

By Senator Garcia

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1                                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.01,  
3       F.S.; revising and defining terms; amending s.  
4       39.0138, F.S.; requiring the Department of Children  
5       and Families to establish a certain exemption process  
6       and to adopt rules and procedures for the  
7       documentation necessary for exempting household  
8       members who have disabilities from being fingerprinted  
9       before a child is placed in the home; amending s.  
10      39.5085, F.S.; requiring the department to take all  
11      the necessary steps to recover financial assistance  
12      provided to nonrelative caregivers under certain  
13      circumstances; authorizing the department to make  
14      certain settlements, establish certain policies, and  
15      adopt certain rules; terminating the Relative  
16      Caregiver Program on a specified date and transferring  
17      certain responsibilities to the Guardianship  
18      Assistance Program; providing for continuance of  
19      benefits to current participants; amending s. 39.521,  
20      F.S.; authorizing the court to make certain  
21      determinations regarding placement of a child with a  
22      guardian; conforming a cross-reference; amending s.  
23      39.6221, F.S.; providing an additional condition for  
24      court placement of a child in permanent guardianship;  
25      creating s. 39.6225, F.S.; requiring the department to  
26      establish and operate a Guardianship Assistance  
27      Program to provide guardianship assistance payments to  
28      certain guardians beginning on a specified date;  
29      defining terms; providing eligibility requirements;

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30 authorizing guardians to receive guardian assistance  
31 payments for certain siblings; requiring the  
32 department to annually redetermine eligibility;  
33 providing conditions for termination of benefits;  
34 providing criteria for award of guardianship  
35 assistance payments; 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 certain children are eligible for Medicaid coverage  
40 until they reach a specified age; providing  
41 requirements for guardianship assistance payments;  
42 requiring case plans to include certain information;  
43 requiring the department to adopt rules; amending s.  
44 39.6251, F.S.; requiring the case manager for a young  
45 adult in foster care to consult the young adult when  
46 updating the case plan and the transition plan and  
47 arrangements; deleting a provision authorizing case  
48 management reviews to be conducted by telephone under  
49 certain circumstances; amending s. 409.145, F.S.;

50 revising rates for room and board reimbursement of  
51 certain family foster homes; revising provisions  
52 relating to supplemental payments by community-based  
53 care lead agencies; amending s. 409.166, F.S.;

54 defining terms; providing conditions for the  
55 department to provide adoption assistance payments to  
56 adoptive parents of certain children; providing that  
57 children and young adults receiving benefits through  
58 the adoption assistance program are ineligible for

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59 other specified benefits and services; providing  
60 additional conditions for eligibility for adoption  
61 assistance; amending s. 409.1678, F.S.; deleting  
62 requirements for certain specialized treatment  
63 provided by residential treatment centers and  
64 hospitals; amending s. 409.175, F.S.; revising and  
65 defining terms; requiring a guardian to apply for a  
66 license with the department to be eligible for the  
67 Guardian Assistance Program; requiring the department  
68 to adopt and amend certain rules; classifying family  
69 foster homes by licensure type; exempting certain  
70 household members from specified fingerprinting  
71 requirements; authorizing the department to adopt  
72 rules relating to certain summer camps; deleting  
73 references to preservice training requirements for  
74 emergency shelter parents; providing inservice  
75 training requirements for certain foster parents;  
76 amending ss. 39.302, 39.6012, 394.495, 409.1676, and  
77 960.065, F.S.; conforming cross-references; providing  
78 an effective date.

79

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

81

82 Section 1. Subsection (29) of section 39.01, Florida  
83 Statutes, is redesignated as subsection (30), subsections (30)  
84 through (46) of that section are redesignated as subsections  
85 (35) through (51), respectively, subsections (47) through (81)  
86 of that section are redesignated as subsections (53) through  
87 (87), respectively, present subsections (10) and (32) and

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88 paragraph (g) of present subsection (30) of that section are  
89 amended, and new subsections (29), (31), (32), (33), (34), and  
90 (52) are added to that section, to read:

91 39.01 Definitions.—When used in this chapter, unless the  
92 context otherwise requires:

93 (10) “Caregiver” means the parent, legal custodian,  
94 permanent guardian, adult household member, or other person  
95 responsible for a child’s welfare as defined in subsection (54)  
96 ~~(48)~~.

97 (29) “Fictive kin” means a person unrelated by birth,  
98 marriage, or adoption who has an emotionally significant  
99 relationship to a child which has the characteristics of a  
100 family relationship.

101 (31) “Guardian” means a relative, nonrelative, next of kin,  
102 or fictive kin who is awarded physical custody of a child in a  
103 proceeding brought pursuant to this chapter.

104 (32) “Guardianship assistance payment” means a monthly cash  
105 payment made by the department to a guardian on behalf of an  
106 eligible child or young adult.

107 (33) “Guardianship Assistance Program” means a program that  
108 provides benefits to a child’s guardian on behalf of the child.  
109 Benefits may be in the form of a guardianship assistance  
110 payment, a guardianship nonrecurring payment, or Medicaid  
111 coverage.

112 (34) “Guardianship nonrecurring payment” means a one-time  
113 payment of up to \$2,000 made by the department to a guardian to  
114 assist with the expenses associated with obtaining legal  
115 guardianship of a child who is eligible for the Guardianship  
116 Assistance Program.

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117 (35)~~(30)~~ "Harm" to a child's health or welfare can occur  
118 when any person:

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

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

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

131  
132 As used in this paragraph, the term "controlled substance" means  
133 prescription drugs not prescribed for the parent or not  
134 administered as prescribed and controlled substances as outlined  
135 in Schedule I or Schedule II of s. 893.03.

136 (37)~~(32)~~ "Institutional child abuse or neglect" means  
137 situations of known or suspected child abuse or neglect in which  
138 the person allegedly perpetrating the child abuse or neglect is  
139 an employee of a private school, public or private day care  
140 center, residential home, institution, facility, or agency or  
141 any other person at such institution responsible for the child's  
142 care as defined in subsection (54) ~~(48)~~.

143 (52) "Nonrelative" means a person unrelated by  
144 consanguinity or affinity or a relative outside the fifth degree  
145 of consanguinity or affinity.

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146 Section 2. Subsections (2) through (7) of section 39.0138,  
147 Florida Statutes, are redesignated as subsections (3) through  
148 (8), respectively, and a new subsection (2) is added to that  
149 section, to read:

150 39.0138 Criminal history and other records checks; limit on  
151 placement of a child.—

152 (2) The department shall establish an exemption process for  
153 household members who have physical and developmental  
154 disabilities that prevent them from being fingerprinted.

