

1                   A bill to be entitled  
2           An act relating to child welfare; amending s. 39.01,  
3           F.S.; revising and providing definitions; amending s.  
4           39.521, F.S.; authorizing the court to make certain  
5           determinations regarding placement of a child with a  
6           guardian; conforming a cross-reference; amending s.  
7           39.5085, F.S.; authorizing the department to recover  
8           financial assistance provided to nonrelative  
9           caregivers under certain circumstances; terminating  
10          the Relative Caregiver Program on a specified date;  
11          providing for continuance of benefits to current  
12          participants; amending s. 39.6221, F.S.; providing an  
13          additional condition for court placement of a child in  
14          permanent guardianship; creating s. 39.6225, F.S.;  
15          requiring the department to establish and operate a  
16          Guardianship Assistance Program to provide  
17          guardianship assistance payments to certain guardians  
18          beginning on a specified date; providing definitions;  
19          providing eligibility requirements; authorizing  
20          guardians to receive such payments for certain  
21          siblings; requiring the department to annually  
22          redetermine eligibility; providing conditions for  
23          termination of benefits; requiring the department to  
24          provide guardianship nonrecurring payments for certain  
25          expenses; authorizing the use of certain state and

26 federal funds to operate the program; providing that  
27 children receiving assistance under the program are  
28 eligible for Medicaid coverage until they reach a  
29 certain age; requiring case plans to include certain  
30 information; requiring the department to adopt rules;  
31 amending s. 39.6251, F.S.; requiring the case manager  
32 for a young adult in foster care to consult the young  
33 adult when updating case or the transition plans and  
34 arrangements; deleting a provision authorizing case  
35 management reviews to be conducted by telephone under  
36 certain circumstances; amending s. 409.145, F.S.;  
37 revising rates for room and board reimbursement of  
38 certain family foster homes; revising provisions  
39 relating to supplemental payments by community-based  
40 care lead agencies; amending s. 409.166, F.S.;  
41 providing definitions; providing conditions for the  
42 department to provide adoption assistance payments to  
43 adoptive parents of certain children; providing that  
44 children and young adults receiving benefits through  
45 the adoption assistance program are ineligible for  
46 specified other benefits and services; providing  
47 additional conditions for eligibility for adoption  
48 assistance; amending s. 409.175, F.S.; revising and  
49 providing definitions; requiring a guardian to apply  
50 for a license with the department to be eligible for

51 the program; classifying family foster homes by  
52 licensure type; exempting certain household members  
53 from specified fingerprinting requirements;  
54 authorizing the department to adopt rules relating to  
55 certain summer camps; deleting references to  
56 preservice training requirements for emergency shelter  
57 parents; providing inservice training requirements for  
58 certain foster parents; amending ss. 39.302, 39.6012,  
59 394.495, 409.1676, and 960.065, F.S.; conforming  
60 cross-references; providing an effective date.

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
64 Section 1. Subsection (29) of section 39.01, Florida  
65 Statutes, is renumbered as subsection (30), subsections (30)  
66 through (46) are renumbered as subsections (35) through (51),  
67 respectively, subsections (47) through (81) are renumbered as  
68 subsections (53) through (87), respectively, present subsections  
69 (10) and (32) and paragraph (g) of present subsection (30) are  
70 amended, and new subsections (29), (31), (32), (33), (34), and  
71 (52) are added to that section, to read:

72 39.01 Definitions.—When used in this chapter, unless the  
73 context otherwise requires:

74 (10) "Caregiver" means the parent, legal custodian,  
75 permanent guardian, adult household member, or other person

76 responsible for a child's welfare as defined in subsection (54)  
77 ~~(48)~~.

78 (29) "Fictive kin" means a person unrelated by birth,  
79 marriage, or adoption who has an emotionally significant  
80 relationship, which possesses the characteristics of a family  
81 relationship, to a child.

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

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

88 (33) "Guardianship Assistance Program" means a program  
89 that provides benefits to a child's guardian on behalf of the  
90 child. Benefits may be in the form of a guardianship assistance  
91 payment, a guardianship nonrecurring payment, or Medicaid  
92 coverage.

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

98 (35)~~(30)~~ "Harm" to a child's health or welfare can occur  
99 when any person:

100 (g) Exposes a child to a controlled substance or alcohol.

101 Exposure to a controlled substance or alcohol is established by:

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

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

112  
 113 As used in this paragraph, the term "controlled substance" means  
 114 prescription drugs not prescribed for the parent or not  
 115 administered as prescribed and controlled substances as outlined  
 116 in Schedule I or Schedule II of s. 893.03.

117 ~~(37)-(32)~~ "Institutional child abuse or neglect" means  
 118 situations of known or suspected child abuse or neglect in which  
 119 the person allegedly perpetrating the child abuse or neglect is  
 120 an employee of a private school, public or private day care  
 121 center, residential home, institution, facility, or agency or  
 122 any other person at such institution responsible for the child's  
 123 care as defined in subsection (54) ~~(48)~~.

