

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Cummings offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (29) of section 39.01, Florida Statutes, is renumbered as subsection (30), subsections (30) through (46) are renumbered as subsections (35) through (51), respectively, subsections (47) through (81) are renumbered as subsections (53) through (87), respectively, present subsections (2), (10), and (32) and paragraph (g) of present subsection (30) are amended, and new subsections (29), (31), (32), (33), (34), and (52) are added to that section, to read:

39.01 Definitions.—When used in this chapter, unless the

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14 context otherwise requires:

15 (2) "Abuse" means any willful act or threatened act that  
16 results in any physical, mental, or sexual abuse, injury, or  
17 harm that causes or is likely to cause the child's physical,  
18 mental, or emotional health to be significantly impaired. Abuse  
19 of a child includes the birth of a new child into a family  
20 during the course of an open dependency case when the parent or  
21 caregiver has been determined to lack the protective capacity to  
22 safely care for the children in the home and has not  
23 substantially complied with the case plan towards successful  
24 reunification or met the conditions for return of the children  
25 into the home. Abuse of a child includes acts or omissions.  
26 Corporal discipline of a child by a parent or legal custodian  
27 for disciplinary purposes does not in itself constitute abuse  
28 when it does not result in harm to the child.

29 (10) "Caregiver" means the parent, legal custodian,  
30 permanent guardian, adult household member, or other person  
31 responsible for a child's welfare as defined in subsection (54)  
32 ~~(48)~~.

33 (29) "Fictive kin" means a person unrelated by birth,  
34 marriage, or adoption who has an emotionally significant  
35 relationship, which possesses the characteristics of a family  
36 relationship, to a child.

37 (31) "Guardian" means a relative, nonrelative, next of  
38 kin, or fictive kin who is awarded physical custody of a child

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39 in a proceeding brought pursuant to this chapter.

40 (32) "Guardianship assistance payment" means a monthly  
41 cash payment made by the department to a guardian on behalf of  
42 an eligible child or young adult.

43 (33) "Guardianship Assistance Program" means a program  
44 that provides benefits to a child's guardian on behalf of the  
45 child. Benefits may be in the form of a guardianship assistance  
46 payment, a guardianship nonrecurring payment, or Medicaid  
47 coverage.

48 (34) "Guardianship nonrecurring payment" means a one-time  
49 payment of up to \$2,000 made by the department to a guardian to  
50 assist with the expenses associated with obtaining legal  
51 guardianship of a child who is eligible for the Guardianship  
52 Assistance Program pursuant to s. 39.6225.

53 (35)-(30) "Harm" to a child's health or welfare can occur  
54 when any person:

55 (g) Exposes a child to a controlled substance or alcohol.  
56 Exposure to a controlled substance or alcohol is established by:

57 1. A test, administered at birth, which indicated that the  
58 child's blood, urine, or meconium contained any amount of  
59 alcohol or a controlled substance or metabolites of such  
60 substances, the presence of which was not the result of medical  
61 treatment administered to the mother or the newborn infant; or

62 2. Evidence of extensive, abusive, and chronic use of a  
63 controlled substance or alcohol by a parent to the extent that

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64 the parent's ability to provide supervision and care for the  
65 child has been or is likely to be severely compromised ~~when the~~  
66 ~~child is demonstrably adversely affected by such usage.~~

67  
68 As used in this paragraph, the term "controlled substance" means  
69 prescription drugs not prescribed for the parent or not  
70 administered as prescribed and controlled substances as outlined  
71 in Schedule I or Schedule II of s. 893.03.

72 ~~(37)~~~~(32)~~ "Institutional child abuse or neglect" means  
73 situations of known or suspected child abuse or neglect in which  
74 the person allegedly perpetrating the child abuse or neglect is  
75 an employee of a private school, public or private day care  
76 center, residential home, institution, facility, or agency or  
77 any other person at such institution responsible for the child's  
78 care as defined in subsection (54) ~~(48)~~.

79 (52) "Nonrelative" means a person unrelated by blood or  
80 marriage or a relative outside the fifth degree of  
81 consanguinity.

82 Section 2. Subsections (2) through (7) of section 39.0138,  
83 Florida Statutes, are renumbered as subsections (3) through (8),  
84 respectively, present subsections (2) and (3) are amended, and a  
85 new subsection (2) is added to that section, to read:

86 39.0138 Criminal history and other records checks; limit  
87 on placement of a child.—

88 (2) (a) The department shall establish rules for granting

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89 an exemption from the fingerprinting requirements under  
90 subsection (1) for a household member who has a physical,  
91 developmental, or cognitive disability that prevents that person  
92 from safely submitting fingerprints.

93 (b) Before granting an exemption, the department or its  
94 designee shall assess and document the physical, developmental,  
95 or cognitive limitations that justified the exemption and the  
96 effect of such limitations on the safety and well-being of the  
97 child being placed in the home.

98 (c) If a fingerprint exemption is granted, a level 1  
99 screening pursuant to s. 435.03 shall be completed on the person  
100 who is granted the exemption.

101 (3)-(2) The department may not place a child with a person  
102 other than a parent if the criminal history records check  
103 reveals that the person has been convicted of any felony that  
104 falls within any of the following categories:

105 (a) Child abuse, abandonment, or neglect;

106 (b) Domestic violence;

107 (c) Child pornography or other felony in which a child was  
108 a victim of the offense; or

109 (d) Homicide, sexual battery, or other felony involving  
110 violence, other than felony assault or felony battery when an  
111 adult was the victim of the assault or battery, or resisting  
112 arrest with violence.

113 (4)-(3) The department may not place a child with a person

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114 other than a parent if the criminal history records check  
115 reveals that the person has, within the previous 5 years, been  
116 convicted of a felony that falls within any of the following  
117 categories:

- 118 (a) Assault;  
119 (b) Battery; ~~or~~  
120 (c) A drug-related offense; or  
121 (d) Resisting arrest with violence.

122 Section 3. Subsection (1) of section 39.302, Florida  
123 Statutes, is amended to read:

124 39.302 Protective investigations of institutional child  
125 abuse, abandonment, or neglect.—

126 (1) The department shall conduct a child protective  
127 investigation of each report of institutional child abuse,  
128 abandonment, or neglect. Upon receipt of a report that alleges  
129 that an employee or agent of the department, or any other entity  
130 or person covered by s. 39.01(37) or (54) ~~s. 39.01(32) or (48)~~,  
131 acting in an official capacity, has committed an act of child  
132 abuse, abandonment, or neglect, the department shall initiate a  
133 child protective investigation within the timeframe established  
134 under s. 39.201(5) and notify the appropriate state attorney,  
135 law enforcement agency, and licensing agency, which shall  
136 immediately conduct a joint investigation, unless independent  
137 investigations are more feasible. When conducting investigations  
138 or having face-to-face interviews with the child, investigation

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139 visits shall be unannounced unless it is determined by the  
140 department or its agent that unannounced visits threaten the  
141 safety of the child. If a facility is exempt from licensing, the  
142 department shall inform the owner or operator of the facility of  
143 the report. Each agency conducting a joint investigation is  
144 entitled to full access to the information gathered by the  
145 department in the course of the investigation. A protective  
146 investigation must include an interview with the child's parent  
147 or legal guardian. The department shall make a full written  
148 report to the state attorney within 3 working days after making  
149 the oral report. A criminal investigation shall be coordinated,  
150 whenever possible, with the child protective investigation of  
151 the department. Any interested person who has information  
152 regarding the offenses described in this subsection may forward  
153 a statement to the state attorney as to whether prosecution is  
154 warranted and appropriate. Within 15 days after the completion  
155 of the investigation, the state attorney shall report the  
156 findings to the department and shall include in the report a  
157 determination of whether or not prosecution is justified and  
158 appropriate in view of the circumstances of the specific case.

159 Section 4. Paragraph (c) of subsection (1) of section  
160 39.521, Florida Statutes, is amended to read:

161 39.521 Disposition hearings; powers of disposition.—

162 (1) A disposition hearing shall be conducted by the court,  
163 if the court finds that the facts alleged in the petition for

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164 dependency were proven in the adjudicatory hearing, or if the  
165 parents or legal custodians have consented to the finding of  
166 dependency or admitted the allegations in the petition, have  
167 failed to appear for the arraignment hearing after proper  
168 notice, or have not been located despite a diligent search  
169 having been conducted.

170 (c) When any child is adjudicated by a court to be  
171 dependent, the court having jurisdiction of the child has the  
172 power by order to:

173 1. Require the parent and, when appropriate, the legal  
174 guardian or custodian and the child to participate in treatment  
175 and services identified as necessary. The court may require the  
176 person who has custody or who is requesting custody of the child  
177 to submit to a mental health or substance abuse disorder  
178 assessment or evaluation. The order may be made only upon good  
179 cause shown and pursuant to notice and procedural requirements  
180 provided under the Florida Rules of Juvenile Procedure. The  
181 mental health assessment or evaluation must be administered by a  
182 qualified professional as defined in s. 39.01, and the substance  
183 abuse assessment or evaluation must be administered by a  
184 qualified professional as defined in s. 397.311. The court may  
185 also require such person to participate in and comply with  
186 treatment and services identified as necessary, including, when  
187 appropriate and available, participation in and compliance with  
188 a mental health court program established under chapter 394 or a

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189 treatment-based drug court program established under s. 397.334.  
190 Adjudication of a child as dependent based upon evidence of harm  
191 as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good  
192 cause, and the court shall require the parent whose actions  
193 caused the harm to submit to a substance abuse disorder  
194 assessment or evaluation and to participate and comply with  
195 treatment and services identified in the assessment or  
196 evaluation as being necessary. In addition to supervision by the  
197 department, the court, including the mental health court program  
198 or the treatment-based drug court program, may oversee the  
199 progress and compliance with treatment by a person who has  
200 custody or is requesting custody of the child. The court may  
201 impose appropriate available sanctions for noncompliance upon a  
202 person who has custody or is requesting custody of the child or  
203 make a finding of noncompliance for consideration in determining  
204 whether an alternative placement of the child is in the child's  
205 best interests. Any order entered under this subparagraph may be  
206 made only upon good cause shown. This subparagraph does not  
207 authorize placement of a child with a person seeking custody of  
208 the child, other than the child's parent or legal custodian, who  
209 requires mental health or substance abuse disorder treatment.

210 2. Require, if the court deems necessary, the parties to  
211 participate in dependency mediation.

