



608810

576-03513-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; requiring the implementation of family finding by a specified date; requiring the department and community-based care lead agencies to document strategies taken to engage relatives and kin; providing strategies to engage relatives and kin; requiring the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; requiring determinations by the court; requiring the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; requiring a judge to appoint a surrogate parent for certain children; requiring the court to place on the record its determinations regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending ss. 39.506; requiring the court to make a determination regarding the



608810

576-03513-18

28 department's or the community-based lead agency's
29 reasonable engagement in family finding; providing
30 guidelines for determining reasonableness; amending s.
31 39.507, F.S.; requiring the court to make a
32 determination regarding the department's or the
33 community-based lead agency's reasonable engagement in
34 family finding; providing guidelines for determining
35 reasonableness; requiring the court to advise parents
36 that their parental rights may be terminated and the
37 child's out-of-home placement may become permanent
38 under certain circumstances; amending s. 39.5085,
39 F.S.; providing legislative findings and intent;
40 defining terms; requiring the department to provide
41 financial assistance to kinship caregivers who meet
42 certain requirements; providing eligibility criteria
43 for such financial assistance; providing that children
44 living with caregivers who are receiving financial
45 assistance are eligible for Medicaid coverage;
46 providing the purpose of a kinship navigator program;
47 requiring each community-based care lead agency to
48 establish a kinship navigator program by a certain
49 date; providing requirements for programs; requiring
50 the department to adopt rules; deleting provisions
51 related to the Relative Caregiver Program; amending s.
52 39.521, F.S.; requiring the court to make a
53 determination regarding the department's or the
54 community-based lead agency's reasonable engagement in
55 family finding; providing guidelines for determining
56 reasonableness; conforming provisions to changes made



576-03513-18

57 by the act; amending s. 39.6012, F.S.; revising the
58 types of records that must be attached to a case plan
59 and updated throughout the judicial review process;
60 requiring that documentation of the family-finding
61 efforts of the department and the community-based care
62 lead agency be included in certain case plans;
63 amending s. 39.604, F.S.; revising legislative
64 findings and intent; revising enrollment and
65 attendance requirements for children in an early
66 education or child care program; conforming cross-
67 references; providing requirements and procedures for
68 maintaining the educational stability of a child
69 during the child's placement in out-of-home care, or
70 subsequent changes in out-of-home placement; requiring
71 that a child's transition from a child care or early
72 education program be pursuant to a plan that meets
73 certain requirements; amending s. 39.6251, F.S.;
74 requiring the case manager for a young adult in foster
75 care to consult with the young adult when updating the
76 case plan and the transition plan and arrangements;
77 deleting a provision authorizing case management
78 reviews to be conducted by telephone under certain
79 circumstances; amending s. 39.701, F.S.; requiring the
80 court to appoint a surrogate parent if the child is
81 under the age of school entry; requiring the court to
82 determine if the department and community-based lead
83 agency has continued to reasonably engage in family
84 finding; providing guidelines for determining the
85 level of reasonableness; amending s. 409.166, F.S.;



608810

576-03513-18

86 defining terms; providing conditions for the
87 department to provide adoption assistance payments to
88 adoptive parents of certain children; providing that
89 children and young adults receiving benefits through
90 the adoption assistance program are ineligible for
91 other specified benefits and services; providing
92 additional conditions for eligibility for adoption
93 assistance; amending ss. 414.045 and 1009.25, F.S.;
94 conforming provisions to changes made by the act;
95 requiring the Department of Children and Families to
96 create a pilot Title IV-E Guardianship Assistance
97 Program; providing definitions; specifying eligibility
98 and limitations; requiring the Relative Caregiver
99 Program to discontinue accepting applications in
100 certain circuits by a specified date; establishing a
101 room and board rate for guardians in certain circuits
102 who are eligible for the program; providing an
103 exception to licensing standards in certain circuits
104 under certain circumstances; providing effective
105 dates.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Effective January 1, 2019, section 39.4015,
110 Florida Statutes, is created to read:

111 39.4015 Family finding.—

112 (1) LEGISLATIVE FINDINGS AND INTENT.—

113 (a) The Legislature finds that every child who is in out-
114 of-home care has the goal of finding a permanent home, whether



608810

576-03513-18

115 achieved by reunifying the child with his or her parents or
116 finding another permanent connection, such as adoption or legal
117 guardianship with a relative or nonrelative who has a
118 significant relationship with the child.

119 (b) The Legislature finds that while legal permanency is
120 important to a child in out-of-home care, emotional permanency
121 helps increase the likelihood that children will achieve
122 stability and well-being and successfully transition to
123 independent adulthood.

124 (c) The Legislature also finds that research has
125 consistently shown that placing a child within his or her own
126 family reduces the trauma of being removed from his or her home,
127 is less likely to result in placement disruptions, and enhances
128 prospects for finding a permanent family if the child cannot
129 return home.

130 (d) The Legislature further finds that the primary purpose
131 of family finding is to facilitate legal and emotional
132 permanency for children who are in out-of-home care by finding
133 and engaging their relatives.

134 (e) It is the intent of the Legislature that every child in
135 out-of-home care be afforded the advantages that can be gained
136 from the use of family finding to establish caring and long-term
137 or permanent connections and relationships for children and
138 youth in out-of-home care, as well as to establish a long-term
139 emotional support network with family members and other adults
140 who may not be able to take the child into their home but who
141 want to stay connected with the child.

142 (2) DEFINITIONS.—As used in this section, the term:

143 (a) "Diligent efforts" means the use of methods and



608810

576-03513-18

144 techniques including, but not limited to, interviews with
145 immediate and extended family and kin, genograms, eco-mapping,
146 case mining, cold calls, and specialized computer searches.

147 (b) "Family finding" means an intensive relative search and
148 engagement technique used in identifying family and other close
149 adults for children in out-of-home care and involving them in
150 developing and carrying out a plan for the emotional and legal
151 permanency of a child.

152 (c) "Family group decisionmaking" is a generic term that
153 includes a number of approaches in which family members and
154 fictive kin are brought together to make decisions about how to
155 care for their children and develop a plan for services. The
156 term includes family team conferencing, family team meetings,
157 family group conferencing, family team decisionmaking, family
158 unity meetings, and team decisionmaking, which may consist of
159 several phases and employ a trained facilitator or coordinator.

160 (d) "Fictive kin" means an individual who is unrelated to
161 the child by either birth or marriage, but has such a close
162 emotional relationship with the child that he or she may be
163 considered part of the family.

164 (3) FAMILY-FINDING PROGRAM.—The department, in
165 collaboration with sheriffs' offices that conduct child
166 protective investigations and community-based care lead
167 agencies, shall develop a formal family-finding program to be
168 implemented statewide by child protective investigators and
169 community-based care lead agencies.