124 (52) "Nonrelative" means a person unrelated by blood or  
 125 marriage or a relative outside the fifth degree of

126 consanguinity.

127 Section 2. Subsection (1) of section 39.302, Florida  
128 Statutes, is amended to read:

129 39.302 Protective investigations of institutional child  
130 abuse, abandonment, or neglect.—

131 (1) The department shall conduct a child protective  
132 investigation of each report of institutional child abuse,  
133 abandonment, or neglect. Upon receipt of a report that alleges  
134 that an employee or agent of the department, or any other entity  
135 or person covered by s. 39.01(37) or (54) ~~s. 39.01(32) or (48)~~,  
136 acting in an official capacity, has committed an act of child  
137 abuse, abandonment, or neglect, the department shall initiate a  
138 child protective investigation within the timeframe established  
139 under s. 39.201(5) and notify the appropriate state attorney,  
140 law enforcement agency, and licensing agency, which shall  
141 immediately conduct a joint investigation, unless independent  
142 investigations are more feasible. When conducting investigations  
143 or having face-to-face interviews with the child, investigation  
144 visits shall be unannounced unless it is determined by the  
145 department or its agent that unannounced visits threaten the  
146 safety of the child. If a facility is exempt from licensing, the  
147 department shall inform the owner or operator of the facility of  
148 the report. Each agency conducting a joint investigation is  
149 entitled to full access to the information gathered by the  
150 department in the course of the investigation. A protective

151 investigation must include an interview with the child's parent  
152 or legal guardian. The department shall make a full written  
153 report to the state attorney within 3 working days after making  
154 the oral report. A criminal investigation shall be coordinated,  
155 whenever possible, with the child protective investigation of  
156 the department. Any interested person who has information  
157 regarding the offenses described in this subsection may forward  
158 a statement to the state attorney as to whether prosecution is  
159 warranted and appropriate. Within 15 days after the completion  
160 of the investigation, the state attorney shall report the  
161 findings to the department and shall include in the report a  
162 determination of whether or not prosecution is justified and  
163 appropriate in view of the circumstances of the specific case.

164 Section 3. Paragraph (c) of subsection (1) of section  
165 39.521, Florida Statutes, is amended to read:

166 39.521 Disposition hearings; powers of disposition.—

167 (1) A disposition hearing shall be conducted by the court,  
168 if the court finds that the facts alleged in the petition for  
169 dependency were proven in the adjudicatory hearing, or if the  
170 parents or legal custodians have consented to the finding of  
171 dependency or admitted the allegations in the petition, have  
172 failed to appear for the arraignment hearing after proper  
173 notice, or have not been located despite a diligent search  
174 having been conducted.

175 (c) When any child is adjudicated by a court to be

176 dependent, the court having jurisdiction of the child has the  
177 power by order to:

178 1. Require the parent and, when appropriate, the legal  
179 guardian or custodian and the child to participate in treatment  
180 and services identified as necessary. The court may require the  
181 person who has custody or who is requesting custody of the child  
182 to submit to a mental health or substance abuse disorder  
183 assessment or evaluation. The order may be made only upon good  
184 cause shown and pursuant to notice and procedural requirements  
185 provided under the Florida Rules of Juvenile Procedure. The  
186 mental health assessment or evaluation must be administered by a  
187 qualified professional as defined in s. 39.01, and the substance  
188 abuse assessment or evaluation must be administered by a  
189 qualified professional as defined in s. 397.311. The court may  
190 also require such person to participate in and comply with  
191 treatment and services identified as necessary, including, when  
192 appropriate and available, participation in and compliance with  
193 a mental health court program established under chapter 394 or a  
194 treatment-based drug court program established under s. 397.334.  
195 Adjudication of a child as dependent based upon evidence of harm  
196 as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good  
197 cause, and the court shall require the parent whose actions  
198 caused the harm to submit to a substance abuse disorder  
199 assessment or evaluation and to participate and comply with  
200 treatment and services identified in the assessment or



201 evaluation as being necessary. In addition to supervision by the  
202 department, the court, including the mental health court program  
203 or the treatment-based drug court program, may oversee the  
204 progress and compliance with treatment by a person who has  
205 custody or is requesting custody of the child. The court may  
206 impose appropriate available sanctions for noncompliance upon a  
207 person who has custody or is requesting custody of the child or  
208 make a finding of noncompliance for consideration in determining  
209 whether an alternative placement of the child is in the child's  
210 best interests. Any order entered under this subparagraph may be  
211 made only upon good cause shown. This subparagraph does not  
212 authorize placement of a child with a person seeking custody of  
213 the child, other than the child's parent or legal custodian, who  
214 requires mental health or substance abuse disorder treatment.

215 2. Require, if the court deems necessary, the parties to  
216 participate in dependency mediation.

