program.—

444 (3) AFTERCARE SERVICES.—

445 (a) Aftercare services are available to a young adult who
446 was living in licensed care on his or her 18th birthday, who has
447 reached 18 years of age but is not yet 23 years of age, and is:

448 1. Not in foster care.

449 2. Temporarily not receiving financial assistance under
450 subsection (2) to pursue postsecondary education.

451 Section 11. Paragraph (a) of subsection (3) of section
452 409.986, Florida Statutes, is amended to read:

453 409.986 Legislative findings and intent; child protection
454 and child welfare outcomes; definitions.—

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455 (3) DEFINITIONS.—As used in this part, except as otherwise
456 provided, the term:

457 (a) "Care" means services of any kind which are designed
458 to facilitate a child remaining safely in his or her own home,
459 returning safely to his or her own home if he or she is removed
460 from the home, or obtaining an alternative permanent home if he
461 or she cannot remain at home or be returned home. The term
462 includes, but is not limited to, prevention, intervention,
463 diversion, and related services.

464 Section 12. Subsection (3) of section 409.988, Florida
465 Statutes, is amended to read:

466 409.988 Lead agency duties; general provisions.—

467 (3) SERVICES.—Lead agencies shall make available a
468 continuum of care, meaning a range of services, programs, and
469 placement options meeting the varied needs of children served
470 by, or at risk of being served by, the dependency system. Such
471 services may be provided by the lead agency or its
472 subcontractors, through referral to another organization, or
473 through other effective means. The department shall specify the
474 minimum services that must be available in a lead agency's
475 continuum of care through contract.

476 (a) A lead agency must provide dependent children with
477 services that are supported by research or that are recognized
478 as best practices in the child welfare field. The agency shall
479 give priority to the use of services that are evidence-based and
480 trauma-informed and may also provide other innovative services,

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481 including, but not limited to, family-centered and cognitive-
482 behavioral interventions designed to mitigate out-of-home
483 placements.

484 (b) Intervention services shall be made available to a
485 child and the parent of a child who is unsafe but can, with
486 services, remain in his or her home, or a child who is placed
487 out-of-home and to the non-maltreating parent or relative or
488 non-relative caregivers with whom an unsafe child is placed.

489 Intervention services and supports include:

490 1. Safety management services provided to an unsafe child
491 as part of a safety plan which immediately and actively protects
492 the child from dangerous threats if the parent or other
493 caregiver cannot, including but not limited to behavior
494 management, crisis management, social connection, resource
495 support, and separation;

496 2. Treatment services provided to a parent or caregiver
497 that are used to achieve fundamental change in behavioral,
498 cognitive and emotional functioning associated with the reason
499 that the child is unsafe, including but not limited to parenting
500 skills training, support groups, counseling, substance abuse
501 treatment, mental and behavioral health services, and certified
502 domestic violence center services for survivors of domestic
503 violence and their children, and batterers' intervention
504 programs that comply with s. 741.325 and other intervention
505 services for perpetrators of domestic violence.

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506 3. Child well-being services provided to an unsafe child
507 that address a child's physical, emotional, developmental, and
508 educational needs, including but not limited to behavioral
509 health services, substance abuse treatment, tutoring,
510 counseling, and peer support; and

511 4. Services provided to non-maltreating parents or
512 relative or non-relative caregivers to stabilize the child's
513 placement, including but not limited to transportation,
514 clothing, household goods, assistance with housing and utility
515 payments, child care, respite care, and assistance connecting
516 families with other community-based services.

517 (c) The department or community-based care lead agency
518 that places children pursuant to this section shall establish
519 permanency teams dedicated to permanency for children placed in
520 residential group care. The permanency team shall convene a
521 multidisciplinary staffing every 180 calendar days, to coincide
522 with the judicial review, to reassess the appropriateness of the
523 child's current placement and services. At a minimum, the
524 staffing shall be attended by the community-based care lead
525 agency, the caseworker for the child, the guardian ad litem, any
526 other agency or provider of services for the child, and a
527 representative of the residential group care provider. The
528 multidisciplinary staffing shall consider, at a minimum, the
529 current level of the child's functioning, whether recommended
530 services are being provided effectively, any services that would
531 enable transition to a less restrictive family-like setting, and

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532 diligent search efforts to find other permanent living
533 arrangements for the child.