170 (a) Family finding is required as soon as a child comes to
171 the attention of the department and throughout the duration of
172 the case, and finding and engaging with as many family members



608810

576-03513-18

173 and fictive kin as possible for each child who may help with
174 care or support for the child is considered a best practice. The
175 department or community-based care lead agency must specifically
176 document strategies taken to locate and engage relatives and
177 kin. Strategies of engagement may include, but are not limited
178 to, asking the relatives and kin to:

- 179 1. Participate in a family group decisionmaking conference,
180 family team conferencing, or other family meetings aimed at
181 developing or supporting the family service plan;
182 2. Attend visitations with the child;
183 3. Assist in transportation of the child;
184 4. Provide respite or child care services; or
185 5. Provide actual kinship care.

186 (b) The department and the community-based care lead
187 agencies must use diligent efforts in family finding, must
188 continue those efforts until multiple relatives and kin are
189 identified, and must go beyond basic searching tools by
190 exploring alternative tools and methodologies. Efforts by the
191 department and the community-based care lead agency may include,
192 but are not limited to:

- 193 1. Searching for and locating adult relatives and kin.
194 2. Identifying and building positive connections between
195 the child and the child's relatives and fictive kin.
196 3. Supporting the engagement of relatives and fictive kin
197 in social service planning and delivery of services and creating
198 a network of extended family support to assist in remedying the
199 concerns that led to the child becoming involved with the child
200 welfare system, when appropriate.
201 4. Maintaining family connections, when possible.



608810

576-03513-18

202 5. Keeping siblings together in care, when in the best
203 interest of each child and when possible.

204 (c) A basic computer search using the Internet or attempts
205 to contact known relatives at a last known address or telephone
206 number do not constitute effective family finding.

207 (d) The court's inquiry and determination regarding family
208 finding should be made at each stage of the case, including a
209 shelter hearing conducted pursuant to s. 39.402. The court shall
210 place its determinations on the record as to whether the
211 department or community-based care lead agency has reasonably
212 engaged in family finding. The level of reasonableness is to be
213 determined by the length of the case and the amount of time the
214 department or community-based care lead agency has had to begin
215 or continue the process.

216 (4) RULEMAKING.—The department shall adopt rules to
217 implement this section.

218 Section 2. Paragraphs (c) and (d) of subsection (11) of
219 section 39.402, Florida Statutes, and subsection (17) of that
220 section are amended to read:

221 39.402 Placement in a shelter.—

222 (11)

223 (c) The court shall request that the parents consent to
224 provide access to the child's child care records, early
225 education program records, or other educational records and
226 provide information to the court, the department or its contract
227 agencies, and any guardian ad litem or attorney for the child.
228 If a parent is unavailable or unable to consent or withholds
229 consent and the court determines access to the records and
230 information is necessary to provide services to the child, the



608810

576-03513-18

231 court shall issue an order granting access.

232 (d) The court may appoint a surrogate parent or may refer
233 the child to the district school superintendent for appointment
234 of a surrogate parent if the child has or is suspected of having
235 a disability and the parent is unavailable pursuant to s.
236 39.0016(3)(b). If the child is under the age of school entry,
237 the court must make the appointment.

238 (17) At the shelter hearing, the court shall inquire of the
239 parent whether the parent has relatives who might be considered
240 as a placement for the child. The parent shall provide to the
241 court and all parties identification and location information
242 regarding the relatives. The court shall advise the parent that
243 the parent has a continuing duty to inform the department of any
244 relative who should be considered for placement of the child.
245 The court shall place its determinations on the record as to
246 whether the department or community-based care lead agency has
247 reasonably engaged in family finding. The level of
248 reasonableness is to be determined by the length of the case and
249 amount of time the department or community-based care lead
250 agency has had to begin or continue the process.

251 Section 3. Present subsection (9) of section 39.506,
252 Florida Statutes, is redesignated as subsection (10), and a new
253 subsection (9) is added to that section, to read:

254 39.506 Arraignment hearings.—

255 (9) The court shall review whether the department or
256 community-based care lead agency has reasonably engaged in
257 family finding and make a written determination as to its
258 findings. The level of reasonableness is determined by the
259 length of the case and amount of time the department or



608810

576-03513-18

260 community-based care lead agency has had to begin or continue
261 the process.

262 Section 4. Paragraphs (c) and (d) of subsection (7) of
263 section 39.507, Florida Statutes, are amended to read:

264 39.507 Adjudicatory hearings; orders of adjudication.-

265 (7)

266 (c) If a court adjudicates a child dependent and the child
267 is in out-of-home care, the court shall inquire of the parent or
268 parents whether the parents have relatives who might be
269 considered as a placement for the child. ~~The court shall advise~~
270 ~~the parents that, if the parents fail to substantially comply~~
271 ~~with the case plan, their parental rights may be terminated and~~
272 ~~that the child's out-of-home placement may become permanent.~~ The
273 parent or parents shall provide to the court and all parties
274 identification and location information of the relatives. The
275 court shall review whether the department or community-based
276 care lead agency has reasonably engaged in family finding and
277 make a written determination as to its findings. The level of
278 reasonableness is determined by the length of the case and
279 amount of time the department or community-based care lead
280 agency has had to begin or continue the process.

281 (d) The court shall advise the parents that, if they fail
282 to substantially comply with the case plan, their parental
283 rights may be terminated and that the child's out-of-home
284 placement may become permanent.

285 Section 5. Effective January 1, 2019, section 39.5085,
286 Florida Statutes, is amended to read:

287 39.5085 Kinship Care Relative Caregiver Program.-

288 (1) LEGISLATIVE FINDINGS AND INTENT.-



608810

576-03513-18

289 (a) The Legislature finds that an increasing number of
290 relatives and fictive kin are assuming the responsibility of
291 raising children because the parents of these children are
292 unable to care for them.

293 (b) The Legislature also finds that these kinship
294 caregivers perform a vital function by providing homes for
295 children who would otherwise be at risk of foster care placement
296 and that kinship care is a crucial option in the spectrum of
297 out-of-home care available to children in need.

298 (c) The Legislature finds that children living with kinship
299 caregivers experience increased placement stability, are less
300 likely to reenter care if they are reunified with their parents,
301 and have better behavioral and mental health outcomes.

302 (d) The Legislature further finds that these kinship
303 caregivers may face a number of difficulties and need assistance
304 to support the health and well-being of the children they care
305 for. These needs include, but are not limited to, financial
306 assistance, legal assistance, respite care, child care,
307 specialized training, and counseling.