212 3. Require placement of the child either under the  
213 protective supervision of an authorized agent of the department

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214 in the home of one or both of the child's parents or in the home  
215 of a relative of the child or another adult approved by the  
216 court, or in the custody of the department. Protective  
217 supervision continues until the court terminates it or until the  
218 child reaches the age of 18, whichever date is first. Protective  
219 supervision shall be terminated by the court whenever the court  
220 determines that permanency has been achieved for the child,  
221 whether with a parent, another relative, or a legal custodian,  
222 and that protective supervision is no longer needed. The  
223 termination of supervision may be with or without retaining  
224 jurisdiction, at the court's discretion, and shall in either  
225 case be considered a permanency option for the child. The order  
226 terminating supervision by the department must set forth the  
227 powers of the custodian of the child and include the powers  
228 ordinarily granted to a guardian of the person of a minor unless  
229 otherwise specified. Upon the court's termination of supervision  
230 by the department, further judicial reviews are not required if  
231 permanency has been established for the child.

232 4. Determine whether the child has a strong attachment to  
233 the prospective permanent guardian and whether such guardian has  
234 a strong commitment to permanently caring for the child.

235 Section 5. Paragraph (h) is added to subsection (2) of  
236 section 39.5085, Florida Statutes, and subsection (3) is added  
237 to that section, to read:

238 39.5085 Relative Caregiver Program.—

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239 (2)

240 (h) If the department determines that a nonrelative  
241 caregiver has received financial assistance under this section  
242 to which he or she is not entitled, the department shall take  
243 all necessary steps to recover such payment. The department may  
244 make appropriate settlements and may adopt rules to calculate  
245 and recover such payments.

246 (3) The Relative Caregiver Program may not accept initial  
247 applications after June 30, 2019. Relative Caregiver Program  
248 benefits shall continue to be provided to caregivers currently  
249 participating in the program pursuant to this section until the  
250 child reaches 18 years of age if the caregiver continues to meet  
251 the eligibility requirements specified in subsection (2).

252 (4) If a caregiver seeking licensure as a child-specific  
253 foster home under s. 409.175 is denied due to inability to meet  
254 safety requirements that may not be waived, he or she may apply  
255 for and receive payments under the Relative Caregiver Program  
256 provided he or she meets the eligibility requirements in  
257 subsection (2). Such a caregiver shall be eligible for payments  
258 under the Relative Caregiver Program until the child reaches 18  
259 years of age, if the caregiver continues to meet the eligibility  
260 requirements specified in subsection (2). However, a caregiver  
261 may not apply for payments under this subsection after June 30,  
262 2021.

263 Section 6. Paragraph (c) of subsection (1) of section

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264 39.6012, Florida Statutes, is amended, and paragraph (d) is  
265 added to that subsection, to read:

266 39.6012 Case plan tasks; services.—

267 (1) The services to be provided to the parent and the  
268 tasks that must be completed are subject to the following:

269 (c) If there is evidence of harm as defined in s.  
270 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a  
271 required task for the parent whose actions caused the harm that  
272 the parent submit to a substance abuse disorder assessment or  
273 evaluation and participate and comply with treatment and  
274 services identified in the assessment or evaluation as being  
275 necessary.

276 (d) Parents must provide accurate contact information to  
277 the department or the contracted case management agency, and  
278 update as appropriate, and make proactive contact with the  
279 department or the contracted case management agency at least  
280 every 14 calendar days to provide information on the status of  
281 case plan task completion, barriers to completion, and plans  
282 toward reunification.

283 Section 7. Subsections (6) and (7) of section 39.6013,  
284 Florida Statutes, are renumbered as subsections (7) and (8),  
285 respectively, and a new subsection (6) is added to that section,  
286 to read:

287 39.6013 Case plan amendments.—

288 (6) When determining whether to amend the case plan, the

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289 court must consider the length of time the case has been open,  
290 the level of parental engagement to date, the number of case  
291 plan tasks completed, the child's type of placement and  
292 attachment, and the potential for successful reunification.

293 Section 8. Subsection (5) of section 39.621, Florida  
294 Statutes, is amended to read:

295 39.621 Permanency determination by the court.—

296 (5) At the permanency hearing, the court shall determine:

297 (a) Whether the current permanency goal for the child is  
298 appropriate or should be changed;

299 (b) When the child will achieve one of the permanency  
300 goals; ~~and~~

301 (c) Whether the department has made reasonable efforts to  
302 finalize the permanency plan currently in effect; and

303 (d) Whether the frequency, duration, manner, and level of  
304 engagement of the parent or legal guardian's visitation with the  
305 child meets the case plan requirements.

306 Section 9. Paragraph (f) is added to subsection (1) of  
307 section 39.6221, Florida Statutes, to read:

308 39.6221 Permanent guardianship of a dependent child.—

309 (1) If a court determines that reunification or adoption  
310 is not in the best interest of the child, the court may place  
311 the child in a permanent guardianship with a relative or other  
312 adult approved by the court if all of the following conditions  
313 are met:

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314 (f) The child demonstrates a strong attachment to the  
315 prospective permanent guardian and such guardian has a strong  
316 commitment to permanently caring for the child.

317 Section 10. Section 39.6225, Florida Statutes, is created  
318 to read:

319 39.6225 Guardianship Assistance Program.—

320 (1) The department shall establish and operate the  
321 Guardianship Assistance Program to provide guardianship  
322 assistance payments to relatives, next of kin, and fictive kin  
323 who meet the eligibility requirements established in this  
324 section. For purposes of administering the program, the term:

325 (a) "Child" means an individual who has not attained 21  
326 years of age.

327 (b) "Young adult" means an individual who has attained 18  
328 years of age but who has not attained 21 years of age.

329 (2) To approve an application for the program, the  
330 department shall determine that all of the following  
331 requirements have been met:

332 (a) The child's placement with the guardian has been  
333 approved by the court.

334 (b) The court has granted legal custody to the guardian  
335 pursuant to s. 39.521 or s. 39.522.

336 (c) The guardian has been licensed to care for the child  
337 as provided in s. 409.175.

338 (d) The child was eligible for foster care room and board

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339 payments pursuant to s. 409.145 for at least 6 consecutive  
340 months while the child resided in the home of the guardian and  
341 the guardian was licensed as a foster parent.

342 (3) A guardian who has entered into a guardianship  
343 agreement for a dependent child may also receive guardianship  
344 assistance payments for a dependent sibling of that dependent  
345 child as a result of a court determination of child abuse,  
346 neglect, or abandonment and subsequent placement of the child  
347 with the relative under this part.

348 (4) The department shall complete an annual  
349 redetermination of eligibility for recipients of guardianship  
350 assistance benefits. If the department determines that a  
351 recipient is no longer eligible for guardianship assistance  
352 benefits, such benefits shall be terminated.

353 (5) A guardian with an application approved pursuant to  
354 subsection (2) who is caring for a child placed with the  
355 guardian by the court pursuant to this part may receive  
356 guardianship assistance payments based on the following  
357 criteria:

358 (a) A child eligible for cash benefits through the program  
359 is not eligible to simultaneously have payments made on the  
360 child's behalf through the Relative Caregiver Program under s.  
361 39.5085, postsecondary education services and supports under s.  
362 409.1451, or child-only cash assistance under chapter 414.

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363 (b) Guardianship assistance payments are not contingent  
364 upon continued residency in the state. Guardianship assistance  
365 payments must continue for court-approved permanent guardians  
366 who move out of state and continue to meet the requirements of  
367 this subsection and as specified in department rule. Relicensure  
368 of the out-of-state guardian's home is not required for  
369 continuity of payments.

370 (c) Guardianship assistance payments for a child from  
371 another state who is placed with a guardian in this state are  
372 the responsibility of the other state.

373 (d) The department shall provide guardianship assistance  
374 payments in the amount of \$4,000 annually, paid on a monthly  
375 basis, or in an amount other than \$4,000 annually as determined  
376 by the guardian and the department and memorialized in a written  
377 agreement between the guardian and the department. The agreement  
378 shall take into consideration the circumstances of the guardian  
379 and the needs of the child. Changes may not be made without the  
380 concurrence of the guardian. However, in no case shall the  
381 amount of the monthly payment exceed the foster care maintenance  
382 payment that would have been paid during the same period if the  
383 child had been in licensed care at his or her designated level  
384 of care at the rate established in s. 409.145(4).

385 (e) Payments made pursuant to this section shall cease  
386 when the child attains 18 years of age, except as provided in  
387 subsection (9).

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388 (6) Guardianship assistance benefits shall be terminated  
389 if:

390 (a) The child is absent from the home of the guardian for  
391 a period of at least 60 consecutive calendar days, unless the  
392 child:

393 1. Is absent due to medical care, school attendance,  
394 runaway status, or detention in a Department of Juvenile Justice  
395 facility; and

396 2. Continues to be under the care and custody of the  
397 guardian.

398 (b) The court modifies the placement of the child and the  
399 guardian is no longer eligible to receive guardianship  
400 assistance benefits.

401 (7) The department shall provide guardianship nonrecurring  
402 payments. Eligible expenses include, but are not limited to, the  
403 cost of a home study, court costs, attorney fees, and costs of  
404 physical and psychological examinations. Such payments are also  
405 available for a sibling placed in the same home as the child.

406 (8) A child receiving assistance under this section is  
407 eligible for Medicaid coverage until the child attains 18 years  
408 of age, or until the child attains 21 years of age if he or she  
409 meets the requirements of subsection (9).

410 (9) Guardianship assistance payments shall only be made  
411 for a young adult whose permanent guardian entered into a  
412 guardianship assistance agreement after the child attained 16

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413 years of age but before the child attained 18 years of age if  
414 the child is:

415 (a) Completing secondary education or a program leading to  
416 an equivalent credential;

417 (b) Enrolled in an institution that provides postsecondary  
418 or vocational education;

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

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

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

425 Any such barrier to participation must be supported by  
426 documentation in the child's case file or school or medical  
427 records of a physical, intellectual, emotional, or psychiatric  
428 condition that impairs the child's ability to perform one or  
429 more life activities.

430 (10) The case plan must describe the following for each  
431 child with a permanency goal of permanent guardianship in which  
432 the guardian is in receipt of guardianship assistance payments:

433 (a) The manner in which the child meets program  
434 eligibility requirements.

435 (b) The manner in which the department determined that  
436 reunification or adoption is not appropriate.

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437 (c) Efforts to discuss adoption with the child's permanent  
438 guardian.

439 (d) Efforts to discuss guardianship assistance with the  
440 child's parent or the reasons why efforts were not made.