217 3. Require placement of the child either under the  
218 protective supervision of an authorized agent of the department  
219 in the home of one or both of the child's parents or in the home  
220 of a relative of the child or another adult approved by the  
221 court, or in the custody of the department. Protective  
222 supervision continues until the court terminates it or until the  
223 child reaches the age of 18, whichever date is first. Protective  
224 supervision shall be terminated by the court whenever the court  
225 determines that permanency has been achieved for the child,

226 whether with a parent, another relative, or a legal custodian,  
227 and that protective supervision is no longer needed. The  
228 termination of supervision may be with or without retaining  
229 jurisdiction, at the court's discretion, and shall in either  
230 case be considered a permanency option for the child. The order  
231 terminating supervision by the department must set forth the  
232 powers of the custodian of the child and include the powers  
233 ordinarily granted to a guardian of the person of a minor unless  
234 otherwise specified. Upon the court's termination of supervision  
235 by the department, further judicial reviews are not required if  
236 permanency has been established for the child.

237 4. Determine whether the child has a strong attachment to  
238 the prospective permanent guardian and whether such guardian has  
239 a strong commitment to permanently caring for the child.

240 Section 4. Paragraph (h) is added to subsection (2) of  
241 section 39.5085, Florida Statutes, and subsection (3) is added  
242 to that section, to read:

243 39.5085 Relative Caregiver Program.—

244 (2)

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

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

257       Section 5. Paragraph (c) of subsection (1) of section  
258 39.6012, Florida Statutes, is amended to read:

259       39.6012 Case plan tasks; services.—

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

262       (c) If there is evidence of harm as defined in s.  
263 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a  
264 required task for the parent whose actions caused the harm that  
265 the parent submit to a substance abuse disorder assessment or  
266 evaluation and participate and comply with treatment and  
267 services identified in the assessment or evaluation as being  
268 necessary.

269       Section 6. Paragraph (f) is added to subsection (1) of  
270 section 39.6221, Florida Statutes, to read:

271       39.6221 Permanent guardianship of a dependent child.—

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

276 are met:

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

280 Section 7. Section 39.6225, Florida Statutes, is created  
281 to read:

282 39.6225 Guardianship Assistance Program.—

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

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

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

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

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

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

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

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

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

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

316 (5) A guardian with an application approved pursuant to  
317 subsection (2) who is caring for a child placed with the  
318 guardian by the court pursuant to this part may receive  
319 guardianship assistance payments based on the following  
320 criteria:

321 (a) A child eligible for cash benefits through the program  
322 is not eligible to simultaneously have payments made on the  
323 child's behalf through the Relative Caregiver Program under s.  
324 39.5085, postsecondary education services and supports under s.  
325 409.1451, or child-only cash assistance under chapter 414.

326        (b) Guardianship assistance payments are not contingent  
327 upon continued residency in the state. Guardianship assistance  
328 payments must continue for court-approved permanent guardians  
329 who move out of state and continue to meet the requirements of  
330 this subsection and as specified in department rule. Relicensure  
331 of the out-of-state guardian's home is not required for  
332 continuity of payments.

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

336        (d) The department shall provide guardianship assistance  
337 payments in the amount of \$4,000 annually, paid on a monthly  
338 basis, or in an amount other than \$4,000 annually as determined  
339 by the guardian and the department and memorialized in a written  
340 agreement between the guardian and the department. The agreement  
341 shall take into consideration the circumstances of the guardian  
342 and the needs of the child. Changes may not be made without the  
343 concurrence of the guardian. However, in no case shall the  
344 amount of the monthly payment exceed the foster care maintenance  
345 payment that would have been paid during the same period if the  
346 child had been in licensed care at his or her designated level  
347 of care at the rate established in s. 409.145(4).

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

351 (6) Guardianship assistance benefits shall be terminated  
352 if:

353 (a) The child is absent from the home of the guardian for  
354 a period of at least 60 consecutive calendar days, unless the  
355 child:

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

359 2. Continues to be under the care and custody of the  
360 guardian.

361 (b) The court modifies the placement of the child and the  
362 guardian is no longer eligible to receive guardianship  
363 assistance benefits.

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

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

373 (9) Guardianship assistance payments shall only be made  
374 for a young adult whose permanent guardian entered into a

375 guardianship assistance agreement after the child attained 18  
376 years of age if the child is:

377 (a) Completing secondary education or a program leading to  
378 an equivalent credential;

379 (b) Enrolled in an institution that provides postsecondary  
380 or vocational education;

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

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

384 (e) Unable to participate in programs or activities listed  
385 in paragraphs (a)-(d) full time due to a physical, intellectual,  
386 emotional, or psychiatric condition that limits participation.  
387 Any such barrier to participation must be supported by  
388 documentation in the child's case file or school or medical  
389 records of a physical, intellectual, emotional, or psychiatric  
390 condition that impairs the child's ability to perform one or  
391 more life activities.

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

395 (a) The manner in which the child meets program  
396 eligibility requirements.

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



399 (c) Efforts to discuss adoption with the child's permanent  
400 guardian.

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

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

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

407 (g) Efforts to consult the child, if the child is 14 years  
408 of age or older, regarding the permanent guardianship  
409 arrangement.

410 (11) The department shall adopt rules to administer the  
411 program.

412 (12) The program shall take effect July 1, 2019.