155 (a) Exemptions shall be granted when fingerprinting is not  
156 possible due to:

- 157 1. Physical limitations;  
158 2. Developmental limitations; or  
159 3. Cognitive limitations.

160 (b) Before granting an exemption under this subsection, the  
161 department or its designee shall assess the limitations that  
162 justify the exemption and whether the safety and well-being of  
163 the child placed or to be placed in the home and access to the  
164 child by the exempted household member will be affected by such  
165 limitations.

166 (c) The department shall adopt rules and operating  
167 procedures governing the documentation required to determine if  
168 an exemption should be granted under this subsection.

169 Section 3. Paragraph (h) is added to subsection (2) of  
170 section 39.5085, Florida Statutes, and subsection (3) is added  
171 to that section, to read:

172 39.5085 Relative Caregiver Program.—

173 (2)

174 (h) If the department determines that a nonrelative

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175 caregiver has received financial assistance under this section  
176 to which he or she is not entitled, the department shall take  
177 all necessary steps to recover such payment. The department may  
178 make appropriate settlements and shall establish policies and  
179 adopt rules to calculate and recover such payments.

180 (3) (a) The Relative Caregiver Program may not accept  
181 initial applications after June 30, 2019. Relative Caregiver  
182 Program benefits shall continue to be provided to caregivers  
183 currently participating in the program until the child reaches  
184 18 years of age. Persons seeking financial assistance after June  
185 30, 2019, must submit an application for the Guardianship  
186 Assistance Program.

187 (b) The recipient renewal and redetermination process for  
188 current participants in the Relative Caregiver Program shall  
189 continue under the guidelines set forth in this section and as  
190 established by department rule.

191 Section 4. Paragraph (c) of subsection (1) of section  
192 39.521, Florida Statutes, is amended to read:

193 39.521 Disposition hearings; powers of disposition.—

194 (1) A disposition hearing shall be conducted by the court,  
195 if the court finds that the facts alleged in the petition for  
196 dependency were proven in the adjudicatory hearing, or if the  
197 parents or legal custodians have consented to the finding of  
198 dependency or admitted the allegations in the petition, have  
199 failed to appear for the arraignment hearing after proper  
200 notice, or have not been located despite a diligent search  
201 having been conducted.

202 (c) When any child is adjudicated by a court to be  
203 dependent, the court having jurisdiction of the child has the

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204 power by order to:

205 1. Require the parent and, when appropriate, the legal  
206 guardian ~~eustodian~~ and the child to participate in treatment and  
207 services identified as necessary. The court may require the  
208 person who has custody or who is requesting custody of the child  
209 to submit to a mental health or substance abuse disorder  
210 assessment or evaluation. The order may be made only upon good  
211 cause shown and pursuant to notice and procedural requirements  
212 provided under the Florida Rules of Juvenile Procedure. The  
213 mental health assessment or evaluation must be administered by a  
214 qualified professional as defined in s. 39.01, and the substance  
215 abuse assessment or evaluation must be administered by a  
216 qualified professional as defined in s. 397.311. The court may  
217 also require such person to participate in and comply with  
218 treatment and services identified as necessary, including, when  
219 appropriate and available, participation in and compliance with  
220 a mental health court program established under chapter 394 or a  
221 treatment-based drug court program established under s. 397.334.  
222 Adjudication of a child as dependent based upon evidence of harm  
223 as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good  
224 cause, and the court shall require the parent whose actions  
225 caused the harm to submit to a substance abuse disorder  
226 assessment or evaluation and to participate and comply with  
227 treatment and services identified in the assessment or  
228 evaluation as being necessary. In addition to supervision by the  
229 department, the court, including the mental health court program  
230 or the treatment-based drug court program, may oversee the  
231 progress and compliance with treatment by a person who has  
232 custody or is requesting custody of the child. The court may



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233 impose appropriate available sanctions for noncompliance upon a  
234 person who has custody or is requesting custody of the child or  
235 make a finding of noncompliance for consideration in determining  
236 whether an alternative placement of the child is in the child's  
237 best interests. Any order entered under this subparagraph may be  
238 made only upon good cause shown. This subparagraph does not  
239 authorize placement of a child with a person seeking custody of  
240 the child, other than the child's parent or legal custodian, who  
241 requires mental health or substance abuse disorder treatment.

242       2. Require, if the court deems necessary, the parties to  
243 participate in dependency mediation.

244       3. Require placement of the child either under the  
245 protective supervision of an authorized agent of the department  
246 in the home of one or both of the child's parents or in the home  
247 of a relative of the child or another adult approved by the  
248 court, or in the custody of the department. Protective  
249 supervision continues until the court terminates it or until the  
250 child reaches the age of 18, whichever date is first. Protective  
251 supervision shall be terminated by the court whenever the court  
252 determines that permanency has been achieved for the child,  
253 whether with a parent, another relative, or a legal custodian,  
254 and that protective supervision is no longer needed. The  
255 termination of supervision may be with or without retaining  
256 jurisdiction, at the court's discretion, and shall in either  
257 case be considered a permanency option for the child. The order  
258 terminating supervision by the department must set forth the  
259 powers of the custodian of the child and include the powers  
260 ordinarily granted to a guardian of the person of a minor unless  
261 otherwise specified. Upon the court's termination of supervision

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262 by the department, further judicial reviews are not required if  
263 permanency has been established for the child.

264 4. Determine whether the child has a strong attachment to  
265 the prospective permanent guardian and whether the guardian has  
266 a strong commitment to permanently caring for the child.

267 Section 5. Paragraph (f) is added to subsection (1) of  
268 section 39.6221, Florida Statutes, to read:

269 39.6221 Permanent guardianship of a dependent child.—

270 (1) If a court determines that reunification or adoption is  
271 not in the best interest of the child, the court may place the  
272 child in a permanent guardianship with a relative or other adult  
273 approved by the court if all of the following conditions are  
274 met:

275 (f) The child demonstrates a strong attachment to the  
276 prospective permanent guardian and the guardian has a strong  
277 commitment to permanently caring for the child.

278 Section 6. Section 39.6225, Florida Statutes, is created to  
279 read:

280 39.6225 Guardianship Assistance Program.—

281 (1) The department shall establish and operate the  
282 Guardianship Assistance Program to provide guardianship  
283 assistance payments to relatives, nonrelatives, next of kin, and  
284 fictive kin who meet the eligibility requirements established in  
285 this section. The program shall take effect July 1, 2019. For  
286 purposes of administering the program, the term:

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

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

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291 (2) To approve an application for the program, the  
292 department must determine that all of the following requirements  
293 have been met:

294 (a) The child's placement with the prospective permanent  
295 guardian has been approved by the court.

