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1
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; revising and providing definitions; amending s.
4 39.0138, F.S.; requiring the Department of Children
5 and Families to establish rules for granting
6 exemptions from criminal history and certain other
7 records checks required for persons being considered
8 for placement of a child; requiring level 1 screening
9 for persons granted such exemption; prohibiting
10 placement of a child with persons convicted of a
11 certain felony; amending s. 39.521, F.S.; authorizing
12 the court to make certain determinations regarding
13 placement of a child with a guardian; conforming a
14 cross-reference; amending s. 39.5085, F.S.;
15 authorizing the department to recover financial
16 assistance provided to nonrelative caregivers under
17 certain circumstances; amending s. 39.6012, F.S.;
18 requiring parents to make proactive contact with case
19 managers at regular intervals; conforming a cross-
20 reference; amending s. 39.6013, F.S.; requiring the
21 court to consider certain case details before amending
22 a case plan; amending s. 39.621, F.S.; requiring the
23 court, during permanency hearings, to determine case
24 plan compliance; amending s. 39.6221, F.S.; providing
25 an additional condition for court placement of a child

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26 | in permanent guardianship; creating s. 39.6225, F.S.;

27 | requiring the department to establish and operate a

28 | Guardianship Assistance Program to provide

29 | guardianship assistance payments to certain guardians

30 | beginning on a specified date; providing definitions;

31 | providing eligibility requirements; authorizing

32 | guardians to receive such payments for certain

33 | siblings; requiring the department to annually

34 | redetermine eligibility; providing conditions for

35 | termination of benefits; requiring the department to

36 | provide guardianship nonrecurring payments for certain

37 | expenses; authorizing the use of certain state and

38 | federal funds to operate the program; providing that

39 | children receiving assistance under the program are

40 | eligible for Medicaid coverage until they reach a

41 | certain age; requiring case plans to include certain

42 | information; requiring the department to adopt rules;

43 | requiring the Florida Institute for Child Welfare to

44 | evaluate the implementation of the Guardianship

45 | Assistance Program; requiring the institute to submit

46 | a report by a certain date; specifying the process for

47 | and elements of the evaluation; requiring the

48 | department to develop and implement a comprehensive

49 | communications strategy in support of relatives and

50 | fictive kin who are prospective caregivers; specifying

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51 information that shall be provided to such prospective
52 caregivers; amending s. 39.6251, F.S.; requiring the
53 case manager for a young adult in foster care to
54 consult the young adult when updating case or the
55 transition plans and arrangements; deleting a
56 provision authorizing case management reviews to be
57 conducted by telephone under certain circumstances;
58 amending s. 39.701, F.S.; requiring the court, during
59 judicial review hearings, to determine case plan
60 compliance; amending s. 63.092, F.S.; requiring the
61 department to release specified records to entities
62 conducting preliminary home studies; providing that
63 certain specified training is not required for certain
64 home studies; amending s. 322.09, F.S.; providing that
65 a caregiver who signs for a minor's learner's driver
66 license does not assume any obligation or liability
67 for damages under certain circumstances; amending s.
68 402.305, F.S.; revising minimum requirements for child
69 care personnel related to screening and
70 fingerprinting; requiring child care facilities to
71 provide information to parents intended to prevent
72 children from being left in vehicles; specifying the
73 minimum standards the department must adopt regarding
74 transportation of children by child care facilities;
75 amending ss. 402.313 and 402.3131, F.S.; requiring

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76 family day care homes and large family child care
77 homes to provide information to parents intended to
78 prevent children from being left in vehicles; amending
79 s. 409.145, F.S.; revising rates for room and board
80 reimbursement of certain family foster homes; revising
81 provisions relating to supplemental payments by
82 community-based care lead agencies; amending s.
83 409.166, F.S.; providing definitions; providing
84 conditions for the department to provide adoption
85 assistance payments to adoptive parents of certain
86 children; providing that children and young adults
87 receiving benefits through the adoption assistance
88 program are ineligible for specified other benefits
89 and services; providing additional conditions for
90 eligibility for adoption assistance; amending s.
91 409.1678, F.S.; eliminating certain requirements for
92 residential treatment centers that provide services to
93 commercially sexually exploited children; amending s.
94 409.175, F.S.; revising and providing definitions;
95 requiring a guardian to apply for a license with the
96 department to be eligible for the program; classifying
97 family foster homes by licensure type; exempting
98 certain household members from specified
99 fingerprinting requirements; authorizing the
100 department to adopt rules relating to certain summer

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101 camps; deleting references to preservice training
 102 requirements for emergency shelter parents; providing
 103 inservice training requirements for certain foster
 104 parents; amending s. 409.991, F.S.; revising the
 105 equity allocation formula for community-based care
 106 lead agencies; amending s. 435.07, F.S.; revising the
 107 offenses that disqualify certain child care personnel
 108 from specified employment; amending s. 627.746, F.S.;
 109 prohibiting insurers that issue insurance policies for
 110 private passenger motor vehicles from charging an
 111 additional premium for a minor who operates his or her
 112 caregiver's vehicle, during the time that the minor
 113 has a learner's driver's license; amending ss. 39.302,
 114 394.495, 402.30501, 409.1676, 960.065, 1002.55,
 115 1002.57, and 1002.59, F.S.; conforming cross-
 116 references; providing a directive to the Division of
 117 Law Revision and Information; providing an effective
 118 date.

119
 120 Be It Enacted by the Legislature of the State of Florida:
 121

122 Section 1. Subsection (29) of section 39.01, Florida
 123 Statutes, is renumbered as subsection (30), subsections (30)
 124 through (46) are renumbered as subsections (35) through (51),
 125 respectively, subsections (47) through (81) are renumbered as

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126 subsections (53) through (87), respectively, present subsections
 127 (2), (10), and (32) and paragraph (g) of present subsection (30)
 128 are amended, and new subsections (29), (31), (32), (33), (34),
 129 and (52) are added to that section, to read:

130 39.01 Definitions.—When used in this chapter, unless the
 131 context otherwise requires:

132 (2) "Abuse" means any willful act or threatened act that
 133 results in any physical, mental, or sexual abuse, injury, or
 134 harm that causes or is likely to cause the child's physical,
 135 mental, or emotional health to be significantly impaired. Abuse
 136 of a child includes the birth of a new child into a family
 137 during the course of an open dependency case when the parent or
 138 caregiver has been determined to lack the protective capacity to
 139 safely care for the children in the home and has not
 140 substantially complied with the case plan towards successful
 141 reunification or met the conditions for return of the children
 142 into the home. Abuse of a child includes acts or omissions.
 143 Corporal discipline of a child by a parent or legal custodian
 144 for disciplinary purposes does not in itself constitute abuse
 145 when it does not result in harm to the child.

146 (10) "Caregiver" means the parent, legal custodian,
 147 permanent guardian, adult household member, or other person
 148 responsible for a child's welfare as defined in subsection (54)
 149 ~~(48)~~.

150 (29) "Fictive kin" means a person unrelated by birth,

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151 marriage, or adoption who has an emotionally significant
 152 relationship, which possesses the characteristics of a family
 153 relationship, to a child.

154 (31) "Guardian" means a relative, nonrelative, next of
 155 kin, or fictive kin who is awarded physical custody of a child
 156 in a proceeding brought pursuant to this chapter.

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

160 (33) "Guardianship Assistance Program" means a program
 161 that provides benefits to a child's guardian on behalf of the
 162 child. Benefits may be in the form of a guardianship assistance
 163 payment, a guardianship nonrecurring payment, or Medicaid
 164 coverage.

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

170 (35)-(30) "Harm" to a child's health or welfare can occur
 171 when any person:

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

174 1. A test, administered at birth, which indicated that the
 175 child's blood, urine, or meconium contained any amount of

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176 alcohol or a controlled substance or metabolites of such
 177 substances, the presence of which was not the result of medical
 178 treatment administered to the mother or the newborn infant; or

179 2. Evidence of extensive, abusive, and chronic use of a
 180 controlled substance or alcohol by a parent to the extent that
 181 the parent's ability to provide supervision and care for the
 182 child has been or is likely to be severely compromised ~~when the~~
 183 ~~child is demonstrably adversely affected by such usage.~~

184
 185 As used in this paragraph, the term "controlled substance" means
 186 prescription drugs not prescribed for the parent or not
 187 administered as prescribed and controlled substances as outlined
 188 in Schedule I or Schedule II of s. 893.03.

189 ~~(37)-(32)~~ "Institutional child abuse or neglect" means
 190 situations of known or suspected child abuse or neglect in which
 191 the person allegedly perpetrating the child abuse or neglect is
 192 an employee of a private school, public or private day care
 193 center, residential home, institution, facility, or agency or
 194 any other person at such institution responsible for the child's
 195 care as defined in subsection (54) ~~(48)~~.

196 (52) "Nonrelative" means a person unrelated by blood or
 197 marriage or a relative outside the fifth degree of
 198 consanguinity.

199 Section 2. Subsections (2) through (7) of section 39.0138,
 200 Florida Statutes, are renumbered as subsections (3) through (8),

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201 respectively, present subsections (2) and (3) are amended, and a
 202 new subsection (2) is added to that section, to read:

203 39.0138 Criminal history and other records checks; limit
 204 on placement of a child.—

205 (2)(a) The department shall establish rules for granting
 206 an exemption from the fingerprinting requirements under
 207 subsection (1) for a household member who has a physical,
 208 developmental, or cognitive disability that prevents that person
 209 from safely submitting fingerprints.

210 (b) Before granting an exemption, the department or its
 211 designee shall assess and document the physical, developmental,
 212 or cognitive limitations that justified the exemption and the
 213 effect of such limitations on the safety and well-being of the
 214 child being placed in the home.