413 Section 8. Paragraph (b) of subsection (6) and subsection  
414 (7) of section 39.6251, Florida Statutes, are amended to read:

415 39.6251 Continuing care for young adults.—

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

422 (b) Within 30 days after the young adult has been  
423 readmitted to care, the community-based care lead agency shall

424 assign a case manager to update the case plan and the transition  
425 plan and to arrange for the required services. Updates to the  
426 case plan and the transition plan and arrangements for the  
427 required services ~~Such activities~~ shall be undertaken in  
428 consultation with the young adult. The department shall petition  
429 the court to reinstate jurisdiction over the young adult.  
430 Notwithstanding s. 39.013(2), the court shall resume  
431 jurisdiction over the young adult if the department establishes  
432 that he or she continues to meet the eligibility requirements in  
433 this section.

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

440 Section 9. Paragraph (p) of subsection (4) of section  
441 394.495, Florida Statutes, is amended to read:

442 394.495 Child and adolescent mental health system of care;  
443 programs and services.—

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

446 (p) Trauma-informed services for children who have  
447 suffered sexual exploitation as defined in s. 39.01(77)(g) ~~s.~~  
448 ~~39.01(71)(g)~~.

449 Section 10. Subsection (4) of section 409.145, Florida  
 450 Statutes, is amended to read:

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

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

460  
 461 (a) Effective July 1, 2018 ~~January 1, 2014~~, room and board  
 462 rates shall be paid to foster parents ~~are~~ as follows:  
 463

Monthly Foster Care Rate

464	0-5 Years	6-12 Years	13-21 Years
	Age	Age	Age
465	<u>\$457.95</u> <del>\$429</del>	<u>\$469.68</u> <del>\$440</del>	<u>\$549.74</u> <del>\$515</del>

466  
 467 (b) Each January, foster parents shall receive an annual  
 468 cost of living increase. The department shall calculate the new  
 469 room and board rate increase equal to the percentage change in

470 the Consumer Price Index for All Urban Consumers, U.S. City  
471 Average, All Items, not seasonally adjusted, or successor  
472 reports, for the preceding December compared to the prior  
473 December as initially reported by the United States Department  
474 of Labor, Bureau of Labor Statistics. The department shall make  
475 available the adjusted room and board rates annually.

476 (c) Effective July 1, 2019, foster parents of level I  
477 family foster homes, as defined in under s. 409.175(5) (a) shall  
478 receive a room and board rate of \$333.

479 (d) Effective July 1, 2019, the foster care room and board  
480 rate for level II family foster homes as defined in s.  
481 409.175(5) (a) shall be the same as the new rate established for  
482 family foster homes as of January 1, 2019.

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

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

489 (g)~~(d)~~ From July 1, 2018, through June 30, 2019,  
490 community-based care lead agencies providing care under contract  
491 with the department shall pay a supplemental room and board  
492 payment to foster care parents of all family foster homes, on a  
493 per-child basis, for providing independent life skills and  
494 normalcy supports to children who are 13 through 17 years of age

495 placed in their care. The supplemental payment shall be paid  
496 monthly to the foster care parents ~~on a per-child basis~~ in  
497 addition to the current monthly room and board rate payment. The  
498 supplemental monthly payment shall be based on 10 percent of the  
499 monthly room and board rate for children 13 through 21 years of  
500 age as provided under this section and adjusted annually.  
501 Effective July 1, 2019, such supplemental payments shall only be  
502 paid to foster parents of level II through level V family foster  
503 homes.

504 Section 11. Subsections (4) and (5) of section 409.166,  
505 Florida Statutes, are amended to read:

506 409.166 Children within the child welfare system; adoption  
507 assistance program.—

508 (4) ADOPTION ASSISTANCE.—

509 (a) For purposes of administering payments under paragraph  
510 (d), the term:

511 1. "Child" means an individual who has not attained 21  
512 years of age.

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

515 (b)-(a) A maintenance subsidy shall be granted only when  
516 all other resources available to a child have been thoroughly  
517 explored and it can be clearly established that this is the most  
518 acceptable plan for providing permanent placement for the child.  
519 The maintenance subsidy may not be used as a substitute for

520 adoptive parent recruitment or as an inducement to adopt a child  
521 who might be placed without providing a subsidy. However, it  
522 shall be the policy of the department that no child be denied  
523 adoption if providing a maintenance subsidy would make adoption  
524 possible. The best interest of the child shall be the deciding  
525 factor in every case. This section does not prohibit foster  
526 parents from applying to adopt a child placed in their care.  
527 Foster parents or relative caregivers must be asked if they  
528 would adopt without a maintenance subsidy.