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

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

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

304 (3) A guardian who has entered into a guardianship  
305 agreement for a dependent child may also receive guardianship  
306 assistance payments for a dependent sibling of that dependent  
307 child as a result of a court's determination in regard to the  
308 sibling of child abuse, neglect, or abandonment and subsequent  
309 placement of the child with the relative under this part.

310 (4) The department shall complete an annual redetermination  
311 of eligibility for recipients of guardianship assistance  
312 benefits. If the department determines that a recipient is no  
313 longer eligible for guardianship assistance benefits, the  
314 benefits must be terminated.

315 (5) Guardianship assistance benefits shall be terminated  
316 if:

317 (a) The child is absent from the home of the guardian for a  
318 period of at least 60 consecutive calendar days, unless the  
319 child:

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

323 2. Continues to be under the care and custody of the  
324 guardian; or

325 (b) The court modifies the placement of the child and the  
326 guardian is no longer eligible to receive guardianship  
327 assistance benefits.

328 (6) A guardian who has met the requirements of subsection  
329 (2) and is caring for a child placed with the guardian by the  
330 court pursuant to this part may receive a guardianship  
331 assistance payment based on the following criteria:

332 (a) Children with an approved program application are  
333 eligible for guardianship assistance payments.

334 (b) Children receiving cash benefits through the program  
335 are not eligible to simultaneously receive relative caregiver  
336 benefits, postsecondary education services and supports under s.  
337 409.1451, or child-only cash assistance under chapter 414.

338 (c) Guardianship assistance payments are not contingent  
339 upon continued residency in the state. Guardianship assistance  
340 payments must continue for court-approved permanent guardians  
341 who move out of state and continue to meet the requirements of  
342 this subsection and as specified in department rule. Relicensure  
343 of the out-of-state guardian's home is not required for  
344 continuity of payments.

345 (d) Guardianship assistance payments for a child from  
346 another state who is placed with a guardian in this state are  
347 the responsibility of the other state.

348 (e) The department shall provide guardianship assistance

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349 payments in the amount of \$4,000 annually, paid on a monthly  
350 basis, or in an amount other than \$4,000 annually as determined  
351 by the guardian and the department and documented in a written  
352 agreement between the guardian and the department. The agreement  
353 must take into consideration the circumstances of the guardian  
354 and the needs of the child. Changes may not be made without the  
355 concurrence of the guardian. However, in no case shall the  
356 amount of the monthly payment exceed the foster care maintenance  
357 payment that would have been paid during the same period if the  
358 child had been in licensed care at his or her designated level  
359 of care at the rate established in s. 409.145(4).

360 (f) Payments made pursuant to this section shall cease when  
361 the child attains 18 years of age.

362 (7) The department shall provide guardianship nonrecurring  
363 payments of up to \$2,000 for expenses associated with the  
364 guardian obtaining permanent guardianship of the child pursuant  
365 to s. 39.6221.

366 (a) Such expenses include reasonable and necessary fees to  
367 obtain guardianship and may include the cost of a home study,  
368 court costs, attorney fees, physical and psychological  
369 examinations, and other expenses directly related to the legal  
370 guardianship of the child.

371 (b) Such payments are also available for siblings placed in  
372 the same home as the child.

373 (8) The department may use appropriate and available state  
374 and federal funds to operate the program.

375 (9) A child who is living with a caregiver and receiving  
376 assistance under this section is eligible for Medicaid coverage  
377 until he or she is 18 years of age. This subsection does not

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378 apply to a child who is eligible under subsection (7) and for  
379 whom guardianship nonrecurring payments are being made.

380 (10) Guardianship assistance payments shall only be made  
381 for a young adult whose permanent guardian entered into a  
382 guardianship assistance agreement after the child attained 16  
383 years of age but before the child attained 18 years of age if  
384 the young adult is:

385 (a) Completing secondary education or a program leading to  
386 an equivalent credential;

387 (b) Enrolled in an institution that provides postsecondary  
388 or vocational education;

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

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

392 (e) Unable to participate in programs or activities listed  
393 in paragraphs (a)-(d) full time due to a physical, intellectual,  
394 emotional, or psychiatric condition that limits participation.  
395 Any such barrier to participation must be supported by  
396 documentation in the child's case file or school or medical  
397 records.

398 (11) The case plan must describe the following for each  
399 child with a permanency goal of permanent guardianship in which  
400 the guardian is in receipt of guardianship assistance payments:

401 (a) The manner in which the child meets program eligibility  
402 requirements.

403 (b) The manner in which the agency determined that  
404 reunification or adoption is not appropriate.

405 (c) Efforts to discuss adoption with the child's permanent  
406 guardian.

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

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

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

413 (g) Efforts to consult the child, if the child is 14 years  
414 of age or older, regarding the permanent guardianship  
415 arrangement.

416 (12) The department shall adopt rules to administer the  
417 program.

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

420 39.6251 Continuing care for young adults.—

421 (6) A young adult who is between the ages of 18 and 21 and  
422 who has left care may return to care by applying to the  
423 community-based care lead agency for readmission. The community-  
424 based care lead agency shall readmit the young adult if he or  
425 she continues to meet the eligibility requirements in this  
426 section.

427 (b) Within 30 days after the young adult has been  
428 readmitted to care, the community-based care lead agency shall  
429 assign a case manager to update the case plan and the transition  
430 plan and to arrange for the required services. Updates to the  
431 case plan and the transition plan and arrangements for the  
432 required services ~~Such activities~~ shall be undertaken in  
433 consultation with the young adult. The department shall petition  
434 the court to reinstate jurisdiction over the young adult.  
435 Notwithstanding s. 39.013(2), the court shall resume

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436 jurisdiction over the young adult if the department establishes  
 437 that he or she continues to meet the eligibility requirements in  
 438 this section.

439 (7) During each period of time that a young adult is in  
 440 care, the community-based lead agency shall provide regular case  
 441 management reviews that must include at least monthly contact  
 442 with the case manager. ~~If a young adult lives outside the~~  
 443 ~~service area of his or her community-based care lead agency,~~  
 444 ~~monthly contact may occur by telephone.~~

445 Section 8. Subsection (4) of section 409.145, Florida  
 446 Statutes, is amended to read:

447 409.145 Care of children; quality parenting; "reasonable  
 448 and prudent parent" standard.—The child welfare system of the  
 449 department shall operate as a coordinated community-based system  
 450 of care which empowers all caregivers for children in foster  
 451 care to provide quality parenting, including approving or  
 452 disapproving a child's participation in activities based on the  
 453 caregiver's assessment using the "reasonable and prudent parent"  
 454 standard.