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

218 ~~(3)(2)~~ The department may not place a child with a person
 219 other than a parent if the criminal history records check
 220 reveals that the person has been convicted of any felony that
 221 falls within any of the following categories:

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

223 (b) Domestic violence;

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

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226 (d) Homicide, sexual battery, or other felony involving
 227 violence, other than felony assault or felony battery when an
 228 adult was the victim of the assault or battery, or resisting
 229 arrest with violence.

230 ~~(4)(3)~~ The department may not place a child with a person
 231 other than a parent if the criminal history records check
 232 reveals that the person has, within the previous 5 years, been
 233 convicted of a felony that falls within any of the following
 234 categories:

235 (a) Assault;

236 (b) Battery; ~~or~~

237 (c) A drug-related offense; or

238 (d) Resisting arrest with violence.

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

241 39.302 Protective investigations of institutional child
 242 abuse, abandonment, or neglect.—

243 (1) The department shall conduct a child protective
 244 investigation of each report of institutional child abuse,
 245 abandonment, or neglect. Upon receipt of a report that alleges
 246 that an employee or agent of the department, or any other entity
 247 or person covered by s. 39.01(37) or (54) ~~s. 39.01(32) or (48)~~,
 248 acting in an official capacity, has committed an act of child
 249 abuse, abandonment, or neglect, the department shall initiate a
 250 child protective investigation within the timeframe established

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251 | under s. 39.201(5) and notify the appropriate state attorney,
252 | law enforcement agency, and licensing agency, which shall
253 | immediately conduct a joint investigation, unless independent
254 | investigations are more feasible. When conducting investigations
255 | or having face-to-face interviews with the child, investigation
256 | visits shall be unannounced unless it is determined by the
257 | department or its agent that unannounced visits threaten the
258 | safety of the child. If a facility is exempt from licensing, the
259 | department shall inform the owner or operator of the facility of
260 | the report. Each agency conducting a joint investigation is
261 | entitled to full access to the information gathered by the
262 | department in the course of the investigation. A protective
263 | investigation must include an interview with the child's parent
264 | or legal guardian. The department shall make a full written
265 | report to the state attorney within 3 working days after making
266 | the oral report. A criminal investigation shall be coordinated,
267 | whenever possible, with the child protective investigation of
268 | the department. Any interested person who has information
269 | regarding the offenses described in this subsection may forward
270 | a statement to the state attorney as to whether prosecution is
271 | warranted and appropriate. Within 15 days after the completion
272 | of the investigation, the state attorney shall report the
273 | findings to the department and shall include in the report a
274 | determination of whether or not prosecution is justified and
275 | appropriate in view of the circumstances of the specific case.

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276 Section 4. Paragraph (c) of subsection (1) of section
 277 39.521, Florida Statutes, is amended to read:

278 39.521 Disposition hearings; powers of disposition.—

279 (1) A disposition hearing shall be conducted by the court,
 280 if the court finds that the facts alleged in the petition for
 281 dependency were proven in the adjudicatory hearing, or if the
 282 parents or legal custodians have consented to the finding of
 283 dependency or admitted the allegations in the petition, have
 284 failed to appear for the arraignment hearing after proper
 285 notice, or have not been located despite a diligent search
 286 having been conducted.

287 (c) When any child is adjudicated by a court to be
 288 dependent, the court having jurisdiction of the child has the
 289 power by order to:

290 1. Require the parent and, when appropriate, the legal
 291 guardian or ~~custodian~~ and the child to participate in treatment
 292 and services identified as necessary. The court may require the
 293 person who has custody or who is requesting custody of the child
 294 to submit to a mental health or substance abuse disorder
 295 assessment or evaluation. The order may be made only upon good
 296 cause shown and pursuant to notice and procedural requirements
 297 provided under the Florida Rules of Juvenile Procedure. The
 298 mental health assessment or evaluation must be administered by a
 299 qualified professional as defined in s. 39.01, and the substance
 300 abuse assessment or evaluation must be administered by a

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301 | qualified professional as defined in s. 397.311. The court may
 302 | also require such person to participate in and comply with
 303 | treatment and services identified as necessary, including, when
 304 | appropriate and available, participation in and compliance with
 305 | a mental health court program established under chapter 394 or a
 306 | treatment-based drug court program established under s. 397.334.
 307 | Adjudication of a child as dependent based upon evidence of harm
 308 | as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good
 309 | cause, and the court shall require the parent whose actions
 310 | caused the harm to submit to a substance abuse disorder
 311 | assessment or evaluation and to participate and comply with
 312 | treatment and services identified in the assessment or
 313 | evaluation as being necessary. In addition to supervision by the
 314 | department, the court, including the mental health court program
 315 | or the treatment-based drug court program, may oversee the
 316 | progress and compliance with treatment by a person who has
 317 | custody or is requesting custody of the child. The court may
 318 | impose appropriate available sanctions for noncompliance upon a
 319 | person who has custody or is requesting custody of the child or
 320 | make a finding of noncompliance for consideration in determining
 321 | whether an alternative placement of the child is in the child's
 322 | best interests. Any order entered under this subparagraph may be
 323 | made only upon good cause shown. This subparagraph does not
 324 | authorize placement of a child with a person seeking custody of
 325 | the child, other than the child's parent or legal custodian, who

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326 requires mental health or substance abuse disorder treatment.

327 2. Require, if the court deems necessary, the parties to
328 participate in dependency mediation.

329 3. Require placement of the child either under the
330 protective supervision of an authorized agent of the department
331 in the home of one or both of the child's parents or in the home
332 of a relative of the child or another adult approved by the
333 court, or in the custody of the department. Protective
334 supervision continues until the court terminates it or until the
335 child reaches the age of 18, whichever date is first. Protective
336 supervision shall be terminated by the court whenever the court
337 determines that permanency has been achieved for the child,
338 whether with a parent, another relative, or a legal custodian,
339 and that protective supervision is no longer needed. The
340 termination of supervision may be with or without retaining
341 jurisdiction, at the court's discretion, and shall in either
342 case be considered a permanency option for the child. The order
343 terminating supervision by the department must set forth the
344 powers of the custodian of the child and include the powers
345 ordinarily granted to a guardian of the person of a minor unless
346 otherwise specified. Upon the court's termination of supervision
347 by the department, further judicial reviews are not required if
348 permanency has been established for the child.

349 4. Determine whether the child has a strong attachment to
350 the prospective permanent guardian and whether such guardian has

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351 a strong commitment to permanently caring for the child.

352 Section 5. Paragraph (h) is added to subsection (2) of
353 section 39.5085, Florida Statutes, to read:

354 39.5085 Relative Caregiver Program.—

355 (2)

356 (h) If the department determines that a nonrelative
357 caregiver has received financial assistance under this section
358 to which he or she is not entitled, the department shall take
359 all necessary steps to recover such payment. The department may
360 make appropriate settlements and may adopt rules to calculate
361 and recover such payments.

362 Section 6. Paragraph (c) of subsection (1) of section
363 39.6012, Florida Statutes, is amended, and paragraph (d) is
364 added to that subsection, to read:

365 39.6012 Case plan tasks; services.—

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

368 (c) If there is evidence of harm as defined in s.
369 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a
370 required task for the parent whose actions caused the harm that
371 the parent submit to a substance abuse disorder assessment or
372 evaluation and participate and comply with treatment and
373 services identified in the assessment or evaluation as being
374 necessary.

375 (d) Parents must provide accurate contact information to

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376 | the department or the contracted case management agency, and
 377 | update as appropriate, and make proactive contact with the
 378 | department or the contracted case management agency at least
 379 | every 14 calendar days to provide information on the status of
 380 | case plan task completion, barriers to completion, and plans
 381 | toward reunification.

382 | Section 7. Subsections (6) and (7) of section 39.6013,
 383 | Florida Statutes, are renumbered as subsections (7) and (8),
 384 | respectively, and a new subsection (6) is added to that section,
 385 | to read:

386 | 39.6013 Case plan amendments.—

387 | (6) When determining whether to amend the case plan, the
 388 | court must consider the length of time the case has been open,
 389 | the level of parental engagement to date, the number of case
 390 | plan tasks completed, the child's type of placement and
 391 | attachment, and the potential for successful reunification.

392 | Section 8. Subsection (5) of section 39.621, Florida
 393 | Statutes, is amended to read:

394 | 39.621 Permanency determination by the court.—

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

396 | (a) Whether the current permanency goal for the child is
 397 | appropriate or should be changed;

398 | (b) When the child will achieve one of the permanency
 399 | goals; ~~and~~

400 | (c) Whether the department has made reasonable efforts to

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401 finalize the permanency plan currently in effect; and
 402 (d) Whether the frequency, duration, manner, and level of
 403 engagement of the parent or legal guardian's visitation with the
 404 child meets the case plan requirements.

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

407 39.6221 Permanent guardianship of a dependent child.—

408 (1) If a court determines that reunification or adoption
 409 is not in the best interest of the child, the court may place
 410 the child in a permanent guardianship with a relative or other
 411 adult approved by the court if all of the following conditions
 412 are met:

413 (f) The child demonstrates a strong attachment to the
 414 prospective permanent guardian and such guardian has a strong
 415 commitment to permanently caring for the child.

416 Section 10. Section 39.6225, Florida Statutes, is created
 417 to read:

418 39.6225 Guardianship Assistance Program.—

419 (1) The department shall establish and operate the
 420 Guardianship Assistance Program to provide guardianship
 421 assistance payments to relatives, next of kin, and fictive kin
 422 who meet the eligibility requirements established in this
 423 section. For purposes of administering the program, the term:

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

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

428 (2) To approve an application for the program, the
429 department shall determine that all of the following
430 requirements have been met:

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

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

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

437 (d) The child was eligible for foster care room and board
438 payments pursuant to s. 409.145 for at least 6 consecutive
439 months while the child resided in the home of the guardian and
440 the guardian was licensed as a foster parent.

441 (3) A guardian who has entered into a guardianship
442 agreement for a dependent child may also receive guardianship
443 assistance payments for a dependent sibling of that dependent
444 child as a result of a court determination of child abuse,
445 neglect, or abandonment and subsequent placement of the child
446 with the relative under this part.