308 (e) It is the intent of the Legislature to provide for the
309 establishment and implementation of procedures and protocols
310 that are likely to increase and adequately support appropriate
311 and safe kinship care placements.

312 (2) DEFINITIONS.—As used this section, the term:

313 (a) "Fictive kin" means an individual who is unrelated to
314 the child by either birth or marriage, but has such a close
315 emotional relationship with the child that he or she may be
316 considered part of the family.

317 (b) "Kinship care" means the full-time care of a child



608810

576-03513-18

318 placed in out-of-home care by the court in the home of a
319 relative or fictive kin.

320 (c) "Kinship navigator program" means a statewide program
321 designed to ensure that kinship caregivers are provided with
322 necessary resources for the preservation of the family.

323 (d) "Relative" means an individual who is caring full time
324 for a child placed in out-of-home care by the court and who:

325 1. Is related to the child within the fifth degree by blood
326 or marriage to the parent or stepparent of the child; or

327 2. Is related to a half-sibling of that child within the
328 fifth degree by blood or marriage to the parent or stepparent.

329 (3) FINANCIAL ASSISTANCE.—The department shall provide
330 financial assistance to all caregivers who qualify under this
331 subsection.

332 (a) Relatives or fictive kin caring for a child who has
333 been placed with them by the court shall receive a monthly
334 caregiver benefit, beginning when the child is placed with them.

335 The amount of the benefit payment is based on the child's age
336 within a payment schedule established by rule of the department.

337 The cost of providing the assistance described in this section
338 to any caregiver may not exceed the cost of providing out-of-
339 home care in emergency shelter or foster care.

340 (b) Caregivers who receive assistance under this section
341 must be capable, as determined by a home study, of providing a
342 physically safe environment and a stable, supportive home for
343 the children under their care and must assure that the
344 children's well-being is met, including, but not limited to, the
345 provision of immunizations, education, and mental health
346 services, as needed.



608810

576-03513-18

347 (c) Caregivers who qualify for and receive assistance under
348 this section are not required to meet foster care licensing
349 requirements under s. 409.175.

350 (d) Children receiving cash benefits under this section are
351 not eligible to simultaneously receive WAGES cash benefits under
352 chapter 414.

353 (d) A caregiver may not receive a benefit payment if the
354 parent or stepparent of the child resides in the home. However,
355 a caregiver may receive the benefit payment for a minor parent
356 who is in his or her care, as well as for the minor parent's
357 child, if both children have been adjudicated dependent and meet
358 all other eligibility requirements. If the caregiver is
359 receiving a benefit payment when a parent, other than an
360 eligible minor parent, or stepparent moves into the home, the
361 payment must be terminated no later than the first day of the
362 month following the move, allowing for 10-day notice of adverse
363 action.

364 (e) Children living with caregivers who are receiving
365 assistance under this section are eligible for Medicaid
366 coverage.

367 (4) ADDITIONAL ASSISTANCE AND SERVICES.—

368 (a) The purpose of a kinship navigator program is to help
369 relative caregivers and fictive kin in the child welfare system
370 to navigate the broad range of services available to them and
371 the children from public, private, community, and faith-based
372 organizations.

373 (b) By January 1, 2019, each community-based care lead
374 agency shall establish a kinship navigator program. In order to
375 meet the requirements of a kinship navigator program, the



608810

576-03513-18

376 program must:

377 1. Be coordinated with other state or local agencies that
378 promote service coordination or provide information and referral
379 services, including any entities that participate in the Florida
380 211 Network, to avoid duplication or fragmentation of services
381 to kinship care families;

382 2. Be planned and operated in consultation with kinship
383 caregivers and organizations representing them, youth raised by
384 kinship caregivers, relevant governmental agencies, and relevant
385 community-based or faith-based organizations;

386 3. Establish a toll-free telephone hotline to provide
387 information to link kinship caregivers, kinship support group
388 facilitators, and kinship service providers to:

389 a. One another;

390 b. Eligibility and enrollment information for federal,
391 state, and local benefits;

392 c. Relevant training to assist kinship caregivers in
393 caregiving and in obtaining benefits and services; and

394 d. Relevant knowledge related to legal options available
395 for child custody, other legal assistance, and help in obtaining
396 legal services.

397 4. Provide outreach to kinship care families, including by
398 establishing, distributing, and updating a kinship care website,
399 or other relevant guides or outreach materials; and

400 5. Promote partnerships between public and private
401 agencies, including schools, community-based or faith-based
402 organizations, and relevant governmental agencies, to increase
403 their knowledge of the needs of kinship care families to promote
404 better services for those families.



608810

576-03513-18

405 (5) RULEMAKING.—The department shall adopt rules to
406 implement this section.

407 ~~(1) It is the intent of the Legislature in enacting this~~
408 ~~section to:~~

409 ~~(a) Provide for the establishment of procedures and~~
410 ~~protocols that serve to advance the continued safety of children~~
411 ~~by acknowledging the valued resource uniquely available through~~
412 ~~grandparents, relatives of children, and specified nonrelatives~~
413 ~~of children pursuant to subparagraph (2) (a)3.~~

414 ~~(b) Recognize family relationships in which a grandparent~~
415 ~~or other relative is the head of a household that includes a~~
416 ~~child otherwise at risk of foster care placement.~~

417 ~~(c) Enhance family preservation and stability by~~
418 ~~recognizing that most children in such placements with~~
419 ~~grandparents and other relatives do not need intensive~~
420 ~~supervision of the placement by the courts or by the department.~~

421 ~~(d) Recognize that permanency in the best interests of the~~
422 ~~child can be achieved through a variety of permanency options,~~
423 ~~including permanent guardianship under s. 39.6221 if the~~
424 ~~guardian is a relative, by permanent placement with a fit and~~
425 ~~willing relative under s. 39.6231, by a relative, guardianship~~
426 ~~under chapter 744, or adoption, by providing additional~~
427 ~~placement options and incentives that will achieve permanency~~
428 ~~and stability for many children who are otherwise at risk of~~
429 ~~foster care placement because of abuse, abandonment, or neglect,~~
430 ~~but who may successfully be able to be placed by the dependency~~
431 ~~court in the care of such relatives.~~

432 ~~(e) Reserve the limited casework and supervisory resources~~
433 ~~of the courts and the department for those cases in which~~



608810

576-03513-18

434 ~~children do not have the option for safe, stable care within the~~
435 ~~family.~~

436 ~~(f) Recognize that a child may have a close relationship~~
437 ~~with a person who is not a blood relative or a relative by~~
438 ~~marriage and that such person should be eligible for financial~~
439 ~~assistance under this section if he or she is able and willing~~
440 ~~to care for the child and provide a safe, stable home~~
441 ~~environment.~~