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

456 (a) Effective July 1, 2019, level I family foster homes  
 457 shall receive a monthly room and board rate of \$333.

458 (b) ~~(a)~~ Effective July 1, 2019, level II family foster homes  
 459 shall receive January 1, 2014, room and board rates ~~paid to~~  
 460 ~~foster parents~~ are as follows:

461

Monthly Foster Care Rate

462



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0-5 Years	6-12 Years	13-21 Years
Age	Age	Age

463

<u>\$448.63</u> <del>\$429</del>	<u>\$460.02</u> <del>\$440</del>	<u>\$538.43</u> <del>\$515</del>
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464

465 (c) ~~(b)~~ Level II through level V family foster homes ~~parents~~  
 466 shall receive an annual cost of living increase. The department  
 467 shall calculate the new room and board rate increase equal to  
 468 the percentage change in the Consumer Price Index for All Urban  
 469 Consumers, U.S. City Average, All Items, not seasonally  
 470 adjusted, or successor reports, for the preceding December  
 471 compared to the prior December as initially reported by the  
 472 United States Department of Labor, Bureau of Labor Statistics.  
 473 The department shall make available the adjusted room and board  
 474 rates annually.

475 (d) ~~(e)~~ The amount of the monthly foster care room and board  
 476 rate may be increased upon agreement among the department, the  
 477 community-based care lead agency, and the foster parent.

478 (e) ~~(d)~~ Community-based care lead agencies providing care  
 479 under contract with the department shall pay a supplemental room  
 480 and board payment to level II through level V family foster  
 481 homes ~~care parents~~ for providing independent life skills and  
 482 normalcy supports to children who are 13 through 17 years of age  
 483 placed in their care. The supplemental payment shall be paid  
 484 monthly to the level II through level V family foster homes ~~care~~  
 485 ~~parents~~ on a per-child basis in addition to the current monthly  
 486 room and board rate payment. The supplemental monthly payment  
 487 shall be based on 10 percent of the monthly room and board rate  
 488 for children 13 through 21 years of age as provided under this

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489 section and adjusted annually.

490 Section 9. Subsections (4) and (5) of section 409.166,  
491 Florida Statutes, are amended to read:

492 409.166 Children within the child welfare system; adoption  
493 assistance program.—

494 (4) ADOPTION ASSISTANCE.—

495 (a) For purposes of administering payments under paragraph  
496 (d), the term:

497 1. "Child" means an individual who has not attained 21  
498 years of age.

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

501 (b)~~(a)~~ A maintenance subsidy shall be granted only when all  
502 other resources available to a child have been thoroughly  
503 explored and it can be clearly established that this is the most  
504 acceptable plan for providing permanent placement for the child.  
505 The maintenance subsidy may not be used as a substitute for  
506 adoptive parent recruitment or as an inducement to adopt a child  
507 who might be placed without providing a subsidy. However, it  
508 shall be the policy of the department that no child be denied  
509 adoption if providing a maintenance subsidy would make adoption  
510 possible. The best interest of the child shall be the deciding  
511 factor in every case. This section does not prohibit foster  
512 parents from applying to adopt a child placed in their care.  
513 Foster parents or relative caregivers must be asked if they  
514 would adopt without a maintenance subsidy.

515 (c)~~(b)~~ The department shall provide adoption assistance to  
516 the adoptive parents, subject to specific appropriation, in the  
517 amount of \$5,000 annually, paid on a monthly basis, for the

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518 support and maintenance of a child until the 18th birthday of  
519 such child or in an amount other than \$5,000 annually as  
520 determined by the adoptive parents and the department and  
521 memorialized in a written agreement between the adoptive parents  
522 and the department. The agreement shall take into consideration  
523 the circumstances of the adoptive parents and the needs of the  
524 child being adopted. The amount of subsidy may be adjusted based  
525 upon changes in the needs of the child or circumstances of the  
526 adoptive parents. Changes may ~~shall~~ not be made without the  
527 concurrence of the adoptive parents. However, in no case shall  
528 the amount of the monthly payment exceed the foster care  
529 maintenance payment that would have been paid during the same  
530 period if the child had been in a foster family home.

531 (d) Effective January 1, 2019, adoption assistance payments  
532 may be made for a child whose adoptive parent entered into an  
533 adoption assistance agreement after the child reached 16 years  
534 of age but before the child reached 18 years of age if the child  
535 is:

536 1. Completing secondary education or a program leading to  
537 an equivalent credential;

538 2. Enrolled in an institution that provides postsecondary  
539 or vocational education;

540 3. Participating in a program or activity designed to  
541 promote or eliminate barriers to employment;

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

543 5. Unable to participate in programs or activities listed  
544 in subparagraphs 1.-4. full time due to a physical,  
545 intellectual, emotional, or psychiatric condition that limits  
546 participation. Any such barrier to participation must be

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547 supported by documentation in the child's case file or school or  
548 medical records.

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

553 (f)~~(e)~~ The department may provide adoption assistance to  
554 the adoptive parents, subject to specific appropriation, for  
555 medical assistance initiated after the adoption of the child for  
556 medical, surgical, hospital, and related services needed as a  
557 result of a physical or mental condition of the child which  
558 existed before the adoption and is not covered by Medicaid,  
559 Children's Medical Services, or Children's Mental Health  
560 Services. Such assistance may be initiated at any time but shall  
561 terminate on or before the child's 18th birthday.

562 (5) ELIGIBILITY FOR SERVICES.—

563 (a) As a condition of providing adoption assistance under  
564 this section and before the adoption is finalized, the adoptive  
565 parents must have an approved adoption home study and must enter  
566 into an adoption-assistance agreement with the department which  
567 specifies the financial assistance and other services to be  
568 provided.

569 (b) A child who is handicapped at the time of adoption is  
570 ~~shall be~~ eligible for services through the Children's Medical  
571 Services network established under part I of chapter 391 if the  
572 child was eligible for such services before ~~prior to~~ the  
573 adoption.