447 (4) The department shall complete an annual
448 redetermination of eligibility for recipients of guardianship
449 assistance benefits. If the department determines that a
450 recipient is no longer eligible for guardianship assistance

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451 benefits, such benefits shall be terminated.

452 (5) A guardian with an application approved pursuant to
453 subsection (2) who is caring for a child placed with the
454 guardian by the court pursuant to this part may receive
455 guardianship assistance payments based on the following
456 criteria:

457 (a) A child eligible for cash benefits through the program
458 is not eligible to simultaneously have payments made on the
459 child's behalf through the Relative Caregiver Program under s.
460 39.5085, postsecondary education services and supports under s.
461 409.1451, or child-only cash assistance under chapter 414.

462 (b) Guardianship assistance payments are not contingent
463 upon continued residency in the state. Guardianship assistance
464 payments must continue for court-approved permanent guardians
465 who move out of state and continue to meet the requirements of
466 this subsection and as specified in department rule. Relicensure
467 of the out-of-state guardian's home is not required for
468 continuity of payments.

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

472 (d) The department shall provide guardianship assistance
473 payments in the amount of \$4,000 annually, paid on a monthly
474 basis, or in an amount other than \$4,000 annually as determined
475 by the guardian and the department and memorialized in a written

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476 agreement between the guardian and the department. The agreement
477 shall take into consideration the circumstances of the guardian
478 and the needs of the child. Changes may not be made without the
479 concurrence of the guardian. However, in no case shall the
480 amount of the monthly payment exceed the foster care maintenance
481 payment that would have been paid during the same period if the
482 child had been in licensed care at his or her designated level
483 of care at the rate established in s. 409.145(4).

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

487 (6) Guardianship assistance benefits shall be terminated
488 if:

489 (a) The child is absent from the home of the guardian for
490 a period of at least 60 consecutive calendar days, unless the
491 child:

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

495 2. Continues to be under the care and custody of the
496 guardian.

497 (b) The court modifies the placement of the child and the
498 guardian is no longer eligible to receive guardianship
499 assistance benefits.

500 (7) The department shall provide guardianship nonrecurring

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501 payments. Eligible expenses include, but are not limited to, the
502 cost of a home study, court costs, attorney fees, and costs of
503 physical and psychological examinations. Such payments are also
504 available for a sibling placed in the same home as the child.

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

509 (9) Guardianship assistance payments shall only be made
510 for a young adult whose permanent guardian entered into a
511 guardianship assistance agreement after the child attained 16
512 years of age but before the child attained 18 years of age if
513 the child is:

514 (a) Completing secondary education or a program leading to
515 an equivalent credential;

516 (b) Enrolled in an institution that provides postsecondary
517 or vocational education;

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

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

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

524 Any such barrier to participation must be supported by
525 documentation in the child's case file or school or medical

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526 records of a physical, intellectual, emotional, or psychiatric
527 condition that impairs the child's ability to perform one or
528 more life activities.

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

532 (a) The manner in which the child meets program
533 eligibility requirements.

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

536 (c) Efforts to discuss adoption with the child's permanent
537 guardian.

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

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

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

544 (g) Efforts to consult the child, if the child is 14 years
545 of age or older, regarding the permanent guardianship
546 arrangement.

547 (11) The department shall adopt rules to administer the
548 program.

549 (12) The department shall develop and implement a
550 comprehensive communications strategy in support of relatives

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551 and fictive kin who are prospective caregivers. This strategy
552 shall provide such prospective caregivers with information on
553 supports and services available under state law. At a minimum,
554 the department's communication strategy shall involve providing
555 prospective caregivers with information about:

556 (a) Eligibility criteria, monthly payment rates, terms of
557 payment, and program or licensure requirements for the Relative
558 Caregiver Program, the Guardianship Assistance Program, and
559 licensure as a Level I or Level II family foster home as
560 provided in s. 409.175.

561 (b) A detailed description of the process for licensure as
562 a Level I or Level II family foster home and for applying for
563 the Relative Caregiver program.

564 (c) Points of contact for addressing questions or
565 obtaining assistance in applying for programs or licensure.

566 (13) The Florida Institute for Child Welfare shall
567 evaluate the implementation of the Guardianship Assistance
568 Program. This evaluation shall be designed to determine the
569 impact of implementation of the Guardianship Assistance Program,
570 identify any barriers that may prevent eligible caregivers from
571 participating in the program, and identify recommendations
572 regarding enhancements to the state's system of supporting
573 kinship caregivers. The institute shall submit the report to the
574 Governor, the President of the Senate, and the Speaker of the
575 House of Representatives no later than January 1, 2021. At a

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576 minimum, the evaluation shall include:

577 (a) Information about the perspectives and experiences of
 578 program participants, individuals who applied for licensure as
 579 child-specific foster homes or program participation but were
 580 determined to be ineligible, and individuals who were likely
 581 eligible for licensure as a child-specific foster home or for
 582 the program but declined to apply. The institute shall collect
 583 this information through methodologies including, but not
 584 limited to, surveys and focus groups.

585 (b) An assessment of any communications procedures and
 586 print and electronic materials developed to publicize the
 587 program and recommendations for improving these materials. If
 588 possible, individuals with expertise in marketing and
 589 communications shall contribute to this assessment.

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

593 (d) Recommendations for maximizing participation by
 594 eligible caregivers and improving the support available to
 595 kinship caregivers.

596 (14) The program shall take effect July 1, 2019.

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

599 39.6251 Continuing care for young adults.—

600 (6) A young adult who is between the ages of 18 and 21 and

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601 | who has left care may return to care by applying to the
 602 | community-based care lead agency for readmission. The community-
 603 | based care lead agency shall readmit the young adult if he or
 604 | she continues to meet the eligibility requirements in this
 605 | section.

606 | (b) Within 30 days after the young adult has been
 607 | readmitted to care, the community-based care lead agency shall
 608 | assign a case manager to update the case plan and the transition
 609 | plan and to arrange for the required services. Updates to the
 610 | case plan and the transition plan and arrangements for the
 611 | required services ~~Such activities~~ shall be undertaken in
 612 | consultation with the young adult. The department shall petition
 613 | the court to reinstate jurisdiction over the young adult.
 614 | Notwithstanding s. 39.013(2), the court shall resume
 615 | jurisdiction over the young adult if the department establishes
 616 | that he or she continues to meet the eligibility requirements in
 617 | this section.

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

624 | Section 12. Paragraph (d) of subsection (2) of section
 625 | 39.701, Florida Statutes, is amended to read:

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626 39.701 Judicial review.—

627 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
628 AGE.—

629 (d) Orders.—

630 1. Based upon the criteria set forth in paragraph (c) and
631 the recommended order of the citizen review panel, if any, the
632 court shall determine whether or not the social service agency
633 shall initiate proceedings to have a child declared a dependent
634 child, return the child to the parent, continue the child in
635 out-of-home care for a specified period of time, or initiate
636 termination of parental rights proceedings for subsequent
637 placement in an adoptive home. Amendments to the case plan must
638 be prepared as prescribed in s. 39.6013. If the court finds that
639 the prevention or reunification efforts of the department will
640 allow the child to remain safely at home or be safely returned
641 to the home, the court shall allow the child to remain in or
642 return to the home after making a specific finding of fact that
643 the reasons for the creation of the case plan have been remedied
644 to the extent that the child's safety, well-being, and physical,
645 mental, and emotional health will not be endangered.

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

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651 3. If, in the opinion of the court, the social service
652 agency has not complied with its obligations as specified in the
653 written case plan, the court may find the social service agency
654 in contempt, shall order the social service agency to submit its
655 plans for compliance with the agreement, and shall require the
656 social service agency to show why the child could not safely be
657 returned to the home of the parents.

658 4. If, at any judicial review, the court finds that the
659 parents have failed to substantially comply with the case plan
660 to the degree that further reunification efforts are without
661 merit and not in the best interest of the child, on its own
662 motion, the court may order the filing of a petition for
663 termination of parental rights, whether or not the time period
664 as contained in the case plan for substantial compliance has
665 expired.

666 5. Within 6 months after the date that the child was
667 placed in shelter care, the court shall conduct a judicial
668 review hearing to review the child's permanency goal as
669 identified in the case plan. At the hearing the court shall make
670 findings regarding the likelihood of the child's reunification
671 with the parent or legal custodian. In making such findings, the
672 court shall consider the level of the parent or legal
673 custodian's compliance with the case plan and demonstrated
674 change in protective capacities compared to that necessary to
675 achieve timely reunification within 12 months after the removal

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676 of the child from the home. The court shall also consider the
677 frequency, duration, manner, and level of engagement of the
678 parent or legal custodian's visitation with the child in
679 compliance with the case plan. If the court makes a written
680 finding that it is not likely that the child will be reunified
681 with the parent or legal custodian within 12 months after the
682 child was removed from the home, the department must file with
683 the court, and serve on all parties, a motion to amend the case
684 plan under s. 39.6013 and declare that it will use concurrent
685 planning for the case plan. The department must file the motion
686 within 10 business days after receiving the written finding of
687 the court. The department must attach the proposed amended case
688 plan to the motion. If concurrent planning is already being
689 used, the case plan must document the efforts the department is
690 taking to complete the concurrent goal.

691 6. The court may issue a protective order in assistance,
692 or as a condition, of any other order made under this part. In
693 addition to the requirements included in the case plan, the
694 protective order may set forth requirements relating to
695 reasonable conditions of behavior to be observed for a specified
696 period of time by a person or agency who is before the court;
697 and the order may require any person or agency to make periodic
698 reports to the court containing such information as the court in
699 its discretion may prescribe.