529 (c) ~~(b)~~ The department shall provide adoption assistance to  
530 the adoptive parents, subject to specific appropriation, in the  
531 amount of \$5,000 annually, paid on a monthly basis, for the  
532 support and maintenance of a child until the 18th birthday of  
533 such child or in an amount other than \$5,000 annually as  
534 determined by the adoptive parents and the department and  
535 memorialized in a written agreement between the adoptive parents  
536 and the department. The agreement shall take into consideration  
537 the circumstances of the adoptive parents and the needs of the  
538 child being adopted. The amount of subsidy may be adjusted based  
539 upon changes in the needs of the child or circumstances of the  
540 adoptive parents. Changes shall not be made without the  
541 concurrence of the adoptive parents. However, in no case shall  
542 the amount of the monthly payment exceed the foster care  
543 maintenance payment that would have been paid during the same  
544 period if the child had been in a foster family home.

545 (d) Effective January 1, 2019, adoption assistance  
546 payments may be made for a child whose adoptive parent entered  
547 into an adoption assistance agreement after the child reached 16  
548 years of age but before the child reached 18 years of age. Such  
549 payments may be made until the child reaches age 21 if the child  
550 is:

551 1. Completing secondary education or a program leading to  
552 an equivalent credential;

553 2. Enrolled in an institution that provides postsecondary  
554 or vocational education;

555 3. Participating in a program or activity designed to  
556 promote or eliminate barriers to employment;

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

558 5. Unable to participate in programs or activities listed  
559 in subparagraphs 1.-4. full time due to a physical,  
560 intellectual, emotional, or psychiatric condition that limits  
561 participation. Any such barrier to participation must be  
562 supported by documentation in the child's case file or school or  
563 medical records of a physical, intellectual, emotional, or  
564 psychiatric condition that impairs the child's ability to  
565 perform one or more life activities.

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

570            (f)~~(e)~~ The department may provide adoption assistance to  
 571 the adoptive parents, subject to specific appropriation, for  
 572 medical assistance initiated after the adoption of the child for  
 573 medical, surgical, hospital, and related services needed as a  
 574 result of a physical or mental condition of the child which  
 575 existed before the adoption and is not covered by Medicaid,  
 576 Children's Medical Services, or Children's Mental Health  
 577 Services. Such assistance may be initiated at any time but shall  
 578 terminate on or before the child's 18th birthday.

579            (5) ELIGIBILITY FOR SERVICES.—

580            (a) As a condition of receiving ~~providing~~ adoption  
 581 assistance under this section, the adoptive parents must have an  
 582 approved adoption home study before the adoption is finalized  
 583 and must enter into an adoption-assistance agreement with the  
 584 department which specifies the financial assistance and other  
 585 services to be provided.

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

590            Section 12. Paragraph (b) of subsection (2) of section  
 591 409.1676, Florida Statutes, is amended to read:

592            409.1676 Comprehensive residential group care services to  
 593 children who have extraordinary needs.—

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



595 (b) "Residential group care" means a living environment  
596 for children who have been adjudicated dependent and are  
597 expected to be in foster care for at least 6 months with 24-  
598 hour-awake staff or live-in group home parents or staff. Each  
599 facility must be appropriately licensed in this state as a  
600 residential child caring agency as defined in s. 409.175(2)(1)  
601 ~~s. 409.175(2)(j)~~ and must be accredited by July 1, 2005. A  
602 residential group care facility serving children having a  
603 serious behavioral problem as defined in this section must have  
604 available staff or contract personnel with the clinical  
605 expertise, credentials, and training to provide services  
606 identified in subsection (4).

607 Section 13. Subsections (2) and (5), paragraph (k) of  
608 subsection (6), paragraph (b) of subsection (9), paragraphs (a)  
609 and (b) of subsection (10), paragraph (a) of subsection (11),  
610 paragraph (b) of subsection (12), and subsection (14) of section  
611 409.175, Florida Statutes, are amended to read:

612 409.175 Licensure of family foster homes, residential  
613 child-caring agencies, and child-placing agencies; public  
614 records exemption.—

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

616 (a) "Agency" means a residential child-caring agency or a  
617 child-placing agency.

618 (b) "Boarding school" means a school that is registered  
619 with the Department of Education as a school that provides a

620 residential service for students and that is either:

621 1. Accredited for academic programs by the Florida Council  
622 of Independent Schools, the Southern Association of Colleges and  
623 Schools, an accrediting association that is a member of the  
624 National Council for Private School Accreditation, or an  
625 accrediting association that is a member of the Florida  
626 Association of Academic Nonpublic Schools, and that is  
627 accredited for residential programs by the Council on  
628 Accreditation, the Commission on Accreditation of Rehabilitation  
629 Facilities, or the Coalition for Residential Education; or

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

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

635 (d) "Child-placing agency" means any person, corporation,  
636 or agency, public or private, other than the parent or legal  
637 guardian of the child or an intermediary acting pursuant to  
638 chapter 63, that receives a child for placement and places or  
639 arranges for the placement of a child in a family foster home,  
640 residential child-caring agency, or adoptive home.