574 Section 10. Subsection (3) of section 409.1678, Florida  
575 Statutes, is amended to read:

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576 409.1678 Specialized residential options for children who  
577 are victims of commercial sexual exploitation.—

578 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR  
579 HOSPITAL.—Residential treatment centers licensed under s.  
580 394.875, and hospitals licensed under chapter 395 that provide  
581 residential mental health treatment, shall provide specialized  
582 treatment for commercially sexually exploited children in the  
583 custody of the department who are placed in these facilities  
584 pursuant to s. 39.407(6), s. 394.4625, or s. 394.467 and. ~~The~~  
585 ~~specialized treatment must meet the requirements of~~  
586 ~~subparagraphs (2) (c) 1. and 3. 7., paragraph (2) (d), and the~~  
587 ~~department's treatment standards adopted pursuant to this~~  
588 ~~section. The facilities~~ shall ensure that children are served in  
589 single-sex groups and that staff working with such children are  
590 adequately trained in the effects of trauma and sexual  
591 exploitation, the needs of child victims of commercial sexual  
592 exploitation, and how to address those needs using strength-  
593 based and trauma-informed approaches.

594 Section 11. Subsections (2), (4), (5), (6), and (14) of  
595 section 409.175, Florida Statutes, are amended to read:

596 409.175 Licensure of family foster homes, residential  
597 child-caring agencies, and child-placing agencies; public  
598 records exemption.—

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

600 (a) "Agency" means a residential child-caring agency or a  
601 child-placing agency.

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

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605 1. Accredited for academic programs by the Florida Council  
606 of Independent Schools, the Southern Association of Colleges and  
607 Schools, an accrediting association that is a member of the  
608 National Council for Private School Accreditation, or an  
609 accrediting association that is a member of the Florida  
610 Association of Academic Nonpublic Schools, and that is  
611 accredited for residential programs by the Council on  
612 Accreditation, the Commission on Accreditation of Rehabilitation  
613 Facilities, or the Coalition for Residential Education; or

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

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

619 (d) "Child-placing agency" means any person, corporation,  
620 or agency, public or private, other than the parent or legal  
621 guardian of the child or an intermediary acting pursuant to  
622 chapter 63, that receives a child for placement and places or  
623 arranges for the placement of a child in a family foster home,  
624 residential child-caring agency, or adoptive home.

625 (e) "Family foster home" means a private residence in which  
626 children who are unattended by a parent or legal guardian are  
627 provided 24-hour care. The term does not include an adoptive  
628 home that has been approved by the department or a licensed  
629 child-placing agency for children placed for adoption ~~Such homes~~  
630 ~~include emergency shelter family homes and specialized foster~~  
631 ~~homes for children with special needs. A person who cares for a~~  
632 ~~child of a friend for a period not to exceed 90 days, a relative~~  
633 ~~who cares for a child and does not receive reimbursement for~~

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634 ~~such care from the state or federal government, or an adoptive~~  
635 ~~home which has been approved by the department or by a licensed~~  
636 ~~child-placing agency for children placed for adoption is not~~  
637 ~~considered a family foster home.~~

638 (f) "License" means "license" as defined in s. 120.52(10).  
639 A license under this section is issued to a family foster home  
640 or other facility and is not a professional license of any  
641 individual. Receipt of a license under this section does ~~shall~~  
642 not create a property right in the recipient. A license under  
643 this act is a public trust and a privilege, and is not an  
644 entitlement. This privilege must guide the finder of fact or  
645 trier of law at any administrative proceeding or court action  
646 initiated by the department.

647 (g) "Licensing home study" means a documented assessment,  
648 as defined by department rule, to determine the safety and  
649 appropriateness of any 24-hour living arrangement for a child  
650 who is unattended by a parent or legal guardian. A primary  
651 caregiver issued a license for a specific child may apply for a  
652 waiver of the non-safety-related and non-health-related elements  
653 of a licensing home study under the Guardianship Assistance  
654 Program established in s. 39.6225.

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

660 (i) ~~(h)~~ "Owner" means the person who is licensed to operate  
661 the child-placing agency, family foster home, or residential  
662 child-caring agency.

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663        (j)~~(i)~~ "Personnel" means all owners, operators, employees,  
664 and volunteers working in a child-placing agency, family foster  
665 home, or residential child-caring agency who may be employed by  
666 or do volunteer work for a person, corporation, or agency that  
667 holds a license as a child-placing agency or a residential  
668 child-caring agency, but the term does not include those who do  
669 not work on the premises where child care is furnished and have  
670 no direct contact with a child or have no contact with a child  
671 outside of the presence of the child's parent or guardian. For  
672 purposes of screening, the term includes any member, over the  
673 age of 12 years, of the family of the owner or operator or any  
674 person other than a client, over the age of 12 years, residing  
675 with the owner or operator if the agency or family foster home  
676 is located in or adjacent to the home of the owner or operator  
677 or if the family member of, or person residing with, the owner  
678 or operator has any direct contact with the children. Members of  
679 the family of the owner or operator, or persons residing with  
680 the owner or operator, who are between the ages of 12 years and  
681 18 years are not required to be fingerprinted, but must be  
682 screened for delinquency records. For purposes of screening, the  
683 term also includes owners, operators, employees, and volunteers  
684 working in summer day camps, or summer 24-hour camps providing  
685 care for children. A volunteer who assists on an intermittent  
686 basis for less than 10 hours per month may ~~shall~~ not be included  
687 in the term "personnel" for the purposes of screening if a  
688 person who meets the screening requirement of this section is  
689 always present and has the volunteer in his or her line of  
690 sight.

691        (k) "Placement screening" means the act of assessing the



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692 background of household members in the family foster home and  
693 includes, but is not limited to, criminal history checks as  
694 provided in s. 39.0138 using the standards for screening set  
695 forth in that section. The term "household member" means any  
696 member of the family or any person, other than the child being  
697 placed, over the age of 12 years who resides with the owner of  
698 the family foster home if such member or person has any direct  
699 contact with the child. Household members who are between the  
700 ages of 12 and 18 years are not required to be fingerprinted but  
701 must be screened for delinquency records.

702 (1)~~(j)~~ "Residential child-caring agency" means any person,  
703 corporation, or agency, public or private, other than the  
704 child's parent or legal guardian, that provides staffed 24-hour  
705 care for children in facilities maintained for that purpose,  
706 regardless of whether operated for profit or whether a fee is  
707 charged. Such residential child-caring agencies include, but are  
708 not limited to, maternity homes, runaway shelters, group homes  
709 that are administered by an agency, emergency shelters that are  
710 not in private residences, and wilderness camps. Residential  
711 child-caring agencies do not include hospitals, boarding  
712 schools, summer or recreation camps, nursing homes, or  
713 facilities operated by a governmental agency for the training,  
714 treatment, or secure care of delinquent youth, or facilities  
715 licensed under s. 393.067 or s. 394.875 or chapter 397.

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

720 (n) "Severe disability" means a physical, developmental, or

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721 cognitive limitation affecting an individual's ability to safely  
722 submit fingerprints.