700 Section 13. Paragraphs (b) and (e) of subsection (3) of

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701 section 63.092, Florida Statutes, are amended to read:

702 63.092 Report to the court of intended placement by an
703 adoption entity; at-risk placement; preliminary study.—

704 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
705 the intended adoptive home, a preliminary home study must be
706 performed by a licensed child-placing agency, a child-caring
707 agency registered under s. 409.176, a licensed professional, or
708 an agency described in s. 61.20(2), unless the adoptee is an
709 adult or the petitioner is a stepparent or a relative. If the
710 adoptee is an adult or the petitioner is a stepparent or a
711 relative, a preliminary home study may be required by the court
712 for good cause shown. The department is required to perform the
713 preliminary home study only if there is no licensed child-
714 placing agency, child-caring agency registered under s. 409.176,
715 licensed professional, or agency described in s. 61.20(2), in
716 the county where the prospective adoptive parents reside. The
717 preliminary home study must be made to determine the suitability
718 of the intended adoptive parents and may be completed prior to
719 identification of a prospective adoptive minor. A favorable
720 preliminary home study is valid for 1 year after the date of its
721 completion. Upon its completion, a signed copy of the home study
722 must be provided to the intended adoptive parents who were the
723 subject of the home study. A minor may not be placed in an
724 intended adoptive home before a favorable preliminary home study
725 is completed unless the adoptive home is also a licensed foster

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726 | home under s. 409.175. The preliminary home study must include,
 727 | at a minimum:

728 | (b) Records checks of the department's central abuse
 729 | registry, which the department shall provide to the entity
 730 | conducting the preliminary home study, and criminal records
 731 | correspondence checks under s. 39.0138 through the Department of
 732 | Law Enforcement on the intended adoptive parents;

733 | (e) Documentation of counseling and education of the
 734 | intended adoptive parents on adoptive parenting, as determined
 735 | by the entity conducting the preliminary home study. The
 736 | training specified in s. 409.175(14) shall only be required for
 737 | persons who adopt children from the department;

738 |
 739 | If the preliminary home study is favorable, a minor may be
 740 | placed in the home pending entry of the judgment of adoption. A
 741 | minor may not be placed in the home if the preliminary home
 742 | study is unfavorable. If the preliminary home study is
 743 | unfavorable, the adoption entity may, within 20 days after
 744 | receipt of a copy of the written recommendation, petition the
 745 | court to determine the suitability of the intended adoptive
 746 | home. A determination as to suitability under this subsection
 747 | does not act as a presumption of suitability at the final
 748 | hearing. In determining the suitability of the intended adoptive
 749 | home, the court must consider the totality of the circumstances
 750 | in the home. A minor may not be placed in a home in which there

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751 resides any person determined by the court to be a sexual
 752 predator as defined in s. 775.21 or to have been convicted of an
 753 offense listed in s. 63.089(4)(b)2.

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

756 322.09 Application of minors; responsibility for
 757 negligence or misconduct of minor.—

758 (4) Notwithstanding subsections (1) and (2), if a
 759 caregiver ~~foster parent~~ of a minor who is under the age of 18
 760 years and is in out-of-home ~~foster~~ care as defined in s.
 761 39.01(49) ~~s. 39.01~~, an authorized representative of a
 762 residential group home at which such a minor resides, the
 763 caseworker at the agency at which the state has placed the
 764 minor, or a guardian ad litem specifically authorized by the
 765 minor's caregiver to sign for a learner's driver license signs
 766 the minor's application for a learner's driver license, that
 767 caregiver ~~foster parent~~, group home representative, caseworker,
 768 or guardian ad litem does not assume any obligation or become
 769 liable for any damages caused by the negligence or willful
 770 misconduct of the minor by reason of having signed the
 771 application. Before signing the application, the caseworker,
 772 authorized group home representative, or guardian ad litem shall
 773 notify the caregiver ~~foster parent~~ or other responsible party of
 774 his or her intent to sign and verify the application.

775 Section 15. Paragraph (p) of subsection (4) of section

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776 | 394.495, Florida Statutes, is amended to read:

777 | 394.495 Child and adolescent mental health system of care;
778 | programs and services.—

779 | (4) The array of services may include, but is not limited
780 | to:

781 | (p) Trauma-informed services for children who have
782 | suffered sexual exploitation as defined in s. 39.01(77)(g) ~~s.~~
783 | ~~39.01(71)(g)~~.

784 | Section 16. Paragraphs (b) through (f) of subsection (2)
785 | of section 402.305, Florida Statutes, are redesignated as
786 | paragraphs (c) through (g), respectively, paragraph (a) of
787 | subsection (2) and subsections (9) and (10) are amended, and a
788 | new paragraph (b) is added to that subsection (2), to read:

789 | 402.305 Licensing standards; child care facilities.—

790 | (2) PERSONNEL.—Minimum standards for child care personnel
791 | shall include minimum requirements as to:

792 | (a) Good moral character based upon screening as defined
793 | in s. 402.302(15). This screening shall be conducted as provided
794 | in chapter 435, using the level 2 standards for screening set
795 | forth in that chapter, and include employment history checks, a
796 | search of criminal history records, sexual predator and sexual
797 | offender registries, and child abuse and neglect registry of any
798 | state in which the current or prospective child care personnel
799 | resided during the preceding 5 years.

800 | (b) Fingerprint submission for child care personnel, which

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801 shall comply with s. 435.12.

802 (9) ADMISSIONS AND RECORDKEEPING.—

803 (a) Minimum standards shall include requirements for
804 preadmission and periodic health examinations, requirements for
805 immunizations, and requirements for maintaining emergency
806 information and health records on all children.

807 (b) During the months of August and September of each
808 year, each child care facility shall provide parents of children
809 enrolled in the facility detailed information regarding the
810 causes, symptoms, and transmission of the influenza virus in an
811 effort to educate those parents regarding the importance of
812 immunizing their children against influenza as recommended by
813 the Advisory Committee on Immunization Practices of the Centers
814 for Disease Control and Prevention.

815 (c) During the months of April and September of each year,
816 at a minimum, each facility shall provide parents of children
817 enrolled in the facility information regarding the potential for
818 a distracted adult to fail to drop off a child at the facility
819 and instead leave the child in the adult's vehicle upon arrival
820 at the adult's destination. The child care facility shall also
821 give parents information about resources with suggestions to
822 avoid this occurrence. The department shall develop a flyer or
823 brochure with this information that shall be posted to the
824 department's website, which child care facilities may choose to
825 reproduce and provide to parents to satisfy the requirements of

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826 | this paragraph.

827 | (d)~~(e)~~ Because of the nature and duration of drop-in child
828 | care, requirements for preadmission and periodic health
829 | examinations and requirements for medically signed records of
830 | immunization required for child care facilities shall not apply.
831 | A parent of a child in drop-in child care shall, however, be
832 | required to attest to the child's health condition and the type
833 | and current status of the child's immunizations.

834 | (e)~~(d)~~ Any child shall be exempt from medical or physical
835 | examination or medical or surgical treatment upon written
836 | request of the parent or guardian of such child who objects to
837 | the examination and treatment. However, the laws, rules, and
838 | regulations relating to contagious or communicable diseases and
839 | sanitary matters shall not be violated because of any exemption
840 | from or variation of the health and immunization minimum
841 | standards.

842 | (10) TRANSPORTATION SAFETY.—Minimum standards shall
843 | include requirements for child restraints or seat belts in
844 | vehicles used by child care facilities and large family child
845 | care homes to transport children, requirements for annual
846 | inspections of the vehicles, limitations on the number of
847 | children in the vehicles, procedures to avoid leaving children
848 | in vehicles when transported by the facility, and accountability
849 | for children ~~being~~ transported by the child care facility. A
850 | child care facility is not responsible for children when they

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851 are transported by a parent or guardian.

852 Section 17. Section 402.30501, Florida Statutes, is
853 amended to read:

854 402.30501 Modification of introductory child care course
855 for community college credit authorized.—The Department of
856 Children and Families may modify the 40-clock-hour introductory
857 course in child care under s. 402.305 or s. 402.3131 to meet the
858 requirements of articulating the course to community college
859 credit. Any modification must continue to provide that the
860 course satisfies the requirements of s. 402.305(2)(e) ~~s.~~
861 ~~402.305(2)(d)~~.

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

864 402.313 Family day care homes.—

865 (15) During the months of April and September of each
866 year, at a minimum, each family day care home shall provide
867 parents of children attending the family day care home
868 information regarding the potential for a distracted adult to
869 fail to drop off a child at the family day care home and instead
870 leave the child in the adult's vehicle upon arrival at the
871 adult's destination. The family day care home shall also give
872 parents information about resources with suggestions to avoid
873 this occurrence. The department shall develop a flyer or
874 brochure with this information that shall be posted to the
875 department's website, which family day care homes may choose to

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876 | reproduce and provide to parents to satisfy the requirements of
 877 | this subsection.

878 | Section 19. Subsection (10) is added to section 402.3131,
 879 | Florida Statutes, to read:

880 | 402.3131 Large family child care homes.—

881 | (10) During the months of April and September of each
 882 | year, at a minimum, each large family child care home shall
 883 | provide parents of children attending the large family child
 884 | care home information regarding the potential for a distracted
 885 | adult to fail to drop off a child at the large family child care
 886 | home and instead leave the child in the adult's vehicle upon
 887 | arrival at the adult's destination. The large family child care
 888 | home shall also give parents information about resources with
 889 | suggestions to avoid this occurrence. The department shall
 890 | develop a flyer or brochure with this information that shall be
 891 | posted to the department's website, which large family child
 892 | care homes may choose to reproduce and provide to parents to
 893 | satisfy the requirements of this subsection.

894 | Section 20. Subsection (4) of section 409.145, Florida
 895 | Statutes, is amended to read:

896 | 409.145 Care of children; quality parenting; "reasonable
 897 | and prudent parent" standard.—The child welfare system of the
 898 | department shall operate as a coordinated community-based system
 899 | of care which empowers all caregivers for children in foster
 900 | care to provide quality parenting, including approving or

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901 disapproving a child's participation in activities based on the
 902 caregiver's assessment using the "reasonable and prudent parent"
 903 standard.