442 ~~(2)(a) The Department of Children and Families shall~~
443 ~~establish, operate, and implement the Relative Caregiver Program~~
444 ~~by rule of the department. The Relative Caregiver Program shall,~~
445 ~~within the limits of available funding, provide financial~~
446 ~~assistance to:~~

447 ~~1. Relatives who are within the fifth degree by blood or~~
448 ~~marriage to the parent or stepparent of a child and who are~~
449 ~~caring full-time for that dependent child in the role of~~
450 ~~substitute parent as a result of a court's determination of~~
451 ~~child abuse, neglect, or abandonment and subsequent placement~~
452 ~~with the relative under this chapter.~~

453 ~~2. Relatives who are within the fifth degree by blood or~~
454 ~~marriage to the parent or stepparent of a child and who are~~
455 ~~caring full-time for that dependent child, and a dependent half-~~
456 ~~brother or half-sister of that dependent child, in the role of~~
457 ~~substitute parent as a result of a court's determination of~~
458 ~~child abuse, neglect, or abandonment and subsequent placement~~
459 ~~with the relative under this chapter.~~

460 ~~3. Nonrelatives who are willing to assume custody and care~~
461 ~~of a dependent child in the role of substitute parent as a~~
462 ~~result of a court's determination of child abuse, neglect, or~~



608810

576-03513-18

463 ~~abandonment and subsequent placement with the nonrelative~~
464 ~~caregiver under this chapter. The court must find that a~~
465 ~~proposed placement under this subparagraph is in the best~~
466 ~~interest of the child.~~

467 ~~4. A relative or nonrelative caregiver, but the relative or~~
468 ~~nonrelative caregiver may not receive a Relative Caregiver~~
469 ~~Program payment if the parent or stepparent of the child resides~~
470 ~~in the home. However, a relative or nonrelative may receive the~~
471 ~~Relative Caregiver Program payment for a minor parent who is in~~
472 ~~his or her care, as well as for the minor parent's child, if~~
473 ~~both children have been adjudicated dependent and meet all other~~
474 ~~eligibility requirements. If the caregiver is currently~~
475 ~~receiving the payment, the Relative Caregiver Program payment~~
476 ~~must be terminated no later than the first of the following~~
477 ~~month after the parent or stepparent moves into the home,~~
478 ~~allowing for 10-day notice of adverse action.~~

479
480 ~~The placement may be court-ordered temporary legal custody to~~
481 ~~the relative or nonrelative under protective supervision of the~~
482 ~~department pursuant to s. 39.521(1)(c)3., or court-ordered~~
483 ~~placement in the home of a relative or nonrelative as a~~
484 ~~permanency option under s. 39.6221 or s. 39.6231 or under former~~
485 ~~s. 39.622 if the placement was made before July 1, 2006. The~~
486 ~~Relative Caregiver Program shall offer financial assistance to~~
487 ~~caregivers who would be unable to serve in that capacity without~~
488 ~~the caregiver payment because of financial burden, thus exposing~~
489 ~~the child to the trauma of placement in a shelter or in foster~~
490 ~~care.~~

491 ~~(b) Caregivers who receive assistance under this section~~



608810

576-03513-18

492 ~~must be capable, as determined by a home study, of providing a~~
493 ~~physically safe environment and a stable, supportive home for~~
494 ~~the children under their care and must assure that the~~
495 ~~children's well-being is met, including, but not limited to, the~~
496 ~~provision of immunizations, education, and mental health~~
497 ~~services as needed.~~

498 ~~(c) Relatives or nonrelatives who qualify for and~~
499 ~~participate in the Relative Caregiver Program are not required~~
500 ~~to meet foster care licensing requirements under s. 409.175.~~

501 ~~(d) Relatives or nonrelatives who are caring for children~~
502 ~~placed with them by the court pursuant to this chapter shall~~
503 ~~receive a special monthly caregiver benefit established by rule~~
504 ~~of the department. The amount of the special benefit payment~~
505 ~~shall be based on the child's age within a payment schedule~~
506 ~~established by rule of the department and subject to~~
507 ~~availability of funding. The statewide average monthly rate for~~
508 ~~children judicially placed with relatives or nonrelatives who~~
509 ~~are not licensed as foster homes may not exceed 82 percent of~~
510 ~~the statewide average foster care rate, and the cost of~~
511 ~~providing the assistance described in this section to any~~
512 ~~caregiver may not exceed the cost of providing out-of-home care~~
513 ~~in emergency shelter or foster care.~~

514 ~~(e) Children receiving cash benefits under this section are~~
515 ~~not eligible to simultaneously receive WAGES cash benefits under~~
516 ~~chapter 414.~~

517 ~~(f) Within available funding, the Relative Caregiver~~
518 ~~Program shall provide caregivers with family support and~~
519 ~~preservation services, flexible funds in accordance with s.~~
520 ~~409.165, school readiness, and other available services in order~~



608810

576-03513-18

521 ~~to support the child's safety, growth, and healthy development.~~
522 ~~Children living with caregivers who are receiving assistance~~
523 ~~under this section shall be eligible for Medicaid coverage.~~

524 ~~(g) The department may use appropriate available state,~~
525 ~~federal, and private funds to operate the Relative Caregiver~~
526 ~~Program. The department may develop liaison functions to be~~
527 ~~available to relatives or nonrelatives who care for children~~
528 ~~pursuant to this chapter to ensure placement stability in~~
529 ~~extended family settings.~~

530 Section 6. Paragraph (e) of subsection (1) of section
531 39.521, Florida Statutes, is amended to read:

532 39.521 Disposition hearings; powers of disposition.—

533 (1) A disposition hearing shall be conducted by the court,
534 if the court finds that the facts alleged in the petition for
535 dependency were proven in the adjudicatory hearing, or if the
536 parents or legal custodians have consented to the finding of
537 dependency or admitted the allegations in the petition, have
538 failed to appear for the arraignment hearing after proper
539 notice, or have not been located despite a diligent search
540 having been conducted.

541 (e) The court shall, in its written order of disposition,
542 include all of the following:

- 543 1. The placement or custody of the child.
- 544 2. Special conditions of placement and visitation.
- 545 3. Evaluation, counseling, treatment activities, and other
546 actions to be taken by the parties, if ordered.
- 547 4. The persons or entities responsible for supervising or
548 monitoring services to the child and parent.
- 549 5. Continuation or discharge of the guardian ad litem, as



608810

576-03513-18

550 appropriate.