641 (e) "Family foster home" means a private residence in  
642 which children who are unattended by a parent or legal guardian  
643 are provided 24-hour care. The term does not include an adoptive  
644 home that has been approved by the department or approved by a

645 licensed child-placing agency for children placed for adoption.  
646 ~~Such homes include emergency shelter family homes and~~  
647 ~~specialized foster homes for children with special needs. A~~  
648 ~~person who cares for a child of a friend for a period not to~~  
649 ~~exceed 90 days, a relative who cares for a child and does not~~  
650 ~~receive reimbursement for such care from the state or federal~~  
651 ~~government, or an adoptive home which has been approved by the~~  
652 ~~department or by a licensed child-placing agency for children~~  
653 ~~placed for adoption is not considered a family foster home.~~

654 (f) "License" means "license" as defined in s. 120.52(10).  
655 A license under this section is issued to a family foster home  
656 or other facility and is not a professional license of any  
657 individual. Receipt of a license under this section shall not  
658 create a property right in the recipient. A license under this  
659 act is a public trust and a privilege, and is not an  
660 entitlement. This privilege must guide the finder of fact or  
661 trier of law at any administrative proceeding or court action  
662 initiated by the department.

663 (g) "Licensing home study" means a documented assessment,  
664 as defined by department rule, to determine the safety and  
665 appropriateness of any 24-hour living arrangement for a child  
666 who is unattended by a parent or legal guardian. A primary  
667 caregiver issued a license for a specific child may apply for a  
668 waiver of the non-safety-related and non-health-related elements  
669 of a licensing home study under the Guardianship Assistance

670 Program established in s. 39.6225.

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

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

679 (j)~~(i)~~ "Personnel" means all owners, operators, employees,  
680 and volunteers working in a child-placing agency, family foster  
681 home, or residential child-caring agency who may be employed by  
682 or do volunteer work for a person, corporation, or agency that  
683 holds a license as a child-placing agency or a residential  
684 child-caring agency, but the term does not include those who do  
685 not work on the premises where child care is furnished and have  
686 no direct contact with a child or have no contact with a child  
687 outside of the presence of the child's parent or guardian. For  
688 purposes of screening, the term includes any member, over the  
689 age of 12 years, of the family of the owner or operator or any  
690 person other than a client, over the age of 12 years, residing  
691 with the owner or operator if the agency or family foster home  
692 is located in or adjacent to the home of the owner or operator  
693 or if the family member of, or person residing with, the owner  
694 or operator has any direct contact with the children. Members of

695 the family of the owner or operator, or persons residing with  
696 the owner or operator, who are between the ages of 12 years and  
697 18 years are not required to be fingerprinted, but must be  
698 screened for delinquency records. For purposes of screening, the  
699 term also includes owners, operators, employees, and volunteers  
700 working in summer day camps, or summer 24-hour camps providing  
701 care for children. A volunteer who assists on an intermittent  
702 basis for less than 10 hours per month shall not be included in  
703 the term "personnel" for the purposes of screening if a person  
704 who meets the screening requirement of this section is always  
705 present and has the volunteer in his or her line of sight.

706 (k) "Placement screening" means the act of assessing the  
707 background of household members in the family foster home and  
708 includes, but is not limited to, criminal history records checks  
709 as provided in s. 39.0138 using the standards for screening set  
710 forth in that section. The term "household member" means a  
711 member of the family or a person, other than the child being  
712 placed, over the age of 12 years who resides with the owner who  
713 operates the family foster home if such family member or person  
714 has any direct contact with the child. Household members who are  
715 between the ages of 12 and 18 years are not required to be  
716 fingerprinted but must be screened for delinquency records.

717 (l)~~(j)~~ "Residential child-caring agency" means any person,  
718 corporation, or agency, public or private, other than the  
719 child's parent or legal guardian, that provides staffed 24-hour

720 care for children in facilities maintained for that purpose,  
721 regardless of whether operated for profit or whether a fee is  
722 charged. Such residential child-caring agencies include, but are  
723 not limited to, maternity homes, runaway shelters, group homes  
724 that are administered by an agency, emergency shelters that are  
725 not in private residences, and wilderness camps. Residential  
726 child-caring agencies do not include hospitals, boarding  
727 schools, summer or recreation camps, nursing homes, or  
728 facilities operated by a governmental agency for the training,  
729 treatment, or secure care of delinquent youth, or facilities  
730 licensed under s. 393.067 or s. 394.875 or chapter 397.

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

735 (n) ~~(l)~~ "Summer day camp" means recreational, educational,  
736 and other enrichment programs operated during summer vacations  
737 for children who are 5 years of age on or before September 1 and  
738 older.

739 (o) ~~(m)~~ "Summer 24-hour camp" means recreational,  
740 educational, and other enrichment programs operated on a 24-hour  
741 basis during summer vacation for children who are 5 years of age  
742 on or before September 1 and older, that are not exclusively  
743 educational.

744 (5) ~~(a)~~ The department shall adopt and amend licensing

745 | rules for the levels of licensed care associated with the  
746 | licensure of family foster homes, residential child-caring  
747 | agencies, and child-placing agencies. The rules may include  
748 | criteria to approve waivers to licensing requirements when  
749 | applying for a child-specific license.

750 | (a) Family foster homes shall be classified by levels of  
751 | licensure, as follows:

752 | 1. Level I.—

753 | a. Type of licensure.—Child-specific foster home.