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

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

732 (4) (a) A person, family foster home, or residential child-  
733 caring agency may not provide continuing full-time child care or  
734 custody unless such person, home, or agency has first procured a  
735 license from the department to provide such care. This  
736 requirement does not apply to a person who is a relative of the  
737 child by blood, marriage, or adoption, a permanent guardian  
738 established under s. 39.6221, a licensed child-placing agency,  
739 or an intermediary for the purposes of adoption pursuant to  
740 chapter 63. A guardian who is applying for the Guardianship  
741 Assistance Program established in s. 39.6225 must apply for a  
742 license with the department as part of the eligibility  
743 requirements for the program.

744 (b) A person or agency, other than a parent or legal  
745 guardian of the child or an intermediary as defined in s.  
746 63.032, may ~~shall~~ not place or arrange for the placement of a  
747 child in a family foster home, residential child-caring agency,  
748 or adoptive home unless such person or agency has first procured  
749 a license from the department to do so.

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750 (c) A state, county, city, or political subdivision may  
751 ~~shall~~ not operate a residential group care agency, or receive  
752 children for placement in residential group care facilities,  
753 family foster homes, or adoptive homes without a license issued  
754 pursuant to this section.

755 (d) This license requirement does not apply to boarding  
756 schools, recreation and summer camps, nursing homes, hospitals,  
757 or to persons who care for children of friends or neighbors in  
758 their homes for periods not to exceed 90 days or to persons who  
759 have received a child for adoption from a licensed child-placing  
760 agency.

761 (e) The department or licensed child-placing agency may  
762 place a 16-year-old child or 17-year-old child in her or his own  
763 unlicensed residence, or in the unlicensed residence of an adult  
764 who has no supervisory responsibility for the child, provided  
765 the department or licensed child-placing agency retains  
766 supervisory responsibility for the child.

767 (5)~~(a)~~ The department shall adopt and amend ~~licensing~~ rules  
768 for the levels of licensed care associated with the licensure of  
769 family foster homes, residential child-caring agencies, and  
770 child-placing agencies. The rules may also include criteria to  
771 approve waivers of licensing requirements for such homes and  
772 agencies when applying for a child-specific license.

773 (a) Family foster homes shall be classified by levels of  
774 licensure, as follows:

775 1. Level I.-

776 a. Level I family foster homes are child-specific foster  
777 homes.

778 b. The caregiver of a level I family foster home must meet

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779 all licensing requirements pursuant to paragraph (b). However,  
780 requirements not directly related to safety may be waived.

781 2. Level II.-

782 a. Level II family foster homes are non-child-specific  
783 foster homes.

784 b. The caregiver of a level II family foster home must meet  
785 all licensing requirements pursuant to paragraph (b).

786 3. Level III.-

787 a. Level III family foster homes are safe foster homes for  
788 victims of human trafficking.

789 b. The caregiver of a level III family foster home must  
790 meet all licensing requirements pursuant to paragraph (b) and  
791 all certification requirements pursuant to s. 409.1678.

792 4. Level IV.-

793 a. Level IV family foster homes are therapeutic foster  
794 homes.

795 b. The caregiver of a level IV family foster home must meet  
796 all licensing requirements pursuant to paragraph (b) and all  
797 certification requirements established by rule by the Agency for  
798 Health Care Administration.

799 5. Level V.-

800 a. Level V family foster homes are medical foster homes.

801 b. The caregiver of a level V family foster home must meet  
802 all licensing requirements pursuant to paragraph (b) and all  
803 certification requirements established by rule by the Agency for  
804 Health Care Administration ~~The department may also adopt rules~~  
805 ~~relating to the screening requirements for summer day camps and~~  
806 ~~summer 24-hour camps.~~

807 (b) The requirements for licensure and operation of family

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808 foster homes, residential child-caring agencies, and child-  
809 placing agencies shall include:

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

813 2. The provision of food, clothing, educational  
814 opportunities, services, equipment, and individual supplies to  
815 assure the healthy physical, emotional, and mental development  
816 of the children served.

817 3. The appropriateness, safety, cleanliness, and general  
818 adequacy of the premises, including fire prevention and health  
819 standards, to provide for the physical comfort, care, and well-  
820 being of the children served.

821 4. The ratio of staff to children required to provide  
822 adequate care and supervision of the children served and, in the  
823 case of foster homes, the maximum number of children in the  
824 home.

825 5. The good moral character based upon screening,  
826 education, training, and experience requirements for personnel.

827 6. The department may grant exemptions from  
828 disqualification from working with children or the  
829 developmentally disabled as provided in s. 435.07.

830 7. The provision of preservice and inservice training for  
831 all foster parents and agency staff.

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

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

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837           10. The provision for parental involvement to encourage  
838 preservation and strengthening of a child's relationship with  
839 the family.

840           11. The transportation safety of children served.

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

843           13. Provisions to safeguard the legal rights of children  
844 served.

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

848           (d)~~(e)~~ The department shall randomly drug test a licensed  
849 foster parent if there is a reasonable suspicion that he or she  
850 is using illegal drugs. The cost of testing shall be paid by the  
851 foster parent but shall be reimbursed by the department if the  
852 test is negative. The department may adopt rules necessary to  
853 administer this paragraph.

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

859           (f)~~(e)~~ The department may ~~shall~~ not adopt rules which  
860 interfere with the free exercise of religion or which regulate  
861 religious instruction or teachings in any child-caring or child-  
862 placing home or agency. This section may not; ~~however, nothing~~  
863 ~~herein shall~~ be construed to allow religious instruction or  
864 teachings that are inconsistent with the health, safety, or  
865 well-being of any child; with public morality; or with the

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866 religious freedom of children, parents, or legal guardians who  
867 place their children in such homes or agencies.

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

874 (6) (a) An application for a license shall be made on forms  
875 provided, and in the manner prescribed, by the department. The  
876 department shall make a determination as to the good moral  
877 character of the applicant based upon screening. Adult household  
878 members with severe disabilities may be granted an exemption  
879 from fingerprinting requirements pursuant to s. 39.0138.

880 (b) Upon application, the department shall conduct a  
881 licensing study based on its licensing rules; shall inspect the  
882 home or the agency and the records, including financial records,  
883 of the agency; and shall interview the applicant. The department  
884 may authorize a licensed child-placing agency to conduct the  
885 licensing study of a family foster home to be used exclusively  
886 by that agency and to verify to the department that the home  
887 meets the licensing requirements established by the department.  
888 Upon certification by a licensed child-placing agency that a  
889 family foster home meets the licensing requirements and upon  
890 receipt of a letter from a community-based care lead agency in  
891 the service area where the home will be licensed which indicates  
892 that the family foster home meets the criteria established by  
893 the lead agency, the department shall issue the license. A  
894 letter from the lead agency is not required if the lead agency

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895 where the proposed home is located is directly supervising  
896 foster homes in the same service area.