441 (e) The reasons why a permanent placement with the  
442 prospective guardian is in the best interest of the child.

443 (f) The reasons why the child is separated from his or her  
444 siblings during placement, if applicable.

445 (g) Efforts to consult the child, if the child is 14 years  
446 of age or older, regarding the permanent guardianship  
447 arrangement.

448 (11) The department shall adopt rules to administer the  
449 program.

450 (12) The Florida Institute for Child Welfare shall  
451 evaluate the implementation of the Guardianship Assistance  
452 Program. This evaluation shall be designed to determine the  
453 impact of implementation of the Guardianship Assistance Program,  
454 identify any barriers that may prevent eligible caregivers from  
455 participating in the program, and identify recommendations  
456 regarding enhancements to the state's system of supporting  
457 kinship caregivers. The institute shall submit the report to the  
458 Governor, the President of the Senate, and the Speaker of the  
459 House of Representatives no later than January 1, 2021. At a  
460 minimum, the evaluation shall include:

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461 (a) Information about the perspectives and experiences of  
462 program participants, individuals who applied for licensure as  
463 child-specific foster homes or program participation but were  
464 determined to be ineligible, and individuals who were likely  
465 eligible for licensure as a child-specific foster home or for  
466 the program but declined to apply, collected through means,  
467 including, but not limited to, surveys and focus groups.

468 (b) An assessment of any communications procedures and  
469 print and electronic materials developed to publicize the  
470 program and recommendations for improving these materials. If  
471 possible, individuals with expertise in marketing and  
472 communications shall contribute to this assessment.

473 (c) An analysis of the program's impact on caregivers and  
474 children, including any differences in impact on children placed  
475 with caregivers who were licensed and those who were not.

476 (d) Recommendations for maximizing participation by  
477 eligible caregivers and improving the support available to  
478 kinship caregivers.

479 (13) The program shall take effect July 1, 2019.

480 Section 11. Paragraph (b) of subsection (6) and subsection  
481 (7) of section 39.6251, Florida Statutes, are amended to read:

482 39.6251 Continuing care for young adults.—

483 (6) A young adult who is between the ages of 18 and 21 and  
484 who has left care may return to care by applying to the  
485 community-based care lead agency for readmission. The community-

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486 based care lead agency shall readmit the young adult if he or  
487 she continues to meet the eligibility requirements in this  
488 section.

489 (b) Within 30 days after the young adult has been  
490 readmitted to care, the community-based care lead agency shall  
491 assign a case manager to update the case plan and the transition  
492 plan and to arrange for the required services. Updates to the  
493 case plan and the transition plan and arrangements for the  
494 required services ~~Such activities~~ shall be undertaken in  
495 consultation with the young adult. The department shall petition  
496 the court to reinstate jurisdiction over the young adult.  
497 Notwithstanding s. 39.013(2), the court shall resume  
498 jurisdiction over the young adult if the department establishes  
499 that he or she continues to meet the eligibility requirements in  
500 this section.

501 (7) During each period of time that a young adult is in  
502 care, the community-based lead agency shall provide regular case  
503 management reviews that must include at least monthly face-to-  
504 face meetings ~~contact~~ with the case manager. ~~If a young adult~~  
505 ~~lives outside the service area of his or her community-based~~  
506 ~~care lead agency, monthly contact may occur by telephone.~~

507 Section 12. Paragraph (d) of subsection (2) of section  
508 39.701, Florida Statutes, is amended to read:

509 39.701 Judicial review.—

510 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF

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511 AGE.—

512 (d) Orders.—

513 1. Based upon the criteria set forth in paragraph (c) and  
514 the recommended order of the citizen review panel, if any, the  
515 court shall determine whether or not the social service agency  
516 shall initiate proceedings to have a child declared a dependent  
517 child, return the child to the parent, continue the child in  
518 out-of-home care for a specified period of time, or initiate  
519 termination of parental rights proceedings for subsequent  
520 placement in an adoptive home. Amendments to the case plan must  
521 be prepared as prescribed in s. 39.6013. If the court finds that  
522 the prevention or reunification efforts of the department will  
523 allow the child to remain safely at home or be safely returned  
524 to the home, the court shall allow the child to remain in or  
525 return to the home after making a specific finding of fact that  
526 the reasons for the creation of the case plan have been remedied  
527 to the extent that the child's safety, well-being, and physical,  
528 mental, and emotional health will not be endangered.

529 2. The court shall return the child to the custody of the  
530 parents at any time it determines that they have substantially  
531 complied with the case plan, if the court is satisfied that  
532 reunification will not be detrimental to the child's safety,  
533 well-being, and physical, mental, and emotional health.

534 3. If, in the opinion of the court, the social service  
535 agency has not complied with its obligations as specified in the

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536 written case plan, the court may find the social service agency  
537 in contempt, shall order the social service agency to submit its  
538 plans for compliance with the agreement, and shall require the  
539 social service agency to show why the child could not safely be  
540 returned to the home of the parents.

541 4. If, at any judicial review, the court finds that the  
542 parents have failed to substantially comply with the case plan  
543 to the degree that further reunification efforts are without  
544 merit and not in the best interest of the child, on its own  
545 motion, the court may order the filing of a petition for  
546 termination of parental rights, whether or not the time period  
547 as contained in the case plan for substantial compliance has  
548 expired.

549 5. Within 6 months after the date that the child was  
550 placed in shelter care, the court shall conduct a judicial  
551 review hearing to review the child's permanency goal as  
552 identified in the case plan. At the hearing the court shall make  
553 findings regarding the likelihood of the child's reunification  
554 with the parent or legal custodian. In making such findings, the  
555 court shall consider the level of the parent or legal  
556 custodian's compliance with the case plan and demonstrated  
557 change in protective capacities compared to that necessary to  
558 achieve timely reunification within 12 months after the removal  
559 of the child from the home. The court shall also consider the  
560 frequency, duration, manner, and level of engagement of the

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561 parent or legal custodian's visitation with the child in  
562 compliance with the case plan. If the court makes a written  
563 finding that it is not likely that the child will be reunified  
564 with the parent or legal custodian within 12 months after the  
565 child was removed from the home, the department must file with  
566 the court, and serve on all parties, a motion to amend the case  
567 plan under s. 39.6013 and declare that it will use concurrent  
568 planning for the case plan. The department must file the motion  
569 within 10 business days after receiving the written finding of  
570 the court. The department must attach the proposed amended case  
571 plan to the motion. If concurrent planning is already being  
572 used, the case plan must document the efforts the department is  
573 taking to complete the concurrent goal.

574 6. The court may issue a protective order in assistance,  
575 or as a condition, of any other order made under this part. In  
576 addition to the requirements included in the case plan, the  
577 protective order may set forth requirements relating to  
578 reasonable conditions of behavior to be observed for a specified  
579 period of time by a person or agency who is before the court;  
580 and the order may require any person or agency to make periodic  
581 reports to the court containing such information as the court in  
582 its discretion may prescribe.

583 Section 13. Paragraphs (b) and (e) of subsection (3) of  
584 section 63.092, Florida Statutes, are amended to read:

585 63.092 Report to the court of intended placement by an

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586 adoption entity; at-risk placement; preliminary study.—

587 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
588 the intended adoptive home, a preliminary home study must be  
589 performed by a licensed child-placing agency, a child-caring  
590 agency registered under s. 409.176, a licensed professional, or  
591 an agency described in s. 61.20(2), unless the adoptee is an  
592 adult or the petitioner is a stepparent or a relative. If the  
593 adoptee is an adult or the petitioner is a stepparent or a  
594 relative, a preliminary home study may be required by the court  
595 for good cause shown. The department is required to perform the  
596 preliminary home study only if there is no licensed child-  
597 placing agency, child-caring agency registered under s. 409.176,  
598 licensed professional, or agency described in s. 61.20(2), in  
599 the county where the prospective adoptive parents reside. The  
600 preliminary home study must be made to determine the suitability  
601 of the intended adoptive parents and may be completed prior to  
602 identification of a prospective adoptive minor. A favorable  
603 preliminary home study is valid for 1 year after the date of its  
604 completion. Upon its completion, a signed copy of the home study  
605 must be provided to the intended adoptive parents who were the  
606 subject of the home study. A minor may not be placed in an  
607 intended adoptive home before a favorable preliminary home study  
608 is completed unless the adoptive home is also a licensed foster  
609 home under s. 409.175. The preliminary home study must include,  
610 at a minimum:

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611 (b) Records checks of the department's central abuse  
612 registry, which the department shall provide to the entity  
613 conducting the preliminary home study, and criminal records  
614 correspondence checks under s. 39.0138 through the Department of  
615 Law Enforcement on the intended adoptive parents;

616 (e) Documentation of counseling and education of the  
617 intended adoptive parents on adoptive parenting, as determined  
618 by the entity conducting the preliminary home study. The  
619 training specified in s. 409.175(14) shall only be required for  
620 persons who adopt children from the department;

621  
622 If the preliminary home study is favorable, a minor may be  
623 placed in the home pending entry of the judgment of adoption. A  
624 minor may not be placed in the home if the preliminary home  
625 study is unfavorable. If the preliminary home study is  
626 unfavorable, the adoption entity may, within 20 days after  
627 receipt of a copy of the written recommendation, petition the  
628 court to determine the suitability of the intended adoptive  
629 home. A determination as to suitability under this subsection  
630 does not act as a presumption of suitability at the final  
631 hearing. In determining the suitability of the intended adoptive  
632 home, the court must consider the totality of the circumstances  
633 in the home. A minor may not be placed in a home in which there  
634 resides any person determined by the court to be a sexual  
635 predator as defined in s. 775.21 or to have been convicted of an

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636 offense listed in s. 63.089(4)(b)2.

637 Section 14. Subsection (4) of section 322.09, Florida  
638 Statutes, is amended to read:

639 322.09 Application of minors; responsibility for  
640 negligence or misconduct of minor.—

641 (4) Notwithstanding subsections (1) and (2), if a  
642 caregiver ~~foster parent~~ of a minor who is under the age of 18  
643 years and is in out-of-home ~~foster~~ care as defined in s.  
644 39.01(49) ~~s. 39.01~~, an authorized representative of a  
645 residential group home at which such a minor resides, the  
646 caseworker at the agency at which the state has placed the  
647 minor, or a guardian ad litem specifically authorized by the  
648 minor's caregiver to sign for a learner's driver license signs  
649 the minor's application for a learner's driver license, that  
650 caregiver ~~foster parent~~, group home representative, caseworker,  
651 or guardian ad litem does not assume any obligation or become  
652 liable for any damages caused by the negligence or willful  
653 misconduct of the minor by reason of having signed the  
654 application. Before signing the application, the caseworker,  
655 authorized group home representative, or guardian ad litem shall  
656 notify the caregiver ~~foster parent~~ or other responsible party of  
657 his or her intent to sign and verify the application.