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

905
 906 (a) Effective July 1, 2018 ~~January 1, 2014~~, room and board
 907 rates shall be paid to foster parents ~~are~~ as follows:
 908

Monthly Foster Care Rate

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

909
 910
 911
 912 (b) Each January, foster parents shall receive an annual
 913 cost of living increase. The department shall calculate the new
 914 room and board rate increase equal to the percentage change in
 915 the Consumer Price Index for All Urban Consumers, U.S. City
 916 Average, All Items, not seasonally adjusted, or successor
 917 reports, for the preceding December compared to the prior
 918 December as initially reported by the United States Department
 919 of Labor, Bureau of Labor Statistics. The department shall make
 920 available the adjusted room and board rates annually.

921 (c) Effective July 1, 2019, foster parents of level I

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922 family foster homes, as defined in under s. 409.175(5) (a) shall
 923 receive a room and board rate of \$333.

924 (d) Effective July 1, 2019, the foster care room and board
 925 rate for level II family foster homes as defined in s.
 926 409.175(5) (a) shall be the same as the new rate established for
 927 family foster homes as of January 1, 2019.

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

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

934 (g)~~(d)~~ From July 1, 2018, through June 30, 2019,
 935 community-based care lead agencies providing care under contract
 936 with the department shall pay a supplemental room and board
 937 payment to foster care parents of all family foster homes, on a
 938 per-child basis, for providing independent life skills and
 939 normalcy supports to children who are 13 through 17 years of age
 940 placed in their care. The supplemental payment shall be paid
 941 monthly to the foster care parents ~~on a per-child basis~~ in
 942 addition to the current monthly room and board rate payment. The
 943 supplemental monthly payment shall be based on 10 percent of the
 944 monthly room and board rate for children 13 through 21 years of
 945 age as provided under this section and adjusted annually.
 946 Effective July 1, 2019, such supplemental payments shall only be

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947 paid to foster parents of level II through level V family foster
 948 homes.

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

951 409.166 Children within the child welfare system; adoption
 952 assistance program.—

953 (4) ADOPTION ASSISTANCE.—

954 (a) For purposes of administering payments under paragraph
 955 (d), the term:

956 1. "Child" means an individual who has not attained 21
 957 years of age.

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

960 (b)~~(a)~~ A maintenance subsidy shall be granted only when
 961 all other resources available to a child have been thoroughly
 962 explored and it can be clearly established that this is the most
 963 acceptable plan for providing permanent placement for the child.
 964 The maintenance subsidy may not be used as a substitute for
 965 adoptive parent recruitment or as an inducement to adopt a child
 966 who might be placed without providing a subsidy. However, it
 967 shall be the policy of the department that no child be denied
 968 adoption if providing a maintenance subsidy would make adoption
 969 possible. The best interest of the child shall be the deciding
 970 factor in every case. This section does not prohibit foster
 971 parents from applying to adopt a child placed in their care.

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972 Foster parents or relative caregivers must be asked if they
973 would adopt without a maintenance subsidy.

974 (c) ~~(b)~~ The department shall provide adoption assistance to
975 the adoptive parents, subject to specific appropriation, in the
976 amount of \$5,000 annually, paid on a monthly basis, for the
977 support and maintenance of a child until the 18th birthday of
978 such child or in an amount other than \$5,000 annually as
979 determined by the adoptive parents and the department and
980 memorialized in a written agreement between the adoptive parents
981 and the department. The agreement shall take into consideration
982 the circumstances of the adoptive parents and the needs of the
983 child being adopted. The amount of subsidy may be adjusted based
984 upon changes in the needs of the child or circumstances of the
985 adoptive parents. Changes shall not be made without the
986 concurrence of the adoptive parents. However, in no case shall
987 the amount of the monthly payment exceed the foster care
988 maintenance payment that would have been paid during the same
989 period if the child had been in a foster family home.

990 (d) Effective January 1, 2019, adoption assistance
991 payments may be made for a child whose adoptive parent entered
992 into an initial adoption assistance agreement after the child
993 reached 16 years of age but before the child reached 18 years of
994 age. Such payments may be made until the child reaches age 21 if
995 the child is:

996 1. Completing secondary education or a program leading to

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997 | an equivalent credential;
 998 | 2. Enrolled in an institution that provides postsecondary
 999 | or vocational education;
 1000 | 3. Participating in a program or activity designed to
 1001 | promote or eliminate barriers to employment;
 1002 | 4. Employed for at least 80 hours per month; or
 1003 | 5. Unable to participate in programs or activities listed
 1004 | in subparagraphs 1.-4. full time due to a physical,
 1005 | intellectual, emotional, or psychiatric condition that limits
 1006 | participation. Any such barrier to participation must be
 1007 | supported by documentation in the child's case file or school or
 1008 | medical records of a physical, intellectual, emotional, or
 1009 | psychiatric condition that impairs the child's ability to
 1010 | perform one or more life activities.
 1011 | (e) A child or young adult receiving benefits through the
 1012 | adoption assistance program is not eligible to simultaneously
 1013 | receive relative caregiver benefits under s. 39.5085 or
 1014 | postsecondary education services and support under s. 409.1451.
 1015 | (f)~~(e)~~ The department may provide adoption assistance to
 1016 | the adoptive parents, subject to specific appropriation, for
 1017 | medical assistance initiated after the adoption of the child for
 1018 | medical, surgical, hospital, and related services needed as a
 1019 | result of a physical or mental condition of the child which
 1020 | existed before the adoption and is not covered by Medicaid,
 1021 | Children's Medical Services, or Children's Mental Health

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1022 Services. Such assistance may be initiated at any time but shall
 1023 terminate on or before the child's 18th birthday.

1024 (5) ELIGIBILITY FOR SERVICES.—

1025 (a) As a condition of receiving ~~providing~~ adoption
 1026 assistance under this section, the adoptive parents must have an
 1027 approved adoption home study before the adoption is finalized
 1028 and must enter into an adoption-assistance agreement with the
 1029 department before the adoption is finalized which specifies the
 1030 financial assistance and other services to be provided.

1031 (b) A child who is handicapped at the time of adoption
 1032 shall be eligible for services through the Children's Medical
 1033 Services network established under part I of chapter 391 if the
 1034 child was eligible for such services prior to the adoption.

1035 Section 22. Paragraph (b) of subsection (2) of section
 1036 409.1676, Florida Statutes, is amended to read:

1037 409.1676 Comprehensive residential group care services to
 1038 children who have extraordinary needs.—

1039 (2) As used in this section, the term:

1040 (b) "Residential group care" means a living environment
 1041 for children who have been adjudicated dependent and are
 1042 expected to be in foster care for at least 6 months with 24-
 1043 hour-awake staff or live-in group home parents or staff. Each
 1044 facility must be appropriately licensed in this state as a
 1045 residential child caring agency as defined in s. 409.175(2)(1)
 1046 ~~s. 409.175(2)(j)~~ and must be accredited by July 1, 2005. A

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1047 residential group care facility serving children having a
 1048 serious behavioral problem as defined in this section must have
 1049 available staff or contract personnel with the clinical
 1050 expertise, credentials, and training to provide services
 1051 identified in subsection (4).

1052 Section 23. Subsection (3) of section 409.1678, Florida
 1053 Statutes, is amended to read:

1054 409.1678 Specialized residential options for children who
 1055 are victims of commercial sexual exploitation.—

1056 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
 1057 HOSPITAL.—Residential treatment centers licensed under s.
 1058 394.875, and hospitals licensed under chapter 395 that provide
 1059 residential mental health treatment, shall provide specialized
 1060 treatment for commercially sexually exploited children in the
 1061 custody of the department who are placed in these facilities
 1062 pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

1063 (a) The specialized treatment must meet the requirements
 1064 of subparagraphs (2)(c)1., 3., 6., and 7. ~~(2)(c)1. and 3.-7.,~~
 1065 paragraph (2)(d), and the department's treatment standards
 1066 adopted pursuant to this section. However, a residential
 1067 treatment center or hospital may prioritize the delivery of
 1068 certain services among those required under paragraph (2)(d) to
 1069 meet the specific treatment needs of the child.

1070 (b) The facilities shall ensure that children are served
 1071 in single-sex groups and that staff working with such children

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1072 are adequately trained in the effects of trauma and sexual
 1073 exploitation, the needs of child victims of commercial sexual
 1074 exploitation, and how to address those needs using strength-
 1075 based and trauma-informed approaches.

1076 Section 24. Subsections (2) and (5), paragraphs (a) and
 1077 (k) of subsection (6), paragraph (b) of subsection (9),
 1078 paragraphs (a) and (b) of subsection (10), paragraph (a) of
 1079 subsection (11), paragraph (b) of subsection (12), and
 1080 subsection (14) of section 409.175, Florida Statutes, are
 1081 amended to read:

1082 409.175 Licensure of family foster homes, residential
 1083 child-caring agencies, and child-placing agencies; public
 1084 records exemption.—

1085 (2) As used in this section, the term:

1086 (a) "Agency" means a residential child-caring agency or a
 1087 child-placing agency.

1088 (b) "Boarding school" means a school that is registered
 1089 with the Department of Education as a school that provides a
 1090 residential service for students and that is either:

1091 1. Accredited for academic programs by the Florida Council
 1092 of Independent Schools, the Southern Association of Colleges and
 1093 Schools, an accrediting association that is a member of the
 1094 National Council for Private School Accreditation, or an
 1095 accrediting association that is a member of the Florida
 1096 Association of Academic Nonpublic Schools, and that is

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1097 accredited for residential programs by the Council on
 1098 Accreditation, the Commission on Accreditation of Rehabilitation
 1099 Facilities, or the Coalition for Residential Education; or
 1100 2. Accredited by one of the organizations specified in
 1101 subparagraph 1. as a boarding school that includes both an
 1102 academic and residential component in its accreditation.