551 6. The date, time, and location of the next scheduled
552 review hearing, which must occur within the earlier of:

553 a. Ninety days after the disposition hearing;

554 b. Ninety days after the court accepts the case plan;

555 c. Six months after the date of the last review hearing; or

556 d. Six months after the date of the child's removal from
557 his or her home, if no review hearing has been held since the
558 child's removal from the home.

559 7. If the child is in an out-of-home placement, child
560 support to be paid by the parents, or the guardian of the
561 child's estate if possessed of assets which under law may be
562 disbursed for the care, support, and maintenance of the child.
563 The court may exercise jurisdiction over all child support
564 matters, shall adjudicate the financial obligation, including
565 health insurance, of the child's parents or guardian, and shall
566 enforce the financial obligation as provided in chapter 61. The
567 state's child support enforcement agency shall enforce child
568 support orders under this section in the same manner as child
569 support orders under chapter 61. Placement of the child shall
570 not be contingent upon issuance of a support order.

571 8.a. If the court does not commit the child to the
572 temporary legal custody of an adult relative, legal custodian,
573 or other adult approved by the court, the disposition order must
574 ~~shall~~ include the reasons for such a decision and ~~shall include~~
575 a written determination as to whether ~~diligent efforts were made~~
576 by the department and the community-based care lead agency
577 reasonably engaged in family finding in attempting to locate an
578 adult relative, legal custodian, or other adult willing to care



608810

576-03513-18

579 for the child in order to present that placement option to the
580 court instead of placement with the department. The level of
581 reasonableness is determined by the length of the case and
582 amount of time the department or community-based care lead
583 agency has had to begin or continue the process.

584 b. If no suitable relative is found and the child is placed
585 with the department or a legal custodian or other adult approved
586 by the court, both the department and the court shall consider
587 transferring temporary legal custody to an adult relative
588 approved by the court at a later date, but neither the
589 department nor the court is obligated to so place the child if
590 it is in the child's best interest to remain in the current
591 placement.

592
593 ~~For the purposes of this section, "diligent efforts to locate an~~
594 ~~adult relative" means a search similar to the diligent search~~
595 ~~for a parent, but without the continuing obligation to search~~
596 ~~after an initial adequate search is completed.~~

597 9. Other requirements necessary to protect the health,
598 safety, and well-being of the child, to preserve the stability
599 of the child's child care, early education program, or any other
600 educational placement, and to promote family preservation or
601 reunification whenever possible.

602 Section 7. Paragraph (b) of subsection (2) and paragraph
603 (a) of subsection (3) of section 39.6012, Florida Statutes, are
604 amended to read:

605 39.6012 Case plan tasks; services.—

606 (2) The case plan must include all available information
607 that is relevant to the child's care including, at a minimum:



608810

576-03513-18

608 (b) A description of the plan for ensuring that the child
609 receives safe and proper care and that services are provided to
610 the child in order to address the child's needs. To the extent
611 available and accessible, the following health, mental health,
612 and education information and records of the child must be
613 attached to the case plan and updated throughout the judicial
614 review process:

615 1. The names and addresses of the child's health, mental
616 health, and educational providers;

617 2. The child's grade level performance;

618 3. The child's school record or, if the child is under the
619 age of school entry, any records from a child care program,
620 early education program, or preschool program;

621 4. Documentation of compliance or noncompliance with the
622 attendance requirements under s. 39.604, if the child is
623 enrolled in a child care program, early education program, or
624 preschool program;

625 ~~5.4.~~ Assurances that the child's placement takes into
626 account proximity to the school in which the child is enrolled
627 at the time of placement;

628 ~~6. 5. A record of~~ The child's immunizations;

629 ~~7.6.~~ The child's known medical history, including any known
630 health problems;

631 ~~8.7.~~ The child's medications, if any; and

632 ~~9.8.~~ Any other relevant health, mental health, and
633 education information concerning the child.

634 (3) In addition to any other requirement, if the child is
635 in an out-of-home placement, the case plan must include:

636 (a) A description of the type of placement in which the



608810

576-03513-18

637 child is to be living and, if the child has been placed with the
638 department, whether the department and the community-based care
639 lead agency have reasonably engaged in family finding to locate
640 an adult relative, legal custodian, or other adult willing to
641 care for the child in order to present that placement option to
642 the court instead of placement with the department.

643 Section 8. Section 39.604, Florida Statutes, is amended to
644 read:

645 39.604 Rilya Wilson Act; short title; legislative intent;
646 requirements; attendance; stability and transitions ~~reporting~~
647 ~~responsibilities.~~-

648 (1) SHORT TITLE.-This section may be cited as the "Rilya
649 Wilson Act."

650 (2) LEGISLATIVE FINDINGS AND INTENT.-

651 (a) The Legislature finds that children from birth to age 5
652 years are particularly vulnerable to maltreatment and that they
653 enter out-of-home care in disproportionately high numbers.

654 (b) The Legislature also finds that children who are abused
655 or neglected are at high risk of experiencing physical and
656 mental health problems and problems with language and
657 communication, cognitive development, and social and emotional
658 development.

659 (c) The Legislature also finds that providing early
660 intervention and services, as well as quality child care and
661 early education programs to support the healthy development of
662 these young children, can have positive effects that last
663 throughout childhood and into adulthood.

664 (d) The Legislature also finds that the needs of each of
665 these children are unique, and while some children may be best



608810

576-03513-18

666 served by a quality child care or early education program,
667 others may need more attention and nurturing that can best be
668 provided by a stay-at-home caregiver ~~The Legislature recognizes~~
669 ~~that children who are in the care of the state due to abuse,~~
670 ~~neglect, or abandonment are at increased risk of poor school~~
671 ~~performance and other behavioral and social problems.~~

672 (e) It is the intent of the Legislature that children who
673 are currently in out-of-home the care of the state be provided
674 with an age-appropriate developmental child care or early
675 education arrangement that is in the best interest of the child
676 ~~education program~~ to help ameliorate the negative consequences
677 of abuse, neglect, or abandonment.

678 (3) REQUIREMENTS.—

679 1. A child from birth to the age of school entry, who is
680 under court-ordered protective supervision or in out-of-home
681 care and is the custody of the Family Safety Program Office of
682 the Department of Children and Families or a community-based
683 lead agency, and enrolled in an a licensed early education or
684 child care program must attend the program 5 days a week unless
685 the court grants an exception due to the court determining it is
686 in the best interest of a child from birth to age 3 years:

687 a. With a stay-at-home caregiver to remain at home.
688 b. With a caregiver who works less than full time to attend
689 an early education or child care program fewer than 5 days a
690 week.