658 Section 15. Paragraph (p) of subsection (4) of section  
659 394.495, Florida Statutes, is amended to read:

660 394.495 Child and adolescent mental health system of care;

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661 programs and services.—

662 (4) The array of services may include, but is not limited  
663 to:

664 (p) Trauma-informed services for children who have  
665 suffered sexual exploitation as defined in s. 39.01(77)(g) ~~s.~~  
666 ~~39.01(71)(g)~~.

667 Section 16. Paragraphs (b) through (f) of subsection (2)  
668 of section 402.305, Florida Statutes, are redesignated as  
669 paragraphs (c) through (g), respectively, paragraph (a) of  
670 subsection (2) and subsections (9) and (10) are amended, and a  
671 new paragraph (b) is added to that subsection (2), to read:

672 402.305 Licensing standards; child care facilities.—

673 (2) PERSONNEL.—Minimum standards for child care personnel  
674 shall include minimum requirements as to:

675 (a) Good moral character based upon screening as defined  
676 in s. 402.302(15). This screening shall be conducted as provided  
677 in chapter 435, using the level 2 standards for screening set  
678 forth in that chapter, and include employment history checks, a  
679 search of criminal history records, sexual predator and sexual  
680 offender registries, and child abuse and neglect registry of any  
681 state in which the current or prospective child care personnel  
682 resided during the preceding 5 years.

683 (b) Fingerprint submission for child care personnel, which  
684 shall comply with s. 435.12.

685 (9) ADMISSIONS AND RECORDKEEPING.—

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686 (a) Minimum standards shall include requirements for  
687 preadmission and periodic health examinations, requirements for  
688 immunizations, and requirements for maintaining emergency  
689 information and health records on all children.

690 (b) During the months of August and September of each  
691 year, each child care facility shall provide parents of children  
692 enrolled in the facility detailed information regarding the  
693 causes, symptoms, and transmission of the influenza virus in an  
694 effort to educate those parents regarding the importance of  
695 immunizing their children against influenza as recommended by  
696 the Advisory Committee on Immunization Practices of the Centers  
697 for Disease Control and Prevention.

698 (c) During the months of April and September of each year,  
699 at a minimum, each facility shall provide parents of children  
700 enrolled in the facility information regarding the potential for  
701 a distracted adult to fail to drop off a child at the facility  
702 and instead leave the child in the adult's vehicle upon arrival  
703 at the adult's destination. The child care facility shall also  
704 give parents information about resources with suggestions to  
705 avoid this occurrence. The department shall develop a flyer or  
706 brochure with this information that shall be posted to the  
707 department's website, which child care facilities may choose to  
708 reproduce and provide to parents to satisfy the requirements of  
709 this paragraph.

710 (d)-(e) Because of the nature and duration of drop-in child

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711 care, requirements for preadmission and periodic health  
712 examinations and requirements for medically signed records of  
713 immunization required for child care facilities shall not apply.  
714 A parent of a child in drop-in child care shall, however, be  
715 required to attest to the child's health condition and the type  
716 and current status of the child's immunizations.

717 (e)~~(d)~~ Any child shall be exempt from medical or physical  
718 examination or medical or surgical treatment upon written  
719 request of the parent or guardian of such child who objects to  
720 the examination and treatment. However, the laws, rules, and  
721 regulations relating to contagious or communicable diseases and  
722 sanitary matters shall not be violated because of any exemption  
723 from or variation of the health and immunization minimum  
724 standards.

725 (10) TRANSPORTATION SAFETY.—Minimum standards shall  
726 include requirements for child restraints or seat belts in  
727 vehicles used by child care facilities and large family child  
728 care homes to transport children, requirements for annual  
729 inspections of the vehicles, limitations on the number of  
730 children in the vehicles, procedures to avoid leaving children  
731 in vehicles when transported by the facility, and accountability  
732 for children ~~being~~ transported by the child care facility. A  
733 child care facility is not responsible for children when they  
734 are transported by a parent or guardian.

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735 Section 17. Section 402.30501, Florida Statutes, is  
736 amended to read:

737 402.30501 Modification of introductory child care course  
738 for community college credit authorized.—The Department of  
739 Children and Families may modify the 40-clock-hour introductory  
740 course in child care under s. 402.305 or s. 402.3131 to meet the  
741 requirements of articulating the course to community college  
742 credit. Any modification must continue to provide that the  
743 course satisfies the requirements of s. 402.305(2)(e) ~~s.~~  
744 ~~402.305(2)(d)~~.

745 Section 18. Subsection (15) is added to section 402.313,  
746 Florida Statutes, to read:

747 402.313 Family day care homes.—

748 (15) During the months of April and September of each  
749 year, at a minimum, each family day care home shall provide  
750 parents of children attending the family day care home  
751 information regarding the potential for a distracted adult to  
752 fail to drop off a child at the family day care home and instead  
753 leave the child in the adult's vehicle upon arrival at the  
754 adult's destination. The family day care home shall also give  
755 parents information about resources with suggestions to avoid  
756 this occurrence. The department shall develop a flyer or  
757 brochure with this information that shall be posted to the  
758 department's website, which family day care homes may choose to  
759 reproduce and provide to parents to satisfy the requirements of

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760 this subsection.

761 Section 19. Subsection (10) is added to section 402.3131,  
762 Florida Statutes, to read:

763 402.3131 Large family child care homes.—

764 (10) During the months of April and September of each  
765 year, at a minimum, each large family child care home shall  
766 provide parents of children attending the large family child  
767 care home information regarding the potential for a distracted  
768 adult to fail to drop off a child at the large family child care  
769 home and instead leave the child in the adult's vehicle upon  
770 arrival at the adult's destination. The large family child care  
771 home shall also give parents information about resources with  
772 suggestions to avoid this occurrence. The department shall  
773 develop a flyer or brochure with this information that shall be  
774 posted to the department's website, which large family child  
775 care homes may choose to reproduce and provide to parents to  
776 satisfy the requirements of this subsection.

777 Section 20. Subsection (4) of section 409.145, Florida  
778 Statutes, is amended to read:

779 409.145 Care of children; quality parenting; "reasonable  
780 and prudent parent" standard.—The child welfare system of the  
781 department shall operate as a coordinated community-based system  
782 of care which empowers all caregivers for children in foster  
783 care to provide quality parenting, including approving or  
784 disapproving a child's participation in activities based on the

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785 caregiver's assessment using the "reasonable and prudent parent"  
786 standard.

787 (4) FOSTER CARE ~~PARENT~~ ROOM AND BOARD RATES.—

788  
789 (a) Effective July 1, 2018 ~~January 1, 2014~~, room and board  
790 rates shall be paid to foster parents ~~are~~ as follows:

791  
792 Monthly Foster Care Rate

| 0-5 Years<br>Age                 | 6-12 Years<br>Age                | 13-21 Years<br>Age               |
|----------------------------------|----------------------------------|----------------------------------|
| <u>\$457.95</u> <del>\$429</del> | <u>\$469.68</u> <del>\$440</del> | <u>\$549.74</u> <del>\$515</del> |

793  
794  
795 (b) Each January, foster parents shall receive an annual  
796 cost of living increase. The department shall calculate the new  
797 room and board rate increase equal to the percentage change in  
798 the Consumer Price Index for All Urban Consumers, U.S. City  
799 Average, All Items, not seasonally adjusted, or successor  
800 reports, for the preceding December compared to the prior  
801 December as initially reported by the United States Department  
802 of Labor, Bureau of Labor Statistics. The department shall make  
803 available the adjusted room and board rates annually.

804 (c) Effective July 1, 2019, foster parents of level I  
805 family foster homes, as defined in under s. 409.175(5)(a) shall

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806 receive a room and board rate of \$333.

807 (d) Effective July 1, 2019, the foster care room and board  
808 rate for level II family foster homes as defined in s.  
809 409.175(5) (a) shall be the same as the new rate established for  
810 family foster homes as of January 1, 2019.

811 (e) Effective January 1, 2020, paragraph (b) shall only  
812 apply to level II through level V family foster homes, as  
813 defined in s. 409.175(5) (a).

814 (f)~~(e)~~ The amount of the monthly foster care room and  
815 board rate may be increased upon agreement among the department,  
816 the community-based care lead agency, and the foster parent.

817 (g)~~(d)~~ From July 1, 2018, through June 30, 2019,  
818 community-based care lead agencies providing care under contract  
819 with the department shall pay a supplemental room and board  
820 payment to foster care parents of all family foster homes, on a  
821 per-child basis, for providing independent life skills and  
822 normalcy supports to children who are 13 through 17 years of age  
823 placed in their care. The supplemental payment shall be paid  
824 monthly to the foster care parents ~~on a per-child basis~~ in  
825 addition to the current monthly room and board rate payment. The  
826 supplemental monthly payment shall be based on 10 percent of the  
827 monthly room and board rate for children 13 through 21 years of  
828 age as provided under this section and adjusted annually.

829 Effective July 1, 2019, such supplemental payments shall only be  
830 paid to foster parents of level II through level V family foster

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831 homes.

832 Section 21. Subsections (4) and (5) of section 409.166,  
833 Florida Statutes, are amended to read:

834 409.166 Children within the child welfare system; adoption  
835 assistance program.—

836 (4) ADOPTION ASSISTANCE.—

837 (a) For purposes of administering payments under paragraph  
838 (d), the term:

839 1. "Child" means an individual who has not attained 21  
840 years of age.

841 2. "Young adult" means an individual who has attained 18  
842 years of age but who has not attained 21 years of age.

843 (b)~~(a)~~ A maintenance subsidy shall be granted only when  
844 all other resources available to a child have been thoroughly  
845 explored and it can be clearly established that this is the most  
846 acceptable plan for providing permanent placement for the child.  
847 The maintenance subsidy may not be used as a substitute for  
848 adoptive parent recruitment or as an inducement to adopt a child  
849 who might be placed without providing a subsidy. However, it  
850 shall be the policy of the department that no child be denied  
851 adoption if providing a maintenance subsidy would make adoption  
852 possible. The best interest of the child shall be the deciding  
853 factor in every case. This section does not prohibit foster  
854 parents from applying to adopt a child placed in their care.  
855 Foster parents or relative caregivers must be asked if they

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856 would adopt without a maintenance subsidy.