1103 (c) "Child" means any unmarried person under the age of 18
 1104 years.

1105 (d) "Child-placing agency" means any person, corporation,
 1106 or agency, public or private, other than the parent or legal
 1107 guardian of the child or an intermediary acting pursuant to
 1108 chapter 63, that receives a child for placement and places or
 1109 arranges for the placement of a child in a family foster home,
 1110 residential child-caring agency, or adoptive home.

1111 (e) "Family foster home" means a private residence in
 1112 which children who are unattended by a parent or legal guardian
 1113 are provided 24-hour care. The term does not include an adoptive
 1114 home that has been approved by the department or approved by a
 1115 licensed child-placing agency for children placed for adoption.
 1116 ~~Such homes include emergency shelter family homes and~~
 1117 ~~specialized foster homes for children with special needs. A~~
 1118 ~~person who cares for a child of a friend for a period not to~~
 1119 ~~exceed 90 days, a relative who cares for a child and does not~~
 1120 ~~receive reimbursement for such care from the state or federal~~
 1121 ~~government, or an adoptive home which has been approved by the~~

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1122 ~~department or by a licensed child-placing agency for children~~
 1123 ~~placed for adoption is not considered a family foster home.~~

1124 (f) "License" means "license" as defined in s. 120.52(10).
 1125 A license under this section is issued to a family foster home
 1126 or other facility and is not a professional license of any
 1127 individual. Receipt of a license under this section shall not
 1128 create a property right in the recipient. A license under this
 1129 act is a public trust and a privilege, and is not an
 1130 entitlement. This privilege must guide the finder of fact or
 1131 trier of law at any administrative proceeding or court action
 1132 initiated by the department.

1133 (g) "Licensing home study" means a documented assessment,
 1134 as defined by department rule, to determine the safety and
 1135 appropriateness of any 24-hour living arrangement for a child
 1136 who is unattended by a parent or legal guardian. A primary
 1137 caregiver issued a license for a specific child may apply for a
 1138 waiver of the non-safety-related and non-health-related elements
 1139 of a licensing home study under the Guardianship Assistance
 1140 Program established in s. 39.6225.

1141 (h)~~(g)~~ "Operator" means any onsite person ultimately
 1142 responsible for the overall operation of a child-placing agency,
 1143 family foster home, or residential child-caring agency, whether
 1144 or not she or he is the owner or administrator of such an agency
 1145 or home.

1146 (i)~~(h)~~ "Owner" means the person who is licensed to operate

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1147 | the child-placing agency, family foster home, or residential
1148 | child-caring agency.

1149 | (j)~~(i)~~ "Personnel" means all owners, operators, employees,
1150 | and volunteers working in a child-placing agency, family foster
1151 | home, or residential child-caring agency who may be employed by
1152 | or do volunteer work for a person, corporation, or agency that
1153 | holds a license as a child-placing agency or a residential
1154 | child-caring agency, but the term does not include those who do
1155 | not work on the premises where child care is furnished and have
1156 | no direct contact with a child or have no contact with a child
1157 | outside of the presence of the child's parent or guardian. For
1158 | purposes of screening, the term includes any member, over the
1159 | age of 12 years, of the family of the owner or operator or any
1160 | person other than a client, over the age of 12 years, residing
1161 | with the owner or operator if the agency or family foster home
1162 | is located in or adjacent to the home of the owner or operator
1163 | or if the family member of, or person residing with, the owner
1164 | or operator has any direct contact with the children. Members of
1165 | the family of the owner or operator, or persons residing with
1166 | the owner or operator, who are between the ages of 12 years and
1167 | 18 years are not required to be fingerprinted, but must be
1168 | screened for delinquency records. For purposes of screening, the
1169 | term also includes owners, operators, employees, and volunteers
1170 | working in summer day camps, or summer 24-hour camps providing
1171 | care for children. A volunteer who assists on an intermittent

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1172 basis for less than 10 hours per month shall not be included in
 1173 the term "personnel" for the purposes of screening if a person
 1174 who meets the screening requirement of this section is always
 1175 present and has the volunteer in his or her line of sight.

1176 (k) "Placement screening" means the act of assessing the
 1177 background of household members in the family foster home and
 1178 includes, but is not limited to, criminal history records checks
 1179 as provided in s. 39.0138 using the standards for screening set
 1180 forth in that section. The term "household member" means a
 1181 member of the family or a person, other than the child being
 1182 placed, over the age of 12 years who resides with the owner who
 1183 operates the family foster home if such family member or person
 1184 has any direct contact with the child. Household members who are
 1185 between the ages of 12 and 18 years are not required to be
 1186 fingerprinted but must be screened for delinquency records.

1187 (l)~~(j)~~ "Residential child-caring agency" means any person,
 1188 corporation, or agency, public or private, other than the
 1189 child's parent or legal guardian, that provides staffed 24-hour
 1190 care for children in facilities maintained for that purpose,
 1191 regardless of whether operated for profit or whether a fee is
 1192 charged. Such residential child-caring agencies include, but are
 1193 not limited to, maternity homes, runaway shelters, group homes
 1194 that are administered by an agency, emergency shelters that are
 1195 not in private residences, and wilderness camps. Residential
 1196 child-caring agencies do not include hospitals, boarding

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1197 schools, summer or recreation camps, nursing homes, or
 1198 facilities operated by a governmental agency for the training,
 1199 treatment, or secure care of delinquent youth, or facilities
 1200 licensed under s. 393.067 or s. 394.875 or chapter 397.

1201 (m)~~(k)~~ "Screening" means the act of assessing the
 1202 background of personnel and includes, but is not limited to,
 1203 employment history checks as provided in chapter 435, using the
 1204 level 2 standards for screening set forth in that chapter.

1205 (n) "Severe disability" means a physical, developmental,
 1206 or cognitive limitation affecting an individual's ability to
 1207 safely submit fingerprints.

1208 (o)~~(l)~~ "Summer day camp" means recreational, educational,
 1209 and other enrichment programs operated during summer vacations
 1210 for children who are 5 years of age on or before September 1 and
 1211 older.

1212 (p)~~(m)~~ "Summer 24-hour camp" means recreational,
 1213 educational, and other enrichment programs operated on a 24-hour
 1214 basis during summer vacation for children who are 5 years of age
 1215 on or before September 1 and older, that are not exclusively
 1216 educational.

1217 (5)~~(a)~~ The department shall adopt and amend ~~licensing~~
 1218 rules for the levels of licensed care associated with the
 1219 licensure of family foster homes, residential child-caring
 1220 agencies, and child-placing agencies. The rules may include
 1221 criteria to approve waivers to licensing requirements when

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1222 applying for a child-specific license.

1223 (a) Family foster homes shall be classified by levels of

1224 licensure, as follows:

1225 1. Level I.—

1226 a. Type of licensure.—Child-specific foster home.

1227 b. Licensure requirements.—The caregiver must meet all

1228 level II requirements pursuant to this section. However,

1229 requirements not directly related to safety may be waived.

1230 2. Level II.—

1231 a. Type of licensure.—Non-child-specific foster home.

1232 b. Licensure requirements.—The caregiver must meet all

1233 licensing requirements pursuant to paragraph (b).

1234 3. Level III.—

1235 a. Type of licensure.—Safe foster home for victims of

1236 human trafficking.

1237 b. Licensure requirements.—The caregiver must meet all

1238 licensing requirements pursuant to paragraph (b) and all

1239 certification requirements pursuant to s. 409.1678.

1240 4. Level IV.—

1241 a. Type of licensure.—Therapeutic foster home.

1242 b. Licensure requirements.—The caregiver must meet all

1243 licensing requirements pursuant to paragraph (b) and all

1244 certification requirements established in rule by the Agency for

1245 Health Care Administration.

1246 5. Level V.—

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1247 | a. Type of licensure.—Medical foster home.
 1248 | b. Licensure requirements.—The caregiver must meet all
 1249 | licensing requirements pursuant to paragraph (b) and all
 1250 | certification requirements established in rule by the Agency for
 1251 | Health Care Administration. ~~The department may also adopt rules~~
 1252 | ~~relating to the screening requirements for summer day camps and~~
 1253 | ~~summer 24-hour camps.~~
 1254 | (b) The requirements for licensure and operation of family
 1255 | foster homes, residential child-caring agencies, and child-
 1256 | placing agencies shall include:
 1257 | 1. The operation, conduct, and maintenance of these homes
 1258 | and agencies and the responsibility which they assume for
 1259 | children served and the evidence of need for that service.
 1260 | 2. The provision of food, clothing, educational
 1261 | opportunities, services, equipment, and individual supplies to
 1262 | assure the healthy physical, emotional, and mental development
 1263 | of the children served.
 1264 | 3. The appropriateness, safety, cleanliness, and general
 1265 | adequacy of the premises, including fire prevention and health
 1266 | standards, to provide for the physical comfort, care, and well-
 1267 | being of the children served.
 1268 | 4. The ratio of staff to children required to provide
 1269 | adequate care and supervision of the children served and, in the
 1270 | case of foster homes, the maximum number of children in the
 1271 | home.

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- 1272 5. The good moral character based upon screening,
 1273 education, training, and experience requirements for personnel.
- 1274 6. The department may grant exemptions from
 1275 disqualification from working with children or the
 1276 developmentally disabled as provided in s. 435.07.
- 1277 7. The provision of preservice and inservice training for
 1278 all foster parents and agency staff.
- 1279 8. Satisfactory evidence of financial ability to provide
 1280 care for the children in compliance with licensing requirements.
- 1281 9. The maintenance by the agency of records pertaining to
 1282 admission, progress, health, and discharge of children served,
 1283 including written case plans and reports to the department.
- 1284 10. The provision for parental involvement to encourage
 1285 preservation and strengthening of a child's relationship with
 1286 the family.
- 1287 11. The transportation safety of children served.
- 1288 12. The provisions for safeguarding the cultural,
 1289 religious, and ethnic values of a child.
- 1290 13. Provisions to safeguard the legal rights of children
 1291 served.
- 1292 (c)~~(b)~~ The requirements for the licensure and operation of
 1293 a child-placing agency shall also include compliance with the
 1294 requirements of ss. 63.0422 and 790.335.
- 1295 (d)~~(e)~~ The department shall randomly drug test a licensed
 1296 foster parent if there is a reasonable suspicion that he or she

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1297 is using illegal drugs. The cost of testing shall be paid by the
 1298 foster parent but shall be reimbursed by the department if the
 1299 test is negative. The department may adopt rules necessary to
 1300 administer this paragraph.