754 | b. Licensure requirements.—The caregiver must meet all  
755 | level II requirements pursuant to this section. However,  
756 | requirements not directly related to safety may be waived.

757 | 2. Level II.—

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

759 | b. Licensure requirements.—The caregiver must meet all  
760 | licensing requirements pursuant to paragraph (b).

761 | 3. Level III.—

762 | a. Type of licensure.—Safe foster home for victims of  
763 | human trafficking.

764 | b. Licensure requirements.—The caregiver must meet all  
765 | licensing requirements pursuant to paragraph (b) and all  
766 | certification requirements pursuant to s. 409.1678.

767 | 4. Level IV.—

768 | a. Type of licensure.—Therapeutic foster home.

769 | b. Licensure requirements.—The caregiver must meet all

770 licensing requirements pursuant to paragraph (b) and all  
771 certification requirements established in rule by the Agency for  
772 Health Care Administration.

773 5. Level V.—

774 a. Type of licensure.—Medical foster home.

775 b. Licensure requirements.—The caregiver must meet all  
776 licensing requirements pursuant to paragraph (b) and all  
777 certification requirements established in rule by the Agency for  
778 Health Care Administration. ~~The department may also adopt rules~~  
779 ~~relating to the screening requirements for summer day camps and~~  
780 ~~summer 24-hour camps.~~

781 (b) The requirements for licensure and operation of family  
782 foster homes, residential child-caring agencies, and child-  
783 placing agencies shall include:

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

787 2. The provision of food, clothing, educational  
788 opportunities, services, equipment, and individual supplies to  
789 assure the healthy physical, emotional, and mental development  
790 of the children served.

791 3. The appropriateness, safety, cleanliness, and general  
792 adequacy of the premises, including fire prevention and health  
793 standards, to provide for the physical comfort, care, and well-  
794 being of the children served.



795 4. The ratio of staff to children required to provide  
796 adequate care and supervision of the children served and, in the  
797 case of foster homes, the maximum number of children in the  
798 home.

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

801 6. The department may grant exemptions from  
802 disqualification from working with children or the  
803 developmentally disabled as provided in s. 435.07.

804 7. The provision of preservice and inservice training for  
805 all foster parents and agency staff.

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

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

811 10. The provision for parental involvement to encourage  
812 preservation and strengthening of a child's relationship with  
813 the family.

814 11. The transportation safety of children served.

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

817 13. Provisions to safeguard the legal rights of children  
818 served.

819 (c) ~~(b)~~ The requirements for the licensure and operation of

820 a child-placing agency shall also include compliance with the  
821 requirements of ss. 63.0422 and 790.335.

822 (d)~~(e)~~ The department shall randomly drug test a licensed  
823 foster parent if there is a reasonable suspicion that he or she  
824 is using illegal drugs. The cost of testing shall be paid by the  
825 foster parent but shall be reimbursed by the department if the  
826 test is negative. The department may adopt rules necessary to  
827 administer this paragraph.

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

833 (f)~~(e)~~ The department may ~~shall~~ not adopt rules which  
834 interfere with the free exercise of religion or which regulate  
835 religious instruction or teachings in any child-caring or child-  
836 placing home or agency. This section may not; ~~however, nothing~~  
837 ~~herein shall~~ be construed to allow religious instruction or  
838 teachings that are inconsistent with the health, safety, or  
839 well-being of any child; with public morality; or with the  
840 religious freedom of children, parents, or legal guardians who  
841 place their children in such homes or agencies.

842 (g)~~(f)~~ The department's rules shall include adoption of a  
843 form to be used by child-placing agencies during an adoption  
844 home study that requires all prospective adoptive applicants to

845 acknowledge in writing the receipt of a document containing  
846 solely and exclusively the language provided for in s. 790.174  
847 verbatim.

848 (6)

849 (k) The department may not license summer day camps or  
850 summer 24-hour camps. However, the department shall have access  
851 to the personnel records of such facilities to ensure compliance  
852 with the screening requirements. The department may adopt rules  
853 relating to the screening requirements for summer day camps and  
854 summer 24-hour camps.

855 (9)

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

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

861 2. A violation of the provisions of this section or of  
862 licensing rules promulgated pursuant to this section.

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

865 4. Failure to dismiss personnel found in noncompliance  
866 with requirements for good moral character.

867 5. Failure to comply with the requirements of ss. 63.0422  
868 and 790.335.

869 (10)(a) The department may institute injunctive

870 | proceedings in a court of competent jurisdiction to:

871 |       1. Enforce the provisions of this section or any license  
872 | requirement, rule, or order issued or entered into pursuant  
873 | thereto; or

874 |       2. Terminate the operation of an agency in which any of  
875 | the following conditions exist:

876 |       a. The licensee has failed to take preventive or  
877 | corrective measures in accordance with any order of the  
878 | department to maintain conformity with licensing requirements.

879 |       b. There is a violation of any of the provisions of this  
880 | section, or of any licensing requirement promulgated pursuant to  
881 | this section, which violation threatens harm to any child or  
882 | which constitutes an emergency requiring immediate action.