857 (c) ~~(b)~~ The department shall provide adoption assistance to  
858 the adoptive parents, subject to specific appropriation, in the  
859 amount of \$5,000 annually, paid on a monthly basis, for the  
860 support and maintenance of a child until the 18th birthday of  
861 such child or in an amount other than \$5,000 annually as  
862 determined by the adoptive parents and the department and  
863 memorialized in a written agreement between the adoptive parents  
864 and the department. The agreement shall take into consideration  
865 the circumstances of the adoptive parents and the needs of the  
866 child being adopted. The amount of subsidy may be adjusted based  
867 upon changes in the needs of the child or circumstances of the  
868 adoptive parents. Changes shall not be made without the  
869 concurrence of the adoptive parents. However, in no case shall  
870 the amount of the monthly payment exceed the foster care  
871 maintenance payment that would have been paid during the same  
872 period if the child had been in a foster family home.

873 (d) Effective January 1, 2019, adoption assistance  
874 payments may be made for a child whose adoptive parent entered  
875 into an initial adoption assistance agreement after the child  
876 reached 16 years of age but before the child reached 18 years of  
877 age. Such payments may be made until the child reaches age 21 if  
878 the child is:

879 1. Completing secondary education or a program leading to  
880 an equivalent credential;

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881 2. Enrolled in an institution that provides postsecondary  
882 or vocational education;

883 3. Participating in a program or activity designed to  
884 promote or eliminate barriers to employment;

885 4. Employed for at least 80 hours per month; or

886 5. Unable to participate in programs or activities listed  
887 in subparagraphs 1.-4. full time due to a physical,  
888 intellectual, emotional, or psychiatric condition that limits  
889 participation. Any such barrier to participation must be  
890 supported by documentation in the child's case file or school or  
891 medical records of a physical, intellectual, emotional, or  
892 psychiatric condition that impairs the child's ability to  
893 perform one or more life activities.

894 (e) A child or young adult receiving benefits through the  
895 adoption assistance program is not eligible to simultaneously  
896 receive relative caregiver benefits under s. 39.5085 or  
897 postsecondary education services and support under s. 409.1451.

898 (f)-(e) The department may provide adoption assistance to  
899 the adoptive parents, subject to specific appropriation, for  
900 medical assistance initiated after the adoption of the child for  
901 medical, surgical, hospital, and related services needed as a  
902 result of a physical or mental condition of the child which  
903 existed before the adoption and is not covered by Medicaid,  
904 Children's Medical Services, or Children's Mental Health  
905 Services. Such assistance may be initiated at any time but shall

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906 terminate on or before the child's 18th birthday.

907 (5) ELIGIBILITY FOR SERVICES.—

908 (a) As a condition of receiving ~~providing~~ adoption  
909 assistance under this section, the adoptive parents must have an  
910 approved adoption home study before the adoption is finalized  
911 and must enter into an adoption-assistance agreement with the  
912 department before the adoption is finalized which specifies the  
913 financial assistance and other services to be provided.

914 (b) A child who is handicapped at the time of adoption  
915 shall be eligible for services through the Children's Medical  
916 Services network established under part I of chapter 391 if the  
917 child was eligible for such services prior to the adoption.

918 Section 22. Paragraph (b) of subsection (2) of section  
919 409.1676, Florida Statutes, is amended to read:

920 409.1676 Comprehensive residential group care services to  
921 children who have extraordinary needs.—

922 (2) As used in this section, the term:

923 (b) "Residential group care" means a living environment  
924 for children who have been adjudicated dependent and are  
925 expected to be in foster care for at least 6 months with 24-  
926 hour-awake staff or live-in group home parents or staff. Each  
927 facility must be appropriately licensed in this state as a  
928 residential child caring agency as defined in s. 409.175(2)(1)  
929 ~~s. 409.175(2)(j)~~ and must be accredited by July 1, 2005. A  
930 residential group care facility serving children having a

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931 serious behavioral problem as defined in this section must have  
932 available staff or contract personnel with the clinical  
933 expertise, credentials, and training to provide services  
934 identified in subsection (4).

935 Section 23. Subsection (3) of section 409.1678, Florida  
936 Statutes, is amended to read:

937 409.1678 Specialized residential options for children who  
938 are victims of commercial sexual exploitation.—

939 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR  
940 HOSPITAL.—Residential treatment centers licensed under s.  
941 394.875, and hospitals licensed under chapter 395 that provide  
942 residential mental health treatment, shall provide specialized  
943 treatment for commercially sexually exploited children in the  
944 custody of the department who are placed in these facilities  
945 pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

946 (a) The specialized treatment must meet the requirements  
947 of subparagraphs (2)(c)1., 3., 6., and 7. ~~(2)(c)1. and 3.-7.,~~  
948 paragraph (2)(d), and the department's treatment standards  
949 adopted pursuant to this section. However, a residential  
950 treatment center or hospital may prioritize the delivery of  
951 certain services among those required under paragraph (2)(d) to  
952 meet the specific treatment needs of the child.

953 (b) The facilities shall ensure that children are served  
954 in single-sex groups and that staff working with such children  
955 are adequately trained in the effects of trauma and sexual

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956 exploitation, the needs of child victims of commercial sexual  
957 exploitation, and how to address those needs using strength-  
958 based and trauma-informed approaches.

959 Section 24. Subsections (2) and (5), paragraphs (a) and  
960 (k) of subsection (6), paragraph (b) of subsection (9),  
961 paragraphs (a) and (b) of subsection (10), paragraph (a) of  
962 subsection (11), paragraph (b) of subsection (12), and  
963 subsection (14) of section 409.175, Florida Statutes, are  
964 amended to read:

965 409.175 Licensure of family foster homes, residential  
966 child-caring agencies, and child-placing agencies; public  
967 records exemption.—

968 (2) As used in this section, the term:

969 (a) "Agency" means a residential child-caring agency or a  
970 child-placing agency.

971 (b) "Boarding school" means a school that is registered  
972 with the Department of Education as a school that provides a  
973 residential service for students and that is either:

974 1. Accredited for academic programs by the Florida Council  
975 of Independent Schools, the Southern Association of Colleges and  
976 Schools, an accrediting association that is a member of the  
977 National Council for Private School Accreditation, or an  
978 accrediting association that is a member of the Florida  
979 Association of Academic Nonpublic Schools, and that is  
980 accredited for residential programs by the Council on

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981 Accreditation, the Commission on Accreditation of Rehabilitation  
982 Facilities, or the Coalition for Residential Education; or

983 2. Accredited by one of the organizations specified in  
984 subparagraph 1. as a boarding school that includes both an  
985 academic and residential component in its accreditation.

986 (c) "Child" means any unmarried person under the age of 18  
987 years.

988 (d) "Child-placing agency" means any person, corporation,  
989 or agency, public or private, other than the parent or legal  
990 guardian of the child or an intermediary acting pursuant to  
991 chapter 63, that receives a child for placement and places or  
992 arranges for the placement of a child in a family foster home,  
993 residential child-caring agency, or adoptive home.

994 (e) "Family foster home" means a private residence in  
995 which children who are unattended by a parent or legal guardian  
996 are provided 24-hour care. The term does not include an adoptive  
997 home that has been approved by the department or approved by a  
998 licensed child-placing agency for children placed for adoption.  
999 ~~Such homes include emergency shelter family homes and~~  
1000 ~~specialized foster homes for children with special needs. A~~  
1001 ~~person who cares for a child of a friend for a period not to~~  
1002 ~~exceed 90 days, a relative who cares for a child and does not~~  
1003 ~~receive reimbursement for such care from the state or federal~~  
1004 ~~government, or an adoptive home which has been approved by the~~  
1005 ~~department or by a licensed child-placing agency for children~~

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1006 ~~placed for adoption is not considered a family foster home.~~

1007 (f) "License" means "license" as defined in s. 120.52(10).  
1008 A license under this section is issued to a family foster home  
1009 or other facility and is not a professional license of any  
1010 individual. Receipt of a license under this section shall not  
1011 create a property right in the recipient. A license under this  
1012 act is a public trust and a privilege, and is not an  
1013 entitlement. This privilege must guide the finder of fact or  
1014 trier of law at any administrative proceeding or court action  
1015 initiated by the department.

1016 (g) "Licensing home study" means a documented assessment,  
1017 as defined by department rule, to determine the safety and  
1018 appropriateness of any 24-hour living arrangement for a child  
1019 who is unattended by a parent or legal guardian. A primary  
1020 caregiver issued a license for a specific child may apply for a  
1021 waiver of the non-safety-related and non-health-related elements  
1022 of a licensing home study under the Guardianship Assistance  
1023 Program established in s. 39.6225.

1024 ~~(h)-(g)~~ "Operator" means any onsite person ultimately  
1025 responsible for the overall operation of a child-placing agency,  
1026 family foster home, or residential child-caring agency, whether  
1027 or not she or he is the owner or administrator of such an agency  
1028 or home.

1029 ~~(i)-(h)~~ "Owner" means the person who is licensed to operate  
1030 the child-placing agency, family foster home, or residential

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1031 child-caring agency.

1032 (j)~~(i)~~ "Personnel" means all owners, operators, employees,  
1033 and volunteers working in a child-placing agency, family foster  
1034 home, or residential child-caring agency who may be employed by  
1035 or do volunteer work for a person, corporation, or agency that  
1036 holds a license as a child-placing agency or a residential  
1037 child-caring agency, but the term does not include those who do  
1038 not work on the premises where child care is furnished and have  
1039 no direct contact with a child or have no contact with a child  
1040 outside of the presence of the child's parent or guardian. For  
1041 purposes of screening, the term includes any member, over the  
1042 age of 12 years, of the family of the owner or operator or any  
1043 person other than a client, over the age of 12 years, residing  
1044 with the owner or operator if the agency or family foster home  
1045 is located in or adjacent to the home of the owner or operator  
1046 or if the family member of, or person residing with, the owner  
1047 or operator has any direct contact with the children. Members of  
1048 the family of the owner or operator, or persons residing with  
1049 the owner or operator, who are between the ages of 12 years and  
1050 18 years are not required to be fingerprinted, but must be  
1051 screened for delinquency records. For purposes of screening, the  
1052 term also includes owners, operators, employees, and volunteers  
1053 working in summer day camps, or summer 24-hour camps providing  
1054 care for children. A volunteer who assists on an intermittent  
1055 basis for less than 10 hours per month shall not be included in

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1056 the term "personnel" for the purposes of screening if a person  
1057 who meets the screening requirement of this section is always  
1058 present and has the volunteer in his or her line of sight.