897 (c) A licensed family foster home, child-placing agency, or  
898 residential child-caring agency which applies for renewal of its  
899 license shall submit to the department a list of personnel who  
900 have worked on a continuous basis at the applicant family foster  
901 home or agency since submitting fingerprints to the department,  
902 identifying those for whom a written assurance of compliance was  
903 provided by the department and identifying those personnel who  
904 have recently begun working at the family foster home or agency  
905 and are awaiting the results of the required fingerprint check,  
906 along with the date of the submission of those fingerprints for  
907 processing. The department shall by rule determine the frequency  
908 of requests to the Department of Law Enforcement to run state  
909 criminal records checks for such personnel except for those  
910 personnel awaiting the results of initial fingerprint checks for  
911 employment at the applicant family foster home or agency.

912 (d)1. The department may pursue other remedies provided in  
913 this section in addition to denial or revocation of a license  
914 for failure to comply with the screening requirements. The  
915 disciplinary actions determination to be made by the department  
916 and the procedure for hearing for applicants and licensees shall  
917 be in accordance with chapter 120.

918 2. When the department has reasonable cause to believe that  
919 grounds for denial or termination of employment exist, it shall  
920 notify, in writing, the applicant, licensee, or summer or  
921 recreation camp, and the personnel affected, stating the  
922 specific record that indicates noncompliance with the screening  
923 requirements.



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924           3. Procedures established for hearing under chapter 120  
925 shall be available to the applicant, licensee, summer day camp,  
926 or summer 24-hour camp, and affected personnel, in order to  
927 present evidence relating either to the accuracy of the basis  
928 for exclusion or to the denial of an exemption from  
929 disqualification. Such procedures may also be used to challenge  
930 a decision by a community-based care lead agency's refusal to  
931 issue a letter supporting an application for licensure. If the  
932 challenge is to the actions of the community-based care lead  
933 agency, the respondent to the challenge shall be the lead agency  
934 and the department shall be notified of the proceedings.

935           4. Refusal on the part of an applicant to dismiss personnel  
936 who have been found not to be in compliance with the  
937 requirements for good moral character of personnel shall result  
938 in automatic denial or revocation of license in addition to any  
939 other remedies provided in this section which may be pursued by  
940 the department.

941           (e) At the request of the department, the local county  
942 health department shall inspect a home or agency according to  
943 the licensing rules promulgated by the department. Inspection  
944 reports shall be furnished to the department within 30 days of  
945 the request. Such an inspection shall only be required when  
946 called for by the licensing agency.

947           (f) All residential child-caring agencies must meet  
948 firesafety standards for such agencies adopted by the Division  
949 of State Fire Marshal of the Department of Financial Services  
950 and must be inspected annually. At the request of the  
951 department, firesafety inspections shall be conducted by the  
952 Division of State Fire Marshal or a local fire department

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953 official who has been certified by the division as having  
954 completed the training requirements for persons inspecting such  
955 agencies. Inspection reports shall be furnished to the  
956 department within 30 days of a request.

957 (g) In the licensing process, the licensing staff of the  
958 department shall provide consultation on request.

959 (h) Upon determination that the applicant meets the state  
960 minimum licensing requirements and has obtained a letter from a  
961 community-based care lead agency which indicates that the family  
962 foster home meets the criteria established by the lead agency,  
963 the department shall issue a license without charge to a  
964 specific person or agency at a specific location. A license may  
965 be issued if all the screening materials have been timely  
966 submitted; however, a license may not be issued or renewed if  
967 any person at the home or agency has failed the required  
968 screening. The license is nontransferable. A copy of the license  
969 shall be displayed in a conspicuous place. Except as provided in  
970 paragraph (j), the license is valid for 1 year from the date of  
971 issuance, unless the license is suspended or revoked by the  
972 department or is voluntarily surrendered by the licensee. The  
973 license is the property of the department.

974 (i) The issuance of a license to operate a family foster  
975 home or agency does not require a lead agency to place a child  
976 with the home or agency. A license issued for the operation of a  
977 family foster home or agency, unless sooner suspended, revoked,  
978 or voluntarily returned, will expire automatically 1 year from  
979 the date of issuance except as provided in paragraph (j). Ninety  
980 days before ~~prior to~~ the expiration date, an application for  
981 renewal shall be submitted to the department by a licensee who

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982 wishes to have the license renewed. A license shall be renewed  
983 upon the filing of an application on forms furnished by the  
984 department if the applicant has first met the requirements  
985 established under this section and the rules promulgated  
986 hereunder.

987 (j) Except for a family foster group home having a licensed  
988 capacity for more than five children, the department may issue a  
989 license that is valid for longer than 1 year but no longer than  
990 3 years to a family foster home that:

- 991 1. Has maintained a license with the department as a family  
992 foster home for at least the 3 previous consecutive years;
- 993 2. Remains in good standing with the department; and
- 994 3. Has not been the subject of a report of child abuse or  
995 neglect with any findings of maltreatment.

996

997 A family foster home that has been issued a license valid for  
998 longer than 1 year must be monitored and visited as frequently  
999 as one that has been issued a 1-year license. The department  
1000 reserves the right to reduce a licensure period to 1 year at any  
1001 time.

1002 (k) The department may not license summer day camps or  
1003 summer 24-hour camps. However, the department shall have access  
1004 to the personnel records of such facilities to ensure compliance  
1005 with the screening requirements. The department may adopt rules  
1006 relating to the screening requirements for summer day camps and  
1007 summer 24-hour camps.

1008 (14) (a) In order to provide improved services to children,  
1009 the department shall provide or cause to be provided preservice  
1010 training for prospective foster parents ~~and emergency shelter~~

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1011 ~~parents~~ and inservice training for foster parents and ~~emergency~~  
1012 ~~shelter parents~~ who are licensed and supervised by the  
1013 department.