883 |       3. Terminate the operation of a summer day camp or summer  
884 | 24-hour camp providing care for children when such camp has  
885 | willfully and knowingly refused to comply with the screening  
886 | requirements for personnel or has refused to terminate the  
887 | employment of personnel found to be in noncompliance with the  
888 | requirements for good moral character as determined in paragraph  
889 | (5) (b) ~~(5) (a)~~.

890 |       (b) If the department finds, within 30 days after written  
891 | notification by registered mail of the requirement for  
892 | licensure, that a person or agency continues to care for or to  
893 | place children without a license or, within 30 days after  
894 | written notification by registered mail of the requirement for

895 screening of personnel and compliance with paragraph (5) (b)  
896 ~~(5) (a)~~ for the hiring and continued employment of personnel,  
897 that a summer day camp or summer 24-hour camp continues to  
898 provide care for children without complying, the department  
899 shall notify the appropriate state attorney of the violation of  
900 law and, if necessary, shall institute a civil suit to enjoin  
901 the person or agency from continuing the placement or care of  
902 children or to enjoin the summer day camp or summer 24-hour camp  
903 from continuing the care of children.

904 (12)

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

907 1. Willfully or intentionally fail to comply with the  
908 requirements for the screening of personnel or the dismissal of  
909 personnel found not to be in compliance with the requirements  
910 for good moral character as specified in paragraph (5) (b)  
911 ~~(5) (a)~~.

912 2. Use information from the criminal records obtained  
913 under this section for any purpose other than screening a person  
914 for employment as specified in this section or to release such  
915 information to any other person for any purpose other than  
916 screening for employment as specified in this section.

917 (11) (a) The department is authorized to seek compliance  
918 with the licensing requirements of this section to the fullest  
919 extent possible by reliance on administrative sanctions and

920 civil actions and may provide an exception of those standards  
921 for which a waiver has been granted pursuant to this section.

922 (14) (a) In order to provide improved services to children,  
923 the department shall provide or cause to be provided preservice  
924 training for prospective foster parents ~~and emergency shelter~~  
925 ~~parents~~ and inservice training for foster parents ~~and emergency~~  
926 ~~shelter parents~~ who are licensed and supervised by the  
927 department.

928 (b) As a condition of licensure, foster parents ~~and~~  
929 ~~emergency shelter parents~~ shall successfully complete a minimum  
930 of 21 hours of preservice training. The preservice training  
931 shall be uniform statewide and shall include, but not be limited  
932 to, such areas as:

- 933 1. Orientation regarding agency purpose, objectives,  
934 resources, policies, and services;
- 935 2. Role of the foster parent ~~and the emergency shelter~~  
936 ~~parent~~ as a treatment team member;
- 937 3. Transition of a child into and out of foster care ~~and~~  
938 ~~emergency shelter care~~, including issues of separation, loss,  
939 and attachment;
- 940 4. Management of difficult child behavior that can be  
941 intensified by placement, by prior abuse or neglect, and by  
942 prior placement disruptions;
- 943 5. Prevention of placement disruptions;
- 944 6. Care of children at various developmental levels,

945 including appropriate discipline; and

946 7. Effects of foster parenting on the family of the foster  
947 parent ~~and the emergency shelter parent.~~

948 (c) In consultation with foster parents, each region  
949 ~~district~~ or lead agency shall develop a plan for making the  
950 completion of the required training as convenient as possible  
951 for potential foster parents ~~and emergency shelter parents~~. The  
952 plan should include, without limitation, such strategies as  
953 providing training in nontraditional locations and at  
954 nontraditional times. The plan must be revised at least annually  
955 and must be included in the information provided to each person  
956 applying to become a foster parent ~~or emergency shelter parent~~.

957 (d) Prior to licensure renewal, each level II through  
958 level V foster parent ~~and emergency shelter parent~~ shall  
959 successfully complete 8 hours of inservice training. Each level  
960 I foster parent shall successfully complete 4 hours of inservice  
961 training. Periodic time-limited training courses shall be made  
962 available for selective use by foster parents ~~and emergency~~  
963 ~~shelter parents~~. Such inservice training shall include subjects  
964 affecting the daily living experiences of foster parenting as a  
965 foster parent ~~or as an emergency shelter parent, whichever is~~  
966 ~~appropriate.~~ For a foster parent ~~or emergency shelter parent~~  
967 participating in the required inservice training, the department  
968 shall reimburse such parent for travel expenditures and, if both  
969 parents in a home are attending training or if the absence of

HB 7065

2018

970 the parent would leave the children without departmentally  
971 approved adult supervision, ~~either~~ the department shall make  
972 provision for child care or shall reimburse the foster ~~or~~  
973 ~~emergency shelter~~ parents for child care purchased by the  
974 parents for children in their care.

975 Section 14. Subsection (5) of section 960.065, Florida  
976 Statutes, is amended to read:

977 960.065 Eligibility for awards.—

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

982 Section 15. This act shall take effect July 1, 2018.