1059 (k) "Placement screening" means the act of assessing the  
1060 background of household members in the family foster home and  
1061 includes, but is not limited to, criminal history records checks  
1062 as provided in s. 39.0138 using the standards for screening set  
1063 forth in that section. The term "household member" means a  
1064 member of the family or a person, other than the child being  
1065 placed, over the age of 12 years who resides with the owner who  
1066 operates the family foster home if such family member or person  
1067 has any direct contact with the child. Household members who are  
1068 between the ages of 12 and 18 years are not required to be  
1069 fingerprinted but must be screened for delinquency records.

1070 (1)(j) "Residential child-caring agency" means any person,  
1071 corporation, or agency, public or private, other than the  
1072 child's parent or legal guardian, that provides staffed 24-hour  
1073 care for children in facilities maintained for that purpose,  
1074 regardless of whether operated for profit or whether a fee is  
1075 charged. Such residential child-caring agencies include, but are  
1076 not limited to, maternity homes, runaway shelters, group homes  
1077 that are administered by an agency, emergency shelters that are  
1078 not in private residences, and wilderness camps. Residential  
1079 child-caring agencies do not include hospitals, boarding  
1080 schools, summer or recreation camps, nursing homes, or

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1081 facilities operated by a governmental agency for the training,  
1082 treatment, or secure care of delinquent youth, or facilities  
1083 licensed under s. 393.067 or s. 394.875 or chapter 397.

1084 ~~(m)-(k)~~ "Screening" means the act of assessing the  
1085 background of personnel and includes, but is not limited to,  
1086 employment history checks as provided in chapter 435, using the  
1087 level 2 standards for screening set forth in that chapter.

1088 (n) "Severe disability" means a physical, developmental,  
1089 or cognitive limitation affecting an individual's ability to  
1090 safely submit fingerprints.

1091 ~~(o)-(l)~~ "Summer day camp" means recreational, educational,  
1092 and other enrichment programs operated during summer vacations  
1093 for children who are 5 years of age on or before September 1 and  
1094 older.

1095 ~~(p)-(m)~~ "Summer 24-hour camp" means recreational,  
1096 educational, and other enrichment programs operated on a 24-hour  
1097 basis during summer vacation for children who are 5 years of age  
1098 on or before September 1 and older, that are not exclusively  
1099 educational.

1100 (5)~~(a)~~ The department shall adopt and amend ~~licensing~~  
1101 rules for the levels of licensed care associated with the  
1102 licensure of family foster homes, residential child-caring  
1103 agencies, and child-placing agencies. The rules may include  
1104 criteria to approve waivers to licensing requirements when  
1105 applying for a child-specific license.

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- 1106        (a) Family foster homes shall be classified by levels of  
1107 licensure, as follows:
- 1108        1. Level I.—
- 1109        a. Type of licensure.—Child-specific foster home.
- 1110        b. Licensure requirements.—The caregiver must meet all  
1111 level II requirements pursuant to this section. However,  
1112 requirements not directly related to safety may be waived.
- 1113        2. Level II.—
- 1114        a. Type of licensure.—Non-child-specific foster home.
- 1115        b. Licensure requirements.—The caregiver must meet all  
1116 licensing requirements pursuant to paragraph (b).
- 1117        3. Level III.—
- 1118        a. Type of licensure.—Safe foster home for victims of  
1119 human trafficking.
- 1120        b. Licensure requirements.—The caregiver must meet all  
1121 licensing requirements pursuant to paragraph (b) and all  
1122 certification requirements pursuant to s. 409.1678.
- 1123        4. Level IV.—
- 1124        a. Type of licensure.—Therapeutic foster home.
- 1125        b. Licensure requirements.—The caregiver must meet all  
1126 licensing requirements pursuant to paragraph (b) and all  
1127 certification requirements established in rule by the Agency for  
1128 Health Care Administration.
- 1129        5. Level V.—
- 1130        a. Type of licensure.—Medical foster home.

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1131           b. Licensure requirements.—The caregiver must meet all  
1132 licensing requirements pursuant to paragraph (b) and all  
1133 certification requirements established in rule by the Agency for  
1134 Health Care Administration. ~~The department may also adopt rules~~  
1135 ~~relating to the screening requirements for summer day camps and~~  
1136 ~~summer 24-hour camps.~~

1137           (b) The requirements for licensure and operation of family  
1138 foster homes, residential child-caring agencies, and child-  
1139 placing agencies shall include:

1140           1. The operation, conduct, and maintenance of these homes  
1141 and agencies and the responsibility which they assume for  
1142 children served and the evidence of need for that service.

1143           2. The provision of food, clothing, educational  
1144 opportunities, services, equipment, and individual supplies to  
1145 assure the healthy physical, emotional, and mental development  
1146 of the children served.

1147           3. The appropriateness, safety, cleanliness, and general  
1148 adequacy of the premises, including fire prevention and health  
1149 standards, to provide for the physical comfort, care, and well-  
1150 being of the children served.

1151           4. The ratio of staff to children required to provide  
1152 adequate care and supervision of the children served and, in the  
1153 case of foster homes, the maximum number of children in the  
1154 home.

1155           5. The good moral character based upon screening,

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1156 education, training, and experience requirements for personnel.

1157 6. The department may grant exemptions from  
1158 disqualification from working with children or the  
1159 developmentally disabled as provided in s. 435.07.

1160 7. The provision of preservice and inservice training for  
1161 all foster parents and agency staff.

1162 8. Satisfactory evidence of financial ability to provide  
1163 care for the children in compliance with licensing requirements.

1164 9. The maintenance by the agency of records pertaining to  
1165 admission, progress, health, and discharge of children served,  
1166 including written case plans and reports to the department.

1167 10. The provision for parental involvement to encourage  
1168 preservation and strengthening of a child's relationship with  
1169 the family.

1170 11. The transportation safety of children served.

1171 12. The provisions for safeguarding the cultural,  
1172 religious, and ethnic values of a child.

1173 13. Provisions to safeguard the legal rights of children  
1174 served.

1175 (c)~~(b)~~ The requirements for the licensure and operation of  
1176 a child-placing agency shall also include compliance with the  
1177 requirements of ss. 63.0422 and 790.335.

1178 (d)~~(e)~~ The department shall randomly drug test a licensed  
1179 foster parent if there is a reasonable suspicion that he or she  
1180 is using illegal drugs. The cost of testing shall be paid by the

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1181 foster parent but shall be reimbursed by the department if the  
1182 test is negative. The department may adopt rules necessary to  
1183 administer this paragraph.

1184 ~~(e)-(d)~~ In adopting ~~promulgating~~ licensing rules pursuant  
1185 to this section, the department may make distinctions among  
1186 types of care; numbers of children served; and the physical,  
1187 mental, emotional, and educational needs of the children to be  
1188 served by a home or agency.

1189 ~~(f)-(e)~~ The department may ~~shall~~ not adopt rules which  
1190 interfere with the free exercise of religion or which regulate  
1191 religious instruction or teachings in any child-caring or child-  
1192 placing home or agency. This section may not; ~~however, nothing~~  
1193 ~~herein shall~~ be construed to allow religious instruction or  
1194 teachings that are inconsistent with the health, safety, or  
1195 well-being of any child; with public morality; or with the  
1196 religious freedom of children, parents, or legal guardians who  
1197 place their children in such homes or agencies.

1198 ~~(g)-(f)~~ The department's rules shall include adoption of a  
1199 form to be used by child-placing agencies during an adoption  
1200 home study that requires all prospective adoptive applicants to  
1201 acknowledge in writing the receipt of a document containing  
1202 solely and exclusively the language provided for in s. 790.174  
1203 verbatim.

1204 (6) (a) An application for a license shall be made on forms  
1205 provided, and in the manner prescribed, by the department. The

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1206 department shall make a determination as to the good moral  
1207 character of the applicant based upon screening. The department  
1208 may grant an exemption from fingerprinting requirements,  
1209 pursuant to s. 39.0138, for an adult household member who has a  
1210 severe disability.

1211 (k) The department may not license summer day camps or  
1212 summer 24-hour camps. However, the department shall have access  
1213 to the personnel records of such facilities to ensure compliance  
1214 with the screening requirements. The department may adopt rules  
1215 relating to the screening requirements for summer day camps and  
1216 summer 24-hour camps.

1217 (9)

1218 (b) Any of the following actions by a home or agency or  
1219 its personnel is a ground for denial, suspension, or revocation  
1220 of a license:

1221 1. An intentional or negligent act materially affecting  
1222 the health or safety of children in the home or agency.

1223 2. A violation of the provisions of this section or of  
1224 licensing rules promulgated pursuant to this section.

1225 3. Noncompliance with the requirements for good moral  
1226 character as specified in paragraph (5) (b) ~~(5) (a)~~.

1227 4. Failure to dismiss personnel found in noncompliance  
1228 with requirements for good moral character.

1229 5. Failure to comply with the requirements of ss. 63.0422  
1230 and 790.335.

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1231 (10) (a) The department may institute injunctive  
1232 proceedings in a court of competent jurisdiction to:

1233 1. Enforce the provisions of this section or any license  
1234 requirement, rule, or order issued or entered into pursuant  
1235 thereto; or

1236 2. Terminate the operation of an agency in which any of  
1237 the following conditions exist:

1238 a. The licensee has failed to take preventive or  
1239 corrective measures in accordance with any order of the  
1240 department to maintain conformity with licensing requirements.

1241 b. There is a violation of any of the provisions of this  
1242 section, or of any licensing requirement promulgated pursuant to  
1243 this section, which violation threatens harm to any child or  
1244 which constitutes an emergency requiring immediate action.

1245 3. Terminate the operation of a summer day camp or summer  
1246 24-hour camp providing care for children when such camp has  
1247 willfully and knowingly refused to comply with the screening  
1248 requirements for personnel or has refused to terminate the  
1249 employment of personnel found to be in noncompliance with the  
1250 requirements for good moral character as determined in paragraph  
1251 (5) (b) ~~(5) (a)~~.