1014 (b) As a condition of licensure, foster parents ~~and~~  
1015 ~~emergency shelter parents~~ shall successfully complete a minimum  
1016 of 21 hours of preservice training. The preservice training  
1017 shall be uniform statewide and shall include, but not be limited  
1018 to, such areas as:

1019 1. Orientation regarding agency purpose, objectives,  
1020 resources, policies, and services;

1021 2. Role of the foster parent ~~and the emergency shelter~~  
1022 ~~parent~~ as a treatment team member;

1023 3. Transition of a child into and out of foster care ~~and~~  
1024 ~~emergency shelter care~~, including issues of separation, loss,  
1025 and attachment;

1026 4. Management of difficult child behavior that can be  
1027 intensified by placement, by prior abuse or neglect, and by  
1028 prior placement disruptions;

1029 5. Prevention of placement disruptions;

1030 6. Care of children at various developmental levels,  
1031 including appropriate discipline; and

1032 7. Effects of foster parenting on the family of the foster  
1033 parent ~~and the emergency shelter parent~~.

1034 (c) In consultation with foster parents, each region  
1035 ~~district~~ or lead agency shall develop a plan for making the  
1036 completion of the required training as convenient as possible  
1037 for potential foster parents ~~and emergency shelter parents~~. The  
1038 plan should include, without limitation, such strategies as  
1039 providing training in nontraditional locations and at

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1040 nontraditional times. The plan must be revised at least annually  
1041 and must be included in the information provided to each person  
1042 applying to become a foster parent ~~or emergency shelter parent~~.

1043 (d) Before ~~Prior to~~ licensure renewal, each level II  
1044 through level V foster parent ~~and emergency shelter parent~~ shall  
1045 successfully complete 8 hours of inservice training. Each level  
1046 I foster parent shall successfully complete 4 hours of inservice  
1047 training. Periodic time-limited training courses shall be made  
1048 available for selective use by foster parents ~~and emergency~~  
1049 ~~shelter parents~~. Such inservice training shall include subjects  
1050 affecting the daily living experiences of foster parenting as a  
1051 foster parent ~~or as an emergency shelter parent, whichever is~~  
1052 ~~appropriate~~. For a foster parent ~~or emergency shelter parent~~  
1053 participating in the required inservice training, the department  
1054 shall reimburse such parent for travel expenditures and, if both  
1055 parents in a home are attending training or if the absence of  
1056 the parent would leave the children without departmentally  
1057 approved adult supervision, ~~either~~ the department shall make  
1058 provision for child care or shall reimburse the foster ~~or~~  
1059 ~~emergency shelter~~ parents for child care purchased by the  
1060 parents for children in their care.

1061 Section 12. Subsection (1) of section 39.302, Florida  
1062 Statutes, is amended to read:

1063 39.302 Protective investigations of institutional child  
1064 abuse, abandonment, or neglect.—

1065 (1) The department shall conduct a child protective  
1066 investigation of each report of institutional child abuse,  
1067 abandonment, or neglect. Upon receipt of a report that alleges  
1068 that an employee or agent of the department, or any other entity

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1069 or person covered by s. 39.01(37) or (54) ~~s. 39.01(32) or (48)~~,

1070 acting in an official capacity, has committed an act of child

1071 abuse, abandonment, or neglect, the department shall initiate a

1072 child protective investigation within the timeframe established

1073 under s. 39.201(5) and notify the appropriate state attorney,

1074 law enforcement agency, and licensing agency, which shall

1075 immediately conduct a joint investigation, unless independent

1076 investigations are more feasible. When conducting investigations

1077 or having face-to-face interviews with the child, investigation

1078 visits shall be unannounced unless it is determined by the

1079 department or its agent that unannounced visits threaten the

1080 safety of the child. If a facility is exempt from licensing, the

1081 department shall inform the owner or operator of the facility of

1082 the report. Each agency conducting a joint investigation is

1083 entitled to full access to the information gathered by the

1084 department in the course of the investigation. A protective

1085 investigation must include an interview with the child's parent

1086 or legal guardian. The department shall make a full written

1087 report to the state attorney within 3 working days after making

1088 the oral report. A criminal investigation shall be coordinated,

1089 whenever possible, with the child protective investigation of

1090 the department. Any interested person who has information

1091 regarding the offenses described in this subsection may forward

1092 a statement to the state attorney as to whether prosecution is

1093 warranted and appropriate. Within 15 days after the completion

1094 of the investigation, the state attorney shall report the

1095 findings to the department and shall include in the report a

1096 determination of whether or not prosecution is justified and

1097 appropriate in view of the circumstances of the specific case.

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1098 Section 13. Paragraph (c) of subsection (1) of section  
1099 39.6012, Florida Statutes, is amended to read:

1100 39.6012 Case plan tasks; services.—

1101 (1) The services to be provided to the parent and the tasks  
1102 that must be completed are subject to the following:

1103 (c) If there is evidence of harm as defined in s.  
1104 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a  
1105 required task for the parent whose actions caused the harm that  
1106 the parent submit to a substance abuse disorder assessment or  
1107 evaluation and participate and comply with treatment and  
1108 services identified in the assessment or evaluation as being  
1109 necessary.

1110 Section 14. Paragraph (p) of subsection (4) of section  
1111 394.495, Florida Statutes, is amended to read:

1112 394.495 Child and adolescent mental health system of care;  
1113 programs and services.—

1114 (4) The array of services may include, but is not limited  
1115 to:

1116 (p) Trauma-informed services for children who have suffered  
1117 sexual exploitation as defined in s. 39.01(77)(g) ~~s.~~  
1118 ~~39.01(71)(g)~~.

1119 Section 15. Paragraph (b) of subsection (2) of section  
1120 409.1676, Florida Statutes, is amended to read:

1121 409.1676 Comprehensive residential group care services to  
1122 children who have extraordinary needs.—

1123 (2) As used in this section, the term:

1124 (b) "Residential group care" means a living environment for  
1125 children who have been adjudicated dependent and are expected to  
1126 be in foster care for at least 6 months with 24-hour-awake staff

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1127 or live-in group home parents or staff. Each facility must be  
1128 appropriately licensed in this state as a residential child  
1129 caring agency as defined in s.409.175(2)(1) ~~s. 409.175(2)(j)~~ and  
1130 must be accredited by July 1, 2005. A residential group care  
1131 facility serving children having a serious behavioral problem as  
1132 defined in this section must have available staff or contract  
1133 personnel with the clinical expertise, credentials, and training  
1134 to provide services identified in subsection (4).

1135 Section 16. Subsection (5) of section 960.065, Florida  
1136 Statutes, is amended to read:

1137 960.065 Eligibility for awards.—

1138 (5) A person is not ineligible for an award pursuant to  
1139 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
1140 person is a victim of sexual exploitation of a child as defined  
1141 in s. 39.01(77)(g) ~~s. 39.01(71)(g)~~.

1142 Section 17. This act shall take effect July 1, 2018.