1301 (e)~~(d)~~ In adopting ~~promulgating~~ licensing rules pursuant
 1302 to this section, the department may make distinctions among
 1303 types of care; numbers of children served; and the physical,
 1304 mental, emotional, and educational needs of the children to be
 1305 served by a home or agency.

1306 (f)~~(e)~~ The department may ~~shall~~ not adopt rules which
 1307 interfere with the free exercise of religion or which regulate
 1308 religious instruction or teachings in any child-caring or child-
 1309 placing home or agency. This section may not; ~~however, nothing~~
 1310 ~~herein shall~~ be construed to allow religious instruction or
 1311 teachings that are inconsistent with the health, safety, or
 1312 well-being of any child; with public morality; or with the
 1313 religious freedom of children, parents, or legal guardians who
 1314 place their children in such homes or agencies.

1315 (g)~~(f)~~ The department's rules shall include adoption of a
 1316 form to be used by child-placing agencies during an adoption
 1317 home study that requires all prospective adoptive applicants to
 1318 acknowledge in writing the receipt of a document containing
 1319 solely and exclusively the language provided for in s. 790.174
 1320 verbatim.

1321 (6) (a) An application for a license shall be made on forms

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1322 provided, and in the manner prescribed, by the department. The
 1323 department shall make a determination as to the good moral
 1324 character of the applicant based upon screening. The department
 1325 may grant an exemption from fingerprinting requirements,
 1326 pursuant to s. 39.0138, for an adult household member who has a
 1327 severe disability.

1328 (k) The department may not license summer day camps or
 1329 summer 24-hour camps. However, the department shall have access
 1330 to the personnel records of such facilities to ensure compliance
 1331 with the screening requirements. The department may adopt rules
 1332 relating to the screening requirements for summer day camps and
 1333 summer 24-hour camps.

1334 (9)

1335 (b) Any of the following actions by a home or agency or
 1336 its personnel is a ground for denial, suspension, or revocation
 1337 of a license:

1338 1. An intentional or negligent act materially affecting
 1339 the health or safety of children in the home or agency.

1340 2. A violation of the provisions of this section or of
 1341 licensing rules promulgated pursuant to this section.

1342 3. Noncompliance with the requirements for good moral
 1343 character as specified in paragraph (5) (b) ~~(5) (a)~~.

1344 4. Failure to dismiss personnel found in noncompliance
 1345 with requirements for good moral character.

1346 5. Failure to comply with the requirements of ss. 63.0422

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1347 and 790.335.

1348 (10) (a) The department may institute injunctive
 1349 proceedings in a court of competent jurisdiction to:

1350 1. Enforce the provisions of this section or any license
 1351 requirement, rule, or order issued or entered into pursuant
 1352 thereto; or

1353 2. Terminate the operation of an agency in which any of
 1354 the following conditions exist:

1355 a. The licensee has failed to take preventive or
 1356 corrective measures in accordance with any order of the
 1357 department to maintain conformity with licensing requirements.

1358 b. There is a violation of any of the provisions of this
 1359 section, or of any licensing requirement promulgated pursuant to
 1360 this section, which violation threatens harm to any child or
 1361 which constitutes an emergency requiring immediate action.

1362 3. Terminate the operation of a summer day camp or summer
 1363 24-hour camp providing care for children when such camp has
 1364 willfully and knowingly refused to comply with the screening
 1365 requirements for personnel or has refused to terminate the
 1366 employment of personnel found to be in noncompliance with the
 1367 requirements for good moral character as determined in paragraph
 1368 (5) (b) ~~(5) (a)~~.

1369 (b) If the department finds, within 30 days after written
 1370 notification by registered mail of the requirement for
 1371 licensure, that a person or agency continues to care for or to

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1372 place children without a license or, within 30 days after
 1373 written notification by registered mail of the requirement for
 1374 screening of personnel and compliance with paragraph (5) (b)
 1375 ~~(5) (a)~~ for the hiring and continued employment of personnel,
 1376 that a summer day camp or summer 24-hour camp continues to
 1377 provide care for children without complying, the department
 1378 shall notify the appropriate state attorney of the violation of
 1379 law and, if necessary, shall institute a civil suit to enjoin
 1380 the person or agency from continuing the placement or care of
 1381 children or to enjoin the summer day camp or summer 24-hour camp
 1382 from continuing the care of children.

1383 (12)

1384 (b) It is unlawful for any person, agency, summer day
 1385 camp, or summer 24-hour camp providing care for children to:

1386 1. Willfully or intentionally fail to comply with the
 1387 requirements for the screening of personnel or the dismissal of
 1388 personnel found not to be in compliance with the requirements
 1389 for good moral character as specified in paragraph (5) (b)
 1390 ~~(5) (a)~~.

1391 2. Use information from the criminal records obtained
 1392 under this section for any purpose other than screening a person
 1393 for employment as specified in this section or to release such
 1394 information to any other person for any purpose other than
 1395 screening for employment as specified in this section.

1396 (11) (a) The department is authorized to seek compliance

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1397 with the licensing requirements of this section to the fullest
 1398 extent possible by reliance on administrative sanctions and
 1399 civil actions and may provide an exception of those standards
 1400 for which a waiver has been granted pursuant to this section.

1401 (14) (a) In order to provide improved services to children,
 1402 the department shall provide or cause to be provided preservice
 1403 training for prospective foster parents ~~and emergency shelter~~
 1404 ~~parents~~ and inservice training for foster parents ~~and emergency~~
 1405 ~~shelter parents~~ who are licensed and supervised by the
 1406 department.

1407 (b) As a condition of licensure, foster parents ~~and~~
 1408 ~~emergency shelter parents~~ shall successfully complete a minimum
 1409 of 21 hours of preservice training. The preservice training
 1410 shall be uniform statewide and shall include, but not be limited
 1411 to, such areas as:

- 1412 1. Orientation regarding agency purpose, objectives,
 1413 resources, policies, and services;
- 1414 2. Role of the foster parent ~~and the emergency shelter~~
 1415 ~~parent~~ as a treatment team member;
- 1416 3. Transition of a child into and out of foster care ~~and~~
 1417 ~~emergency shelter care~~, including issues of separation, loss,
 1418 and attachment;
- 1419 4. Management of difficult child behavior that can be
 1420 intensified by placement, by prior abuse or neglect, and by
 1421 prior placement disruptions;

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1422 5. Prevention of placement disruptions;
 1423 6. Care of children at various developmental levels,
 1424 including appropriate discipline; and
 1425 7. Effects of foster parenting on the family of the foster
 1426 parent ~~and the emergency shelter parent.~~
 1427 (c) In consultation with foster parents, each region
 1428 ~~district~~ or lead agency shall develop a plan for making the
 1429 completion of the required training as convenient as possible
 1430 for potential foster parents ~~and emergency shelter parents.~~ The
 1431 plan should include, without limitation, such strategies as
 1432 providing training in nontraditional locations and at
 1433 nontraditional times. The plan must be revised at least annually
 1434 and must be included in the information provided to each person
 1435 applying to become a foster parent ~~or emergency shelter parent.~~
 1436 (d) Prior to licensure renewal, each level II through
 1437 level V foster parent ~~and emergency shelter parent~~ shall
 1438 successfully complete 8 hours of inservice training. Each level
 1439 I foster parent shall successfully complete 4 hours of inservice
 1440 training. Periodic time-limited training courses shall be made
 1441 available for selective use by foster parents ~~and emergency~~
 1442 ~~shelter parents.~~ Such inservice training shall include subjects
 1443 affecting the daily living experiences of foster parenting as a
 1444 foster parent ~~or as an emergency shelter parent, whichever is~~
 1445 ~~appropriate.~~ For a foster parent ~~or emergency shelter parent~~
 1446 participating in the required inservice training, the department

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1447 shall reimburse such parent for travel expenditures and, if both
 1448 parents in a home are attending training or if the absence of
 1449 the parent would leave the children without departmentally
 1450 approved adult supervision, ~~either~~ the department shall make
 1451 provision for child care or shall reimburse the foster ~~or~~
 1452 ~~emergency shelter~~ parents for child care purchased by the
 1453 parents for children in their care.

1454 Section 25. Paragraph (e) of subsection (1) and
 1455 subsections (2) and (4) of section 409.991, Florida Statutes,
 1456 are amended to read:

1457 409.991 Allocation of funds for community-based care lead
 1458 agencies.—

1459 (1) As used in this section, the term:

1460 (e) "Proportion of children in care" means the proportion
 1461 of the number of children in care receiving in-home services
 1462 over the most recent 12-month period, the number of children
 1463 whose families are receiving family support services over the
 1464 most recent 12-month period, and the number of children who have
 1465 entered into ~~in~~ out-of-home care with a case management overlay
 1466 during the most recent 24-month ~~12-month~~ period. This
 1467 subcomponent shall be weighted as follows:

1468 1. Fifteen percent shall be based on children whose
 1469 families are receiving family support services.

1470 2.1. Fifty-five ~~Sixty~~ percent shall be based on children
 1471 in out-of-home care.

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1472 3.2- ~~Thirty~~ Forty percent shall be based on children in
 1473 in-home care.