691 2. Notwithstanding s. 39.202, the department of Children
692 and Families must notify operators of an the licensed early
693 education or child care program, subject to the reporting
694 requirements of this act, of the enrollment of any child from



608810

576-03513-18

695 birth to the age of school entry, under court-ordered protective
696 supervision or in out-of-home care. ~~If the custody of the Family~~
697 ~~Safety Program Office of the Department of Children and Families~~
698 ~~or a community-based lead agency.~~ When a child is enrolled in an
699 early education or child care program ~~regulated by the~~
700 ~~department,~~ the child's attendance in the program must be a
701 required task action in the safety plan or the case plan
702 developed for the child pursuant to this chapter. ~~An exemption~~
703 ~~to participating in the licensed early education or child care~~
704 ~~program 5 days a week may be granted by the court.~~

705 (4) ATTENDANCE AND ~~REPORTING REQUIREMENTS.~~-

706 1.(a) A child enrolled in an a-licensed early education or
707 child care program who meets the requirements of paragraph (b)
708 ~~subsection (3)~~ may not be withdrawn from the program without the
709 prior written approval of the department Family Safety Program
710 ~~Office of the Department of Children and Families~~ or the
711 community-based care lead agency.

712 2.a.(b)1. If a child covered by this section is absent from
713 the program on a day when he or she is supposed to be present,
714 the person with whom the child resides must report the absence
715 to the program by the end of the business day. If the person
716 with whom the child resides, whether the parent or caregiver,
717 fails to timely report the absence, the absence is considered to
718 be unexcused. The program shall report any unexcused absence or
719 seven consecutive excused absences of a child who is enrolled in
720 the program and covered by this act to the ~~local designated~~
721 ~~staff of the Family Safety Program Office of the department of~~
722 ~~Children and Families~~ or the community-based care lead agency by
723 the end of the business day following the unexcused absence or



608810

576-03513-18

724 seventh consecutive excused absence.

725 ~~b.2.~~ The department or community-based care lead agency
726 shall conduct a site visit to the residence of the child upon
727 receiving a report of two consecutive unexcused absences or
728 seven consecutive excused absences.

729 ~~c.3.~~ If the site visit results in a determination that the
730 child is missing, the department or community-based care lead
731 agency shall follow the procedure set forth in s. 39.0141 ~~report~~
732 ~~the child as missing to a law enforcement agency and proceed~~
733 ~~with the necessary actions to locate the child pursuant to~~
734 ~~procedures for locating missing children.~~

735 ~~d.4.~~ If the site visit results in a determination that the
736 child is not missing, the parent or caregiver shall be notified
737 that failure to ensure that the child attends the ~~licensed~~ early
738 education or child care program is a violation of the safety
739 plan or the case plan. If more than two site visits are
740 conducted pursuant to this subsection, staff shall ~~initiate~~
741 ~~action to~~ notify the court of the parent or caregiver's
742 noncompliance with the case plan.

743 (5) EDUCATIONAL STABILITY.—Just as educational stability is
744 important for school-age children, it is also important to
745 minimize disruptions to secure attachments and stable
746 relationships with supportive caregivers of children from birth
747 to school age and to ensure that these attachments are not
748 disrupted due to placement in out-of-home care or subsequent
749 changes in out-of-home placement.

750 (a) A child must be allowed to remain in the child care or
751 early educational setting that he or she attended before entry
752 into out-of-home care, unless the program is not in the best



608810

576-03513-18

753 interest of the child.

754 (b) If it is not in the best interest of the child for him
755 or her to remain in his or her child care or early education
756 setting upon entry into out-of-home care, the caregiver must
757 work with the case manager, guardian ad litem, child care and
758 educational staff, and educational surrogate, if one has been
759 appointed, to determine the best setting for the child. Such
760 setting may be a child care provider that receives a Gold Seal
761 Quality Care designation pursuant to s. 402.281, a provider
762 participating in a quality rating system, a licensed child care
763 provider, a public school provider, or a license-exempt child
764 care provider, including religious-exempt and registered
765 providers, and non-public schools.

766 (c) The department and providers of early care and
767 education shall develop protocols to ensure continuity if
768 children are required to leave a program because of a change in
769 out-of-home placement.

770 (6) TRANSITIONS.—In the absence of an emergency, if a child
771 from birth to school age leaves a child care or early education
772 program, the transition must be pursuant to a plan that involves
773 cooperation and sharing of information among all persons
774 involved, that respects the child's developmental stage and
775 associated psychological needs, and that allows for a gradual
776 transition from one setting to another.

777 Section 9. Paragraph (b) of subsection (6) and subsection
778 (7) of section 39.6251, Florida Statutes, are amended to read:

779 39.6251 Continuing care for young adults.—

780 (6) A young adult who is between the ages of 18 and 21 and
781 who has left care may return to care by applying to the



608810

576-03513-18

782 community-based care lead agency for readmission. The community-
783 based care lead agency shall readmit the young adult if he or
784 she continues to meet the eligibility requirements in this
785 section.

786 (b) Within 30 days after the young adult has been
787 readmitted to care, the community-based care lead agency shall
788 assign a case manager to update the case plan and the transition
789 plan and to arrange for the required services. Updates to the
790 case plan and the transition plan and arrangements for the
791 required services ~~Such activities~~ shall be undertaken in
792 consultation with the young adult. The department shall petition
793 the court to reinstate jurisdiction over the young adult.
794 Notwithstanding s. 39.013(2), the court shall resume
795 jurisdiction over the young adult if the department establishes
796 that he or she continues to meet the eligibility requirements in
797 this section.

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

804 Section 10. Paragraph (c) of subsection (2) of section
805 39.701, Florida Statutes, is amended to read:

806 39.701 Judicial review.—

807 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
808 AGE.—

809 (c) *Review determinations.*—The court and any citizen review
810 panel shall take into consideration the information contained in



576-03513-18

811 the social services study and investigation and all medical,
812 psychological, and educational records that support the terms of
813 the case plan; testimony by the social services agency, the
814 parent, the foster parent or legal custodian, the guardian ad
815 litem or surrogate parent for educational decisionmaking if one
816 has been appointed for the child, and any other person deemed
817 appropriate; and any relevant and material evidence submitted to
818 the court, including written and oral reports to the extent of
819 their probative value. These reports and evidence may be
820 received by the court in its effort to determine the action to
821 be taken with regard to the child and may be relied upon to the
822 extent of their probative value, even though not competent in an
823 adjudicatory hearing. In its deliberations, the court and any
824 citizen review panel shall seek to determine:

825 1. If the parent was advised of the right to receive
826 assistance from any person or social service agency in the
827 preparation of the case plan.

828 2. If the parent has been advised of the right to have
829 counsel present at the judicial review or citizen review
830 hearings. If not so advised, the court or citizen review panel
831 shall advise the parent of such right.