1252 (b) If the department finds, within 30 days after written  
1253 notification by registered mail of the requirement for  
1254 licensure, that a person or agency continues to care for or to  
1255 place children without a license or, within 30 days after

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1256 written notification by registered mail of the requirement for  
1257 screening of personnel and compliance with paragraph (5) (b)  
1258 ~~(5) (a)~~ for the hiring and continued employment of personnel,  
1259 that a summer day camp or summer 24-hour camp continues to  
1260 provide care for children without complying, the department  
1261 shall notify the appropriate state attorney of the violation of  
1262 law and, if necessary, shall institute a civil suit to enjoin  
1263 the person or agency from continuing the placement or care of  
1264 children or to enjoin the summer day camp or summer 24-hour camp  
1265 from continuing the care of children.

1266 (12)

1267 (b) It is unlawful for any person, agency, summer day  
1268 camp, or summer 24-hour camp providing care for children to:

1269 1. Willfully or intentionally fail to comply with the  
1270 requirements for the screening of personnel or the dismissal of  
1271 personnel found not to be in compliance with the requirements  
1272 for good moral character as specified in paragraph (5) (b)  
1273 ~~(5) (a)~~.

1274 2. Use information from the criminal records obtained  
1275 under this section for any purpose other than screening a person  
1276 for employment as specified in this section or to release such  
1277 information to any other person for any purpose other than  
1278 screening for employment as specified in this section.

1279 (11) (a) The department is authorized to seek compliance  
1280 with the licensing requirements of this section to the fullest

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1281 extent possible by reliance on administrative sanctions and  
1282 civil actions and may provide an exception of those standards  
1283 for which a waiver has been granted pursuant to this section.

1284 (14) (a) In order to provide improved services to children,  
1285 the department shall provide or cause to be provided preservice  
1286 training for prospective foster parents ~~and emergency shelter~~  
1287 ~~parents~~ and inservice training for foster parents ~~and emergency~~  
1288 ~~shelter parents~~ who are licensed and supervised by the  
1289 department.

1290 (b) As a condition of licensure, foster parents ~~and~~  
1291 ~~emergency shelter parents~~ shall successfully complete a minimum  
1292 of 21 hours of preservice training. The preservice training  
1293 shall be uniform statewide and shall include, but not be limited  
1294 to, such areas as:

- 1295 1. Orientation regarding agency purpose, objectives,  
1296 resources, policies, and services;
- 1297 2. Role of the foster parent ~~and the emergency shelter~~  
1298 ~~parent~~ as a treatment team member;
- 1299 3. Transition of a child into and out of foster care ~~and~~  
1300 ~~emergency shelter care~~, including issues of separation, loss,  
1301 and attachment;
- 1302 4. Management of difficult child behavior that can be  
1303 intensified by placement, by prior abuse or neglect, and by  
1304 prior placement disruptions;
- 1305 5. Prevention of placement disruptions;

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1306 6. Care of children at various developmental levels,  
1307 including appropriate discipline; and

1308 7. Effects of foster parenting on the family of the foster  
1309 parent ~~and the emergency shelter parent.~~

1310 (c) In consultation with foster parents, each region  
1311 ~~district~~ or lead agency shall develop a plan for making the  
1312 completion of the required training as convenient as possible  
1313 for potential foster parents ~~and emergency shelter parents.~~ The  
1314 plan should include, without limitation, such strategies as  
1315 providing training in nontraditional locations and at  
1316 nontraditional times. The plan must be revised at least annually  
1317 and must be included in the information provided to each person  
1318 applying to become a foster parent ~~or emergency shelter parent.~~

1319 (d) Prior to licensure renewal, each level II through  
1320 level V foster parent ~~and emergency shelter parent~~ shall  
1321 successfully complete 8 hours of inservice training. Each level  
1322 I foster parent shall successfully complete 4 hours of inservice  
1323 training. Periodic time-limited training courses shall be made  
1324 available for selective use by foster parents ~~and emergency~~  
1325 ~~shelter parents.~~ Such inservice training shall include subjects  
1326 affecting the daily living experiences of foster parenting as a  
1327 foster parent ~~or as an emergency shelter parent, whichever is~~  
1328 ~~appropriate.~~ For a foster parent ~~or emergency shelter parent~~  
1329 participating in the required inservice training, the department  
1330 shall reimburse such parent for travel expenditures and, if both

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1331 parents in a home are attending training or if the absence of  
1332 the parent would leave the children without departmentally  
1333 approved adult supervision, ~~either~~ the department shall make  
1334 provision for child care or shall reimburse the foster ~~or~~  
1335 ~~emergency shelter~~ parents for child care purchased by the  
1336 parents for children in their care.

1337 Section 25. Paragraph (e) of subsection (1) and  
1338 subsections (2) and (4) of section 409.991, Florida Statutes,  
1339 are amended to read:

1340 409.991 Allocation of funds for community-based care lead  
1341 agencies.—

1342 (1) As used in this section, the term:

1343 (e) "Proportion of children in care" means the proportion  
1344 of the number of children in care receiving in-home services  
1345 over the most recent 12-month period, the number of children  
1346 whose families are receiving family support services over the  
1347 most recent 12-month period, and the number of children who have  
1348 entered into ~~in~~ out-of-home care with a case management overlay  
1349 during the most recent 24-month ~~12-month~~ period. This  
1350 subcomponent shall be weighted as follows:

1351 1. Fifteen percent shall be based on children whose  
1352 families are receiving family support services.

1353 2.1. Fifty-five ~~Sixty~~ percent shall be based on children  
1354 in out-of-home care.

1355 3.2. Thirty ~~Forty~~ percent shall be based on children in

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1356 in-home care.

1357 (2) The equity allocation of core services funds shall be  
1358 calculated based on the following weights:

1359 (a) Proportion of the child population shall be weighted  
1360 as 5 percent of the total.~~7~~

1361 (b) Proportion of child abuse hotline workload shall be  
1362 weighted as 35 ~~15~~ percent of the total.~~7~~ ~~and~~

1363 (c) Proportion of children in care shall be weighted as 60  
1364 ~~80~~ percent of the total.

1365 (4) Unless otherwise specified in the General  
1366 Appropriations Act, any new core services funds shall be  
1367 allocated based on the equity allocation model as follows:

1368 (a) Seventy ~~Twenty~~ percent of new funding shall be  
1369 allocated among all community-based care lead agencies.

1370 (b) Thirty ~~Eighty~~ percent of new funding shall be  
1371 allocated among community-based care lead agencies that are  
1372 funded below their equitable share. Funds allocated pursuant to  
1373 this paragraph shall be weighted based on each community-based  
1374 care lead agency's relative proportion of the total amount of  
1375 funding below the equitable share.

1376 Section 26. Subsection (4) of section 435.07, Florida  
1377 Statutes, is amended to read:

1378 435.07 Exemptions from disqualification.—Unless otherwise  
1379 provided by law, the provisions of this section apply to  
1380 exemptions from disqualification for disqualifying offenses

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1381 revealed pursuant to background screenings required under this  
1382 chapter, regardless of whether those disqualifying offenses are  
1383 listed in this chapter or other laws.

1384 (4) (a) Disqualification from employment under this chapter  
1385 may not be removed from, nor may an exemption be granted to, any  
1386 personnel who is found guilty of, regardless of adjudication, or  
1387 who has entered a plea of nolo contendere or guilty to, any  
1388 felony covered by s. 435.03 or s. 435.04 solely by reason of any  
1389 pardon, executive clemency, or restoration of civil rights.

1390 (b) Disqualification from employment under this chapter  
1391 may not be removed from, nor may an exemption be granted to, any  
1392 person who is a:

- 1393 1. Sexual predator as designated pursuant to s. 775.21;
- 1394 2. Career offender pursuant to s. 775.261; or
- 1395 3. Sexual offender pursuant to s. 943.0435, unless the  
1396 requirement to register as a sexual offender has been removed  
1397 pursuant to s. 943.04354.

1398 (c) Disqualification from employment under this chapter  
1399 may not be removed from, and an exemption may not be granted to,  
1400 any current or prospective child care personnel, as defined in  
1401 s. 402.302(3), and such a person is disqualified from employment  
1402 as child care personnel, regardless of any previous exemptions  
1403 from disqualification, if the person has been registered as a  
1404 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has  
1405 been arrested for and is awaiting final disposition of, has been

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1406 convicted or found guilty of, or entered a plea of guilty or  
1407 nolo contendere to, regardless of adjudication, or has been  
1408 adjudicated delinquent and the record has not been sealed or  
1409 expunged for, any offense prohibited under any of the following  
1410 provisions of state law or a similar law of another  
1411 jurisdiction:

1412 1. A felony offense prohibited under any of the following  
1413 statutes:

1414 a. Chapter 741, relating to domestic violence.

1415 b. Section 782.04, relating to murder.

1416 c. Section 782.07, relating to manslaughter, aggravated  
1417 manslaughter of an elderly person or disabled adult, aggravated  
1418 manslaughter of a child, or aggravated manslaughter of an  
1419 officer, a firefighter, an emergency medical technician, or a  
1420 paramedic.

1421 d. Section 784.021, relating to aggravated assault.

1422 e. Section 784.045, relating to aggravated battery.

1423 f. Section 787.01, relating to kidnapping.

1424 g. Section 787.025, relating to luring or enticing a  
1425 child.

1426 h. Section 787.04(2), relating to leading, taking,  
1427 enticing, or removing a minor beyond the state limits, or  
1428 concealing the location of a minor, with criminal intent pending  
1429 custody proceedings.

1430 i. Section 787.04(3), relating to leading, taking,

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1431 enticing, or removing a minor beyond the state limits, or  
1432 concealing the location of a minor, with criminal intent pending  
1433 dependency proceedings or proceedings concerning alleged abuse  
1434 or neglect of a minor.

1435 j. Section 794.011, relating to sexual battery.

1436 k. Former s. 794.041, relating to sexual activity with or  
1437 solicitation of a child by a person in familial or custodial  
1438 authority.

1439 l. Section 794.05, relating to unlawful sexual activity  
1440 with certain minors.

1441 m. Section 794.08, relating to female genital mutilation.

1442 n. Section 806.01, relating to arson.

1443 o. Section 826.04, relating to incest.

1444 p. Section 827.03, relating to child abuse, aggravated  
1445 child abuse, or neglect of a child.

1446 q. Section 827.04, relating to contributing to the  
1447 delinquency or dependency of a child.

1448 r. Section 827.071, relating to sexual performance by a  
1449 child.

1450 s. Chapter 847, relating to child pornography.

1451 t. Chapter 893, relating to a drug abuse prevention and  
1452 control offense, if that offense was committed in the preceding  
1453 5 years.