534 (d)1. By January 1, 2017, the lead agencies shall develop
535 plans for the management of out-of-home-care utilization for the
536 children they serve to ensure that a sufficient number of
537 quality placements exist so that each child may be placed in the
538 most appropriate setting. The plans shall include strategies,
539 action steps, timeframes, and performance measures. Strategies
540 may include but not be limited to increased recruitment of
541 family foster homes, including homes for children with specific
542 or extraordinary needs for which an adequate supply of homes is
543 lacking; increased use of in-home services which avoid removal;
544 and policies and procedures for identifying the least
545 restrictive, most appropriate placements for children and
546 transitioning them into such placements; effective
547 implementation the foster home and residential group care
548 quality rating system; and working with group homes to provide
549 more specialized services to better meet the needs of specific
550 groups of children. The Florida Institute for Child Welfare
551 shall provide support and information as necessary to ensure
552 that effective strategies are selected for inclusion in the
553 plans. However, such strategies must ensure that residential
554 group care placements be available, particularly in family-style
555 homes and in high-quality shift care homes, for those children
556 for whom it is the most appropriate placement . These plans

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557 shall be updated annually through January 1, 2022, and submitted
558 to the department.

559 2. The department shall annually by October 1, beginning in
560 2017 and continuing through 2022, shall provide a report on lead
561 agencies' implementation of their plans to the Governor, the
562 President of the Senate, and the Speaker of the House of
563 Representatives.

564 (d) The department may adopt rules to implement this
565 section.

566 Section 13. 409.996, Florida Statutes, is amended, to
567 read:

568 409.996 Duties of the Department of Children and
569 Families.—The department shall contract for the delivery,
570 administration, or management of care for children in the child
571 protection and child welfare system. In doing so, the department
572 retains responsibility to ensure ~~for~~ the quality of contracted
573 services and programs and ~~shall ensure that~~ an adequate array of
574 services are available to be delivered in accordance with
575 applicable federal and state statutes and regulations.

576 (22) By June 30, 2017, the department shall develop, in
577 collaboration with lead agencies, service providers, and other
578 community stakeholders, a statewide quality rating system for
579 providers of residential group care and foster homes. This
580 system must promote high quality in services and accommodations
581 by creating measureable minimum quality standards that providers
582 must meet to contract with the lead agencies, and foster homes

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583 must meet to receive placements. Domains addressed by a quality
584 rating system for residential group care may include but not be
585 limited to admissions, service planning and treatment planning,
586 living environment, and program and service requirements. The
587 system must be implemented by July 1, 2018.

588 (a) The rating system should include:

589 1. Delineated levels of quality that are clearly and
590 concisely defined, the domains measured, and criteria that must
591 be met to be placed in each level. The quality rating system
592 shall differentiate between shift and family-style models while
593 encouraging a high level of quality in both;

594 2. The number of residential group care staff and foster
595 home parents who have received child welfare services
596 certification, pursuant to s. 402.40, through certification
597 programs developed specifically for foster parents and
598 residential group care staff;

599 2. Contractual incentives for achieving and maintaining
600 higher levels of quality; and

601 3. A well-defined process for notice, inspection,
602 remediation, appeal, and enforcement.

603 (b)REPORTING REQUIREMENT.—The department shall submit a
604 report to the Governor, the President of the Senate, and the
605 Speaker of the House of Representatives by October 1 of each
606 year, with the first report due October 1, 2016. The report must
607 at a minimum include an update on the development of a statewide
608 quality rating system for residential group care and foster

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609 homes and a plan for department oversight of the implementation
610 of the statewide quality rating system for residential group
611 care and foster homes by the community-based lead agencies.
612 Beginning in 2018 and subsequent years, the report shall also
613 contain a list of residential group care providers meeting
614 minimum quality standards and their quality ratings; the
615 percentage of children placed in residential group care with
616 highly rated providers; any negative actions taken against
617 contracted providers for not meeting minimum quality standards;
618 percentages of highly rated foster homes by lead agency; and
619 percentage of children placed in highly rated foster homes.