832 3. If a guardian ad litem needs to be appointed for the
833 child in a case in which a guardian ad litem has not previously
834 been appointed or if there is a need to continue a guardian ad
835 litem in a case in which a guardian ad litem has been appointed.

836 4. Who holds the rights to make educational decisions for
837 the child. If appropriate, the court may refer the child to the
838 district school superintendent for appointment of a surrogate
839 parent or may itself appoint a surrogate parent under the



608810

576-03513-18

840 Individuals with Disabilities Education Act and s. 39.0016. If
841 the child is under the age of school entry, the court must make
842 the appointment.

843 5. The compliance or lack of compliance of all parties with
844 applicable items of the case plan, including the parents'
845 compliance with child support orders.

846 6. The compliance or lack of compliance with a visitation
847 contract between the parent and the social service agency for
848 contact with the child, including the frequency, duration, and
849 results of the parent-child visitation and the reason for any
850 noncompliance.

851 7. The frequency, kind, and duration of contacts among
852 siblings who have been separated during placement, as well as
853 any efforts undertaken to reunite separated siblings if doing so
854 is in the best interest of the child.

855 8. The compliance or lack of compliance of the parent in
856 meeting specified financial obligations pertaining to the care
857 of the child, including the reason for failure to comply, if
858 applicable.

859 9. Whether the child is receiving safe and proper care
860 according to s. 39.6012, including, but not limited to, the
861 appropriateness of the child's current placement, including
862 whether the child is in a setting that is as family-like and as
863 close to the parent's home as possible, consistent with the
864 child's best interests and special needs, and including
865 maintaining stability in the child's educational placement, as
866 documented by assurances from the community-based care provider
867 that:

868 a. The placement of the child takes into account the



608810

576-03513-18

869 appropriateness of the current educational setting and the
870 proximity to the school in which the child is enrolled at the
871 time of placement.

872 b. The community-based care agency has coordinated with
873 appropriate local educational agencies to ensure that the child
874 remains in the school in which the child is enrolled at the time
875 of placement.

876 10. Whether the department or community-based care lead
877 agency continues to reasonably engage in family finding. The
878 level of reasonableness is determined by the length of the case
879 and amount of time the department or community-based care lead
880 agency has had to continue the process.

881 11. ~~10.~~ A projected date likely for the child's return home
882 or other permanent placement.

883 12. ~~11.~~ When appropriate, the basis for the unwillingness
884 or inability of the parent to become a party to a case plan. The
885 court and the citizen review panel shall determine if the
886 efforts of the social service agency to secure party
887 participation in a case plan were sufficient.

888 13. ~~12.~~ For a child who has reached 13 years of age but is
889 not yet 18 years of age, the adequacy of the child's preparation
890 for adulthood and independent living. For a child who is 15
891 years of age or older, the court shall determine if appropriate
892 steps are being taken for the child to obtain a driver license
893 or learner's driver license.

894 14. ~~13.~~ If amendments to the case plan are required.
895 Amendments to the case plan must be made as provided in ~~under~~ s.
896 39.6013.

897 Section 11. Subsections (4) and (5) of section 409.166,



608810

576-03513-18

898 Florida Statutes, are amended to read:

899 409.166 Children within the child welfare system; adoption
900 assistance program.—

901 (4) ADOPTION ASSISTANCE.—

902 (a) For purposes of administering payments under paragraph
903 (d), the term:

904 1. "Child" means an individual who has not attained 21
905 years of age.

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

908 (b)~~(a)~~ A maintenance subsidy shall be granted only when all
909 other resources available to a child have been thoroughly
910 explored and it can be clearly established that this is the most
911 acceptable plan for providing permanent placement for the child.
912 The maintenance subsidy may not be used as a substitute for
913 adoptive parent recruitment or as an inducement to adopt a child
914 who might be placed without providing a subsidy. However, it
915 shall be the policy of the department that no child be denied
916 adoption if providing a maintenance subsidy would make adoption
917 possible. The best interest of the child shall be the deciding
918 factor in every case. This section does not prohibit foster
919 parents from applying to adopt a child placed in their care.
920 Foster parents or relative caregivers must be asked if they
921 would adopt without a maintenance subsidy.

922 (c)~~(b)~~ The department shall provide adoption assistance to
923 the adoptive parents, subject to specific appropriation, in the
924 amount of \$5,000 annually, paid on a monthly basis, for the
925 support and maintenance of a child until the 18th birthday of
926 such child or in an amount other than \$5,000 annually as



608810

576-03513-18

927 determined by the adoptive parents and the department and
928 memorialized in a written agreement between the adoptive parents
929 and the department. The agreement shall take into consideration
930 the circumstances of the adoptive parents and the needs of the
931 child being adopted. The amount of subsidy may be adjusted based
932 upon changes in the needs of the child or circumstances of the
933 adoptive parents. Changes may ~~shall~~ not be made without the
934 concurrence of the adoptive parents. However, in no case shall
935 the amount of the monthly payment exceed the foster care
936 maintenance payment that would have been paid during the same
937 period if the child had been in a foster family home.

938 (d) Effective January 1, 2019, adoption assistance payments
939 may be made for a child whose adoptive parent entered into an
940 adoption assistance agreement after the child reached 16 years
941 of age but before the child reached 18 years of age if the child
942 is:

943 1. Completing secondary education or a program leading to
944 an equivalent credential;

945 2. Enrolled in an institution that provides postsecondary
946 or vocational education;

947 3. Participating in a program or activity designed to
948 promote or eliminate barriers to employment;

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

950 5. Unable to participate in programs or activities listed
951 in subparagraphs 1.-4. full time due to a physical,
952 intellectual, emotional, or psychiatric condition that limits
953 participation. Any such barrier to participation must be
954 supported by documentation in the child's case file or school or
955 medical records.



608810

576-03513-18

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

960 (f)~~(e)~~ The department may provide adoption assistance to
961 the adoptive parents, subject to specific appropriation, for
962 medical assistance initiated after the adoption of the child for
963 medical, surgical, hospital, and related services needed as a
964 result of a physical or mental condition of the child which
965 existed before the adoption and is not covered by Medicaid,
966 Children's Medical Services, or Children's Mental Health
967 Services. Such assistance may be initiated at any time but shall
968 terminate on or before the child's 18th birthday.

969 (5) ELIGIBILITY FOR SERVICES.—

970 (a) As a condition of providing adoption assistance under
971 this section and before the adoption is finalized, the adoptive
972 parents must have an approved adoption home study and must enter
973 into an adoption-assistance agreement with the department which
974 specifies the financial assistance and other services to be
975 provided.