1454 ~~u.~~ Section 985.701, relating to sexual misconduct in  
1455 juvenile justice programs.

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1456 2. A misdemeanor offense prohibited under any of the  
1457 following statutes:

1458 a. Section 784.03, relating to battery, if the victim of  
1459 the offense was a minor.

1460 b. Section 787.025, relating to luring or enticing a  
1461 child.

1462 c. Chapter 847, relating to child pornography.

1463 3. A criminal act committed in another state or under  
1464 federal law which, if committed in this state, constitutes an  
1465 offense prohibited under any statute listed in subparagraph 1.  
1466 or subparagraph 2.

1467 Section 27. Section 627.746, Florida Statutes, is amended  
1468 to read:

1469 627.746 Coverage for minors who have a learner's driver  
1470 license; additional premium prohibited.—An insurer that issues  
1471 an insurance policy on a private passenger motor vehicle to a  
1472 named insured who is a caregiver ~~foster parent~~ of a minor who is  
1473 under the age of 18 years and is in out-of-home care as defined  
1474 in s. 39.01(49) child may not charge an additional premium for  
1475 coverage of the minor ~~child~~ while the minor ~~child~~ is operating  
1476 the insured vehicle, for the period of time that the minor has a  
1477 learner's driver license, until such time as the minor obtains a  
1478 driver license.

1479 Section 28. Subsection (5) of section 960.065, Florida  
1480 Statutes, is amended to read:

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1481 960.065 Eligibility for awards.—

1482 (5) A person is not ineligible for an award pursuant to  
1483 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
1484 person is a victim of sexual exploitation of a child as defined  
1485 in s. 39.01(77) (g) ~~s. 39.01(71) (g)~~.

1486 Section 29. Paragraph (g) of subsection (3) of section  
1487 1002.55, Florida Statutes, is amended to read:

1488 1002.55 School-year prekindergarten program delivered by  
1489 private prekindergarten providers.—

1490 (3) To be eligible to deliver the prekindergarten program,  
1491 a private prekindergarten provider must meet each of the  
1492 following requirements:

1493 (g) The private prekindergarten provider must have a  
1494 prekindergarten director who has a prekindergarten director  
1495 credential that is approved by the office as meeting or  
1496 exceeding the minimum standards adopted under s. 1002.57.  
1497 Successful completion of a child care facility director  
1498 credential under s. 402.305(2) (g) ~~s. 402.305(2) (f)~~ before the  
1499 establishment of the prekindergarten director credential under  
1500 s. 1002.57 or July 1, 2006, whichever occurs later, satisfies  
1501 the requirement for a prekindergarten director credential under  
1502 this paragraph.

1503 Section 30. Subsections (3) and (4) of section 1002.57,  
1504 Florida Statutes, are amended to read:

1505 1002.57 Prekindergarten director credential.—

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1506 (3) The prekindergarten director credential must meet or  
1507 exceed the requirements of the Department of Children and  
1508 Families for the child care facility director credential under  
1509 s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of  
1510 the prekindergarten director credential satisfies these  
1511 requirements for the child care facility director credential.

1512 (4) The department shall, to the maximum extent  
1513 practicable, award credit to a person who successfully completes  
1514 the child care facility director credential under s.  
1515 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the  
1516 prekindergarten director credential which are duplicative of  
1517 requirements for the child care facility director credential.

1518 Section 31. Subsection (1) of section 1002.59, Florida  
1519 Statutes, is amended to read:

1520 1002.59 Emergent literacy and performance standards  
1521 training courses.—

1522 (1) The office shall adopt minimum standards for one or  
1523 more training courses in emergent literacy for prekindergarten  
1524 instructors. Each course must comprise 5 clock hours and provide  
1525 instruction in strategies and techniques to address the age-  
1526 appropriate progress of prekindergarten students in developing  
1527 emergent literacy skills, including oral communication,  
1528 knowledge of print and letters, phonemic and phonological  
1529 awareness, and vocabulary and comprehension development. Each  
1530 course must also provide resources containing strategies that

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1531 allow students with disabilities and other special needs to  
 1532 derive maximum benefit from the Voluntary Prekindergarten  
 1533 Education Program. Successful completion of an emergent literacy  
 1534 training course approved under this section satisfies  
 1535 requirements for approved training in early literacy and  
 1536 language development under ss. 402.305(2)(e)5. ~~402.305(2)(d)5.~~,  
 1537 402.313(6), and 402.3131(5).

1538 Section 32. The Division of Law Revision and Information  
 1539 is directed to prepare, with the assistance of the staffs of the  
 1540 appropriate substantive committees of the House of  
 1541 Representatives and the Senate, a reviser's bill for the 2019  
 1542 Regular Session of the Legislature to capitalize each word of  
 1543 the term "child protection team" wherever it occurs in Florida  
 1544 Statutes.

1545 Section 33. This act shall take effect July 1, 2018.

1548 -----

1549 **T I T L E A M E N D M E N T**

1550 Remove everything before the enacting clause and insert:

1551 A bill to be entitled

1552 An act relating to child welfare; amending s. 39.01,  
 1553 F.S.; revising and providing definitions; amending s.  
 1554 39.0138, F.S.; requiring the Department of Children  
 1555 and Families to establish rules for granting

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1556 exemptions from criminal history and certain other  
1557 records checks required for persons being considered  
1558 for placement of a child; requiring level 1 screening  
1559 for persons granted such exemption; prohibiting  
1560 placement of a child with persons convicted of a  
1561 certain felony; amending s. 39.521, F.S.; authorizing  
1562 the court to make certain determinations regarding  
1563 placement of a child with a guardian; conforming a  
1564 cross-reference; amending s. 39.5085, F.S.;

1565 authorizing the department to recover financial  
1566 assistance provided to nonrelative caregivers under  
1567 certain circumstances; terminating the Relative  
1568 Caregiver Program on a specified date; providing for  
1569 continuance of benefits to current participants;  
1570 amending s. 39.6012, F.S.; requiring parents to make  
1571 proactive contact with case managers at regular  
1572 intervals; conforming a cross-reference; amending s.  
1573 39.6013, F.S.; requiring the court to consider certain  
1574 case details before amending a case plan; amending s.  
1575 39.621, F.S.; requiring the court, during permanency  
1576 hearings, to determine case plan compliance; amending  
1577 s. 39.6221, F.S.; providing an additional condition  
1578 for court placement of a child in permanent  
1579 guardianship; creating s. 39.6225, F.S.; requiring the  
1580 department to establish and operate a Guardianship

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1581 Assistance Program to provide guardianship assistance  
1582 payments to certain guardians beginning on a specified  
1583 date; providing definitions; providing eligibility  
1584 requirements; authorizing guardians to receive such  
1585 payments for certain siblings; requiring the  
1586 department to annually redetermine eligibility;  
1587 providing conditions for termination of benefits;  
1588 requiring the department to provide guardianship  
1589 nonrecurring payments for certain expenses;  
1590 authorizing the use of certain state and federal funds  
1591 to operate the program; providing that children  
1592 receiving assistance under the program are eligible  
1593 for Medicaid coverage until they reach a certain age;  
1594 requiring case plans to include certain information;  
1595 requiring the department to adopt rules; amending s.  
1596 39.6251, F.S.; requiring the case manager for a young  
1597 adult in foster care to consult the young adult when  
1598 updating case or the transition plans and  
1599 arrangements; deleting a provision authorizing case  
1600 management reviews to be conducted by telephone under  
1601 certain circumstances; amending s. 39.701, F.S.;  
1602 requiring the court, during judicial review hearings,  
1603 to determine case plan compliance; amending s. 63.092,  
1604 F.S.; requiring the department to release specified  
1605 records to entities conducting preliminary home

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1606 studies; providing that certain specified training is  
1607 not required for certain home studies; amending s.  
1608 322.09, F.S.; providing that a caregiver who signs for  
1609 a minor's learner's driver license does not assume any  
1610 obligation or liability for damages under certain  
1611 circumstances; amending s. 402.305, F.S.; revising  
1612 minimum requirements for child care personnel related  
1613 to screening and fingerprinting; requiring child care  
1614 facilities to provide information to parents intended  
1615 to prevent children from being left in vehicles;  
1616 specifying the minimum standards the department must  
1617 adopt regarding transportation of children by child  
1618 care facilities; amending ss. 402.313 and 402.3131,  
1619 F.S.; requiring family day care homes and large family  
1620 child care homes to provide information to parents  
1621 intended to prevent children from being left in  
1622 vehicles; amending s. 409.145, F.S.; revising rates  
1623 for room and board reimbursement of certain family  
1624 foster homes; revising provisions relating to  
1625 supplemental payments by community-based care lead  
1626 agencies; amending s. 409.166, F.S.; providing  
1627 definitions; providing conditions for the department  
1628 to provide adoption assistance payments to adoptive  
1629 parents of certain children; providing that children  
1630 and young adults receiving benefits through the

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1631 adoption assistance program are ineligible for  
1632 specified other benefits and services; providing  
1633 additional conditions for eligibility for adoption  
1634 assistance; amending s. 409.1678, F.S.; eliminating  
1635 certain requirements for residential treatment centers  
1636 that provide services to commercially sexually  
1637 exploited children; amending s. 409.175, F.S.;  
1638 revising and providing definitions; requiring a  
1639 guardian to apply for a license with the department to  
1640 be eligible for the program; classifying family foster  
1641 homes by licensure type; exempting certain household  
1642 members from specified fingerprinting requirements;  
1643 authorizing the department to adopt rules relating to  
1644 certain summer camps; deleting references to  
1645 preservice training requirements for emergency shelter  
1646 parents; providing inservice training requirements for  
1647 certain foster parents; amending s. 409.991, F.S.;  
1648 revising the equity allocation formula for community-  
1649 based care lead agencies; amending s. 435.07, F.S.;  
1650 revising the offenses that disqualify certain child  
1651 care personnel from specified employment; amending s.  
1652 627.746, F.S.; prohibiting insurers that issue  
1653 insurance policies for private passenger motor  
1654 vehicles from charging an additional premium for a  
1655 minor who operates his or her caregiver's vehicle,

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1656 | during the time that the minor has a learner's  
1657 | driver's license; amending ss. 39.302, 394.495,  
1658 | 402.30501, 409.1676, 960.065, 1002.55, 1002.57, and  
1659 | 1002.59, F.S.; conforming cross-references; providing  
1660 | a directive to the Division of Law Revision and  
1661 | Information; providing an effective date.

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