620 Section 14. Subsection (52) of section 39.01, Florida
621 Statutes, is amended to read:

622 39.01 Definitions.—When used in this chapter, unless the
623 context otherwise requires:

624 (52) "Permanency goal" means the living arrangement
625 identified for the child to return to or identified as the
626 permanent living arrangement of the child. ~~Permanency goals~~
627 ~~applicable under this chapter, listed in order of preference,~~
628 ~~are:~~

629 ~~— (a) Reunification;~~

630 ~~— (b) Adoption when a petition for termination of parental~~
631 ~~rights has been or will be filed;~~

632 ~~— (c) Permanent guardianship of a dependent child under s.~~

633 ~~39.6221;~~

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634 ~~— (d) Permanent placement with a fit and willing relative~~
635 ~~under s. 39.6231; or~~

636 ~~— (e) Placement in another planned permanent living~~
637 ~~arrangement under s. 39.6241.~~ The permanency goal is also the
638 case plan goal. If concurrent case planning is being used,
639 reunification may be pursued at the same time that another
640 permanency goal is pursued.

641 Section 15. Paragraph (s) of subsection (2) of section
642 39.202, Florida Statutes, is amended to read:

643 39.202 Confidentiality of reports and records in cases of
644 child abuse or neglect.—

645 (2) Except as provided in subsection (4), access to such
646 records, excluding the name of the reporter which shall be
647 released only as provided in subsection (5), shall be granted
648 only to the following persons, officials, and agencies:

649 (s) Persons with whom the department is seeking to place
650 the child or to whom placement has been granted, including
651 foster parents for whom an approved home study has been
652 conducted, the designee of a licensed residential child-caring
653 agency defined ~~group home described in s. 409.175 s. 39.523~~, an
654 approved relative or nonrelative with whom a child is placed
655 pursuant to s. 39.402, preadoptive parents for whom a favorable
656 preliminary adoptive home study has been conducted, adoptive
657 parents, or an adoption entity acting on behalf of preadoptive
658 or adoptive parents.

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659 Section 17. Paragraph (a) of subsection (2) of section
660 39.5085, Florida Statutes, is amended to read:

661 39.5085 Relative Caregiver Program.—

662 (2) (a) The Department of Children and Families shall
663 establish and operate the Relative Caregiver Program pursuant to
664 eligibility guidelines established in this section as further
665 implemented by rule of the department. The Relative Caregiver
666 Program shall, within the limits of available funding, provide
667 financial assistance to:

668 1. Relatives who are within the fifth degree by blood or
669 marriage to the parent or stepparent of a child and who are
670 caring full-time for that dependent child in the role of
671 substitute parent as a result of a court's determination of
672 child abuse, neglect, or abandonment and subsequent placement
673 with the relative under this chapter.

674 2. Relatives who are within the fifth degree by blood or
675 marriage to the parent or stepparent of a child and who are
676 caring full-time for that dependent child, and a dependent half-
677 brother or half-sister of that dependent child, in the role of
678 substitute parent as a result of a court's determination of
679 child abuse, neglect, or abandonment and subsequent placement
680 with the relative under this chapter.

681 3. Nonrelatives who are willing to assume custody and care
682 of a dependent child in the role of substitute parent as a
683 result of a court's determination of child abuse, neglect, or
684 abandonment and subsequent placement with the nonrelative

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685 caregiver under this chapter. The court must find that a
686 proposed placement under this subparagraph is in the best
687 interest of the child.

688

689 The placement may be court-ordered temporary legal custody to
690 the relative or nonrelative under protective supervision of the
691 department pursuant to s. 39.521(1)(c)3. ~~39.521(1)(b)3.~~, or
692 court-ordered placement in the home of a relative or nonrelative
693 as a permanency option under s. 39.6221 or s. 39.6231 or under
694 former s. 39.622 if the placement was made before July 1, 2006.
695 The Relative Caregiver Program shall offer financial assistance
696 to caregivers who would be unable to serve in that capacity
697 without the caregiver payment because of financial burden, thus
698 exposing the child to the trauma of placement in a shelter or in
699 foster care.