976 (b) A child who is handicapped at the time of adoption is
977 ~~shall be~~ eligible for services through the Children's Medical
978 Services network established under part I of chapter 391 if the
979 child was eligible for such services before ~~prior to~~ the
980 adoption.

981 Section 12. Effective January 1, 2019, paragraph (b) of
982 subsection (1) of section 414.045, Florida Statutes, is amended
983 to read:

984 414.045 Cash assistance program.—Cash assistance families



608810

576-03513-18

985 include any families receiving cash assistance payments from the
986 state program for temporary assistance for needy families as
987 defined in federal law, whether such funds are from federal
988 funds, state funds, or commingled federal and state funds. Cash
989 assistance families may also include families receiving cash
990 assistance through a program defined as a separate state
991 program.

992 (1) For reporting purposes, families receiving cash
993 assistance shall be grouped into the following categories. The
994 department may develop additional groupings in order to comply
995 with federal reporting requirements, to comply with the data-
996 reporting needs of the board of directors of CareerSource
997 Florida, Inc., or to better inform the public of program
998 progress.

999 (b) *Child-only cases.*—Child-only cases include cases that
1000 do not have an adult or teen head of household as defined in
1001 federal law. Such cases include:

1002 1. Children in the care of caretaker relatives, if the
1003 caretaker relatives choose to have their needs excluded in the
1004 calculation of the amount of cash assistance.

1005 2. Families in the Kinship Care ~~Relative Caregiver~~ Program
1006 as provided in s. 39.5085.

1007 3. Families in which the only parent in a single-parent
1008 family or both parents in a two-parent family receive
1009 supplemental security income (SSI) benefits under Title XVI of
1010 the Social Security Act, as amended. To the extent permitted by
1011 federal law, individuals receiving SSI shall be excluded as
1012 household members in determining the amount of cash assistance,
1013 and such cases shall not be considered families containing an



608810

576-03513-18

1014 adult. Parents or caretaker relatives who are excluded from the
1015 cash assistance group due to receipt of SSI may choose to
1016 participate in work activities. An individual whose ability to
1017 participate in work activities is limited who volunteers to
1018 participate in work activities shall be assigned to work
1019 activities consistent with such limitations. An individual who
1020 volunteers to participate in a work activity may receive child
1021 care or support services consistent with such participation.

1022 4. Families in which the only parent in a single-parent
1023 family or both parents in a two-parent family are not eligible
1024 for cash assistance due to immigration status or other
1025 limitation of federal law. To the extent required by federal
1026 law, such cases shall not be considered families containing an
1027 adult.

1028 5. To the extent permitted by federal law and subject to
1029 appropriations, special needs children who have been adopted
1030 pursuant to s. 409.166 and whose adopting family qualifies as a
1031 needy family under the state program for temporary assistance
1032 for needy families. Notwithstanding any provision to the
1033 contrary in s. 414.075, s. 414.085, or s. 414.095, a family
1034 shall be considered a needy family if:

1035 a. The family is determined by the department to have an
1036 income below 200 percent of the federal poverty level;

1037 b. The family meets the requirements of s. 414.095(2) and
1038 (3) related to residence, citizenship, or eligible noncitizen
1039 status; and

1040 c. The family provides any information that may be
1041 necessary to meet federal reporting requirements specified under
1042 Part A of Title IV of the Social Security Act.



608810

576-03513-18

1043
1044 Families described in subparagraph 1., subparagraph 2., or
1045 subparagraph 3. may receive child care assistance or other
1046 supports or services so that the children may continue to be
1047 cared for in their own homes or in the homes of relatives. Such
1048 assistance or services may be funded from the temporary
1049 assistance for needy families block grant to the extent
1050 permitted under federal law and to the extent funds have been
1051 provided in the General Appropriations Act.

1052 Section 13. Paragraph (d) of subsection (1) of section
1053 1009.25, Florida Statutes, is amended to read:

1054 1009.25 Fee exemptions.—

1055 (1) The following students are exempt from the payment of
1056 tuition and fees, including lab fees, at a school district that
1057 provides workforce education programs, Florida College System
1058 institution, or state university:

1059 (d) A student who is or was at the time he or she reached
1060 18 years of age in the custody of a kinship caregiver ~~relative~~
1061 ~~or nonrelative~~ under s. 39.5085 or who was adopted from the
1062 Department of Children and Families after May 5, 1997. Such
1063 exemption includes fees associated with enrollment in applied
1064 academics for adult education instruction. The exemption remains
1065 valid until the student reaches 28 years of age.

1066 Section 14. (1) The Department of Children and Families
1067 shall establish and operate a pilot Title IV-E Guardianship
1068 Assistance Program in two circuits in Florida effective August
1069 1, 2018. The program will provide payments at a rate of \$333 per
1070 month for persons who meet the Title IV-E eligibility
1071 requirements as outlined in s. 473(d)(1)(A) of the Social



608810

576-03513-18

1072 Security Act.

1073 (2) For purposes of administering this program, the term:

1074 (a) "Child" means an individual who has not attained 21
1075 years of age.

1076 (b) "Young adult" means an individual who has attained 18
1077 years of age but who has not attained 21 years of age.

1078 (c) "Fictive kin" means a person unrelated by birth,
1079 marriage, or adoption who has an emotionally significant
1080 relationship, which possesses the characteristics of a family
1081 relationship, to a child.

1082 (3) Caregivers enrolled in the Relative Caregiver or
1083 Nonrelative Caregiver Program prior to August 1, 2018, are not
1084 eligible to participate in the Title IV-E Guardianship
1085 Assistance Program pilot. Effective August 1, 2018, eligible
1086 caregivers enrolled in the pilot may not simultaneously have
1087 payments made on the child's behalf through the Relative
1088 Caregiver Program under s. 39.5085, postsecondary education
1089 services and supports under s. 409.1451, or child-only cash
1090 assistance under chapter 414.

1091 (4) Notwithstanding s. 39.5085, in the two circuits where
1092 the Title IV-E Guardianship Assistance Program pilot is
1093 established, the Relative Caregiver Program will discontinue
1094 accepting applications effective July 31, 2018.

1095 (5) Notwithstanding s. 409.145(4), in the two circuits
1096 where the Title IV-E Guardianship Assistance Program pilot is
1097 established, the room and board rate for guardians who are
1098 eligible for the program will be \$333 per month.

1099 (6) Notwithstanding s. 409.175(11)(a), in the two circuits
1100 where the Title IV-E Guardianship Assistance Program pilot is



608810

576-03513-18

1101 established, an exception of licensing standards may be provided
1102 for those standards where a waiver has been granted.

1103 Section 15. Except as otherwise expressly provided in this
1104 act, this act shall take effect July 1, 2018.