1474 (2) The equity allocation of core services funds shall be
 1475 calculated based on the following weights:

1476 (a) Proportion of the child population shall be weighted
 1477 as 5 percent of the total.~~7~~

1478 (b) Proportion of child abuse hotline workload shall be
 1479 weighted as 35 ~~15~~ percent of the total.~~7~~ ~~and~~

1480 (c) Proportion of children in care shall be weighted as 60
 1481 ~~80~~ percent of the total.

1482 (4) Unless otherwise specified in the General
 1483 Appropriations Act, any new core services funds shall be
 1484 allocated based on the equity allocation model as follows:

1485 (a) Seventy ~~Twenty~~ percent of new funding shall be
 1486 allocated among all community-based care lead agencies.

1487 (b) Thirty ~~Eighty~~ percent of new funding shall be
 1488 allocated among community-based care lead agencies that are
 1489 funded below their equitable share. Funds allocated pursuant to
 1490 this paragraph shall be weighted based on each community-based
 1491 care lead agency's relative proportion of the total amount of
 1492 funding below the equitable share.

1493 Section 26. Subsection (4) of section 435.07, Florida
 1494 Statutes, is amended to read:

1495 435.07 Exemptions from disqualification.—Unless otherwise
 1496 provided by law, the provisions of this section apply to

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1497 exemptions from disqualification for disqualifying offenses
 1498 revealed pursuant to background screenings required under this
 1499 chapter, regardless of whether those disqualifying offenses are
 1500 listed in this chapter or other laws.

1501 (4) (a) Disqualification from employment under this chapter
 1502 may not be removed from, nor may an exemption be granted to, any
 1503 personnel who is found guilty of, regardless of adjudication, or
 1504 who has entered a plea of nolo contendere or guilty to, any
 1505 felony covered by s. 435.03 or s. 435.04 solely by reason of any
 1506 pardon, executive clemency, or restoration of civil rights.

1507 (b) Disqualification from employment under this chapter
 1508 may not be removed from, nor may an exemption be granted to, any
 1509 person who is a:

- 1510 1. Sexual predator as designated pursuant to s. 775.21;
- 1511 2. Career offender pursuant to s. 775.261; or
- 1512 3. Sexual offender pursuant to s. 943.0435, unless the
 1513 requirement to register as a sexual offender has been removed
 1514 pursuant to s. 943.04354.

1515 (c) Disqualification from employment under this chapter
 1516 may not be removed from, and an exemption may not be granted to,
 1517 any current or prospective child care personnel, as defined in
 1518 s. 402.302(3), and such a person is disqualified from employment
 1519 as child care personnel, regardless of any previous exemptions
 1520 from disqualification, if the person has been registered as a
 1521 sex offender as described in 42 U.S.C. s. 9858f(c) (1) (C) or has

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1522 | been arrested for and is awaiting final disposition of, has been
 1523 | convicted or found guilty of, or entered a plea of guilty or
 1524 | nolo contendere to, regardless of adjudication, or has been
 1525 | adjudicated delinquent and the record has not been sealed or
 1526 | expunged for, any offense prohibited under any of the following
 1527 | provisions of state law or a similar law of another
 1528 | jurisdiction:

1529 | 1. A felony offense prohibited under any of the following
 1530 | statutes:

1531 | a. Chapter 741, relating to domestic violence.

1532 | b. Section 782.04, relating to murder.

1533 | c. Section 782.07, relating to manslaughter, aggravated
 1534 | manslaughter of an elderly person or disabled adult, aggravated
 1535 | manslaughter of a child, or aggravated manslaughter of an
 1536 | officer, a firefighter, an emergency medical technician, or a
 1537 | paramedic.

1538 | d. Section 784.021, relating to aggravated assault.

1539 | e. Section 784.045, relating to aggravated battery.

1540 | f. Section 787.01, relating to kidnapping.

1541 | g. Section 787.025, relating to luring or enticing a
 1542 | child.

1543 | h. Section 787.04(2), relating to leading, taking,
 1544 | enticing, or removing a minor beyond the state limits, or
 1545 | concealing the location of a minor, with criminal intent pending
 1546 | custody proceedings.

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- 1547 | i. Section 787.04(3), relating to leading, taking,
- 1548 | enticing, or removing a minor beyond the state limits, or
- 1549 | concealing the location of a minor, with criminal intent pending
- 1550 | dependency proceedings or proceedings concerning alleged abuse
- 1551 | or neglect of a minor.
- 1552 | j. Section 794.011, relating to sexual battery.
- 1553 | k. Former s. 794.041, relating to sexual activity with or
- 1554 | solicitation of a child by a person in familial or custodial
- 1555 | authority.
- 1556 | l. Section 794.05, relating to unlawful sexual activity
- 1557 | with certain minors.
- 1558 | m. Section 794.08, relating to female genital mutilation.
- 1559 | n. Section 806.01, relating to arson.
- 1560 | o. Section 826.04, relating to incest.
- 1561 | p. Section 827.03, relating to child abuse, aggravated
- 1562 | child abuse, or neglect of a child.
- 1563 | q. Section 827.04, relating to contributing to the
- 1564 | delinquency or dependency of a child.
- 1565 | r. Section 827.071, relating to sexual performance by a
- 1566 | child.
- 1567 | s. Chapter 847, relating to child pornography.
- 1568 | t. Chapter 893, relating to a drug abuse prevention and
- 1569 | control offense, if that offense was committed in the preceding
- 1570 | 5 years.
- 1571 | ~~u.~~ Section 985.701, relating to sexual misconduct in

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1572 juvenile justice programs.

1573 2. A misdemeanor offense prohibited under any of the
1574 following statutes:

1575 a. Section 784.03, relating to battery, if the victim of
1576 the offense was a minor.

1577 b. Section 787.025, relating to luring or enticing a
1578 child.

1579 c. Chapter 847, relating to child pornography.

1580 3. A criminal act committed in another state or under
1581 federal law which, if committed in this state, constitutes an
1582 offense prohibited under any statute listed in subparagraph 1.
1583 or subparagraph 2.

1584 Section 27. Section 627.746, Florida Statutes, is amended
1585 to read:

1586 627.746 Coverage for minors who have a learner's driver
1587 license; additional premium prohibited.—An insurer that issues
1588 an insurance policy on a private passenger motor vehicle to a
1589 named insured who is a caregiver ~~foster parent~~ of a minor who is
1590 under the age of 18 years and is in out-of-home care as defined
1591 in s. 39.01(49) ~~child~~ may not charge an additional premium for
1592 coverage of the minor ~~child~~ while the minor ~~child~~ is operating
1593 the insured vehicle, for the period of time that the minor has a
1594 learner's driver license, until such time as the minor obtains a
1595 driver license.

1596 Section 28. Subsection (5) of section 960.065, Florida

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1597 Statutes, is amended to read:

1598 960.065 Eligibility for awards.—

1599 (5) A person is not ineligible for an award pursuant to
 1600 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
 1601 person is a victim of sexual exploitation of a child as defined
 1602 in s. 39.01(77) (g) ~~s. 39.01(71) (g)~~.

1603 Section 29. Paragraph (g) of subsection (3) of section
 1604 1002.55, Florida Statutes, is amended to read:

1605 1002.55 School-year prekindergarten program delivered by
 1606 private prekindergarten providers.—

1607 (3) To be eligible to deliver the prekindergarten program,
 1608 a private prekindergarten provider must meet each of the
 1609 following requirements:

1610 (g) The private prekindergarten provider must have a
 1611 prekindergarten director who has a prekindergarten director
 1612 credential that is approved by the office as meeting or
 1613 exceeding the minimum standards adopted under s. 1002.57.
 1614 Successful completion of a child care facility director
 1615 credential under s. 402.305(2) (g) ~~s. 402.305(2) (f)~~ before the
 1616 establishment of the prekindergarten director credential under
 1617 s. 1002.57 or July 1, 2006, whichever occurs later, satisfies
 1618 the requirement for a prekindergarten director credential under
 1619 this paragraph.

1620 Section 30. Subsections (3) and (4) of section 1002.57,
 1621 Florida Statutes, are amended to read:

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1622 1002.57 Prekindergarten director credential.—

1623 (3) The prekindergarten director credential must meet or
 1624 exceed the requirements of the Department of Children and
 1625 Families for the child care facility director credential under
 1626 s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of
 1627 the prekindergarten director credential satisfies these
 1628 requirements for the child care facility director credential.

1629 (4) The department shall, to the maximum extent
 1630 practicable, award credit to a person who successfully completes
 1631 the child care facility director credential under s.
 1632 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the
 1633 prekindergarten director credential which are duplicative of
 1634 requirements for the child care facility director credential.

1635 Section 31. Subsection (1) of section 1002.59, Florida
 1636 Statutes, is amended to read:

1637 1002.59 Emergent literacy and performance standards
 1638 training courses.—

1639 (1) The office shall adopt minimum standards for one or
 1640 more training courses in emergent literacy for prekindergarten
 1641 instructors. Each course must comprise 5 clock hours and provide
 1642 instruction in strategies and techniques to address the age-
 1643 appropriate progress of prekindergarten students in developing
 1644 emergent literacy skills, including oral communication,
 1645 knowledge of print and letters, phonemic and phonological
 1646 awareness, and vocabulary and comprehension development. Each

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1647 course must also provide resources containing strategies that
1648 allow students with disabilities and other special needs to
1649 derive maximum benefit from the Voluntary Prekindergarten
1650 Education Program. Successful completion of an emergent literacy
1651 training course approved under this section satisfies
1652 requirements for approved training in early literacy and
1653 language development under ss. 402.305(2)(e)5. ~~402.305(2)(d)5.~~,
1654 402.313(6), and 402.3131(5).

1655 Section 32. The Division of Law Revision and Information
1656 is directed to prepare, with the assistance of the staffs of the
1657 appropriate substantive committees of the Senate and the House
1658 of Representatives, a reviser's bill for the 2019 Regular
1659 Session of the Legislature to capitalize each word of the term
1660 "child protection team" wherever it occurs in Florida Statutes.

1661 Section 33. This act shall take effect July 1, 2018.