700 Section 18. Subsection (11) of section 1002.3305, Florida
701 Statutes, is amended to read:

702 1002.3305 College-Preparatory Boarding Academy Pilot
703 Program for at-risk students.—

704 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
705 ~~409.1677(3)(d)~~ and ~~409.176~~ or any other provision of law, an
706 operator may house and educate dependent, at-risk youth in its
707 residential school for the purpose of facilitating the mission
708 of the program and encouraging innovative practices.

709 Section 19. Section 39.523, Florida Statutes, is repealed.

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710 Section 20. Section 409.141, Florida Statutes, is
711 repealed.

712 Section 21. Section 409.1676, Florida Statutes, is
713 repealed.

714 Section 22. Section 409.1677, Florida Statutes, is
715 repealed.

716 Section 23. Section 409.1679, Florida Statutes, is
717 repealed.

718 Section 24. This act shall take effect July 1, 2016.

719

720 -----

721 **T I T L E A M E N D M E N T**

722 Remove everything before the enacting clause and insert:

723 A bill to be entitled

724 An act relating to child welfare; amending s. 39.013, F.S.;
725 extending court jurisdiction to age 22 for young adults with
726 disabilities in foster care; amending s. 39.2015, F.S.; revising
727 requirements of the quarterly report submitted by the critical
728 incident rapid response team advisory committee; amending s.
729 39.402, F.S.; revising information that the Department of
730 Children and Families is required to inform the court of at
731 shelter hearings; amending s. 39.521, F.S.; revising timelines
732 and distribution requirements for case plans; amending s.
733 39.522, F.S.; providing conditions under which a child may be
734 returned home with an in-home safety plan; amending s. 39.6011,
735 F.S.; providing that a child of a certain age must be given the

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736 opportunity to consulted on the creation of the case plan;
737 providing the opportunity to choose two people to be part of the
738 case planning team; providing for the opportunity to review,
739 sign, and receive a copy of his or her case plan; amending s.
740 39.6035, F.S.; requiring court approval of a transition plan
741 before the child's 18th birthday; amending s. 39.621, F.S.;
742 creating an exception to the order of preference for permanency
743 goals under ch. 39, F.S., for maintaining and strengthening the
744 placement; authorizing the new permanency goal to be used in
745 specified circumstances; amending s. 39.701, F.S.; revising the
746 information which must be included in a specified written report
747 under certain circumstances; revising what must be found to
748 maintain or return a child to his or her home; amending s.
749 409.1451, F.S.; requiring that a child be living in licensed
750 care on or after his or her 18th birthday as a condition for
751 receiving aftercare services; amending s. 409.986, F.S.; adding
752 intervention to list of services to definition of care; amending
753 s. 409.988, F.S.; requiring a continuum of care; requiring
754 specified intervention services; requiring the establishment of
755 permanency teams for certain children; allowing the department
756 to adopt rules; requiring out-of-home care utilization plans by
757 lead agencies; requiring department tracking of lead agency
758 plans; requiring a report; amending 409.996, F.S., requiring the
759 department to ensure an adequate array of services; requiring
760 the department to develop an adequate array of services;
761 requiring the development of a statewide quality rating system;

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762 requiring a report; amending s. 39.01, F.S.; revising definition
763 of permanency goal; amending s. 39.202, F.S.; changing the
764 designation of an entity; amending s. 39.5085, F.S.,;
765 conforming cross-reference; amending s. 1002.3305, F.S.;
766 conforming cross-references; repealing s. 39.523, F.S., relating
767 to the placement of children in residential group care;
768 repealing s. 409.141, F.S., relating to equitable reimbursement
769 methodology; repealing s. 409.1676, F.S., relating to
770 comprehensive residential group care services to children who
771 have extraordinary needs; repealing s. 409.1677, F.S., relating
772 to model comprehensive residential services programs; repealing
773 s. 409.1679, F.S., relating to program requirements and
774 reimbursement methodology; providing an effective date.

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