

By Senator Albritton

26-01284-19

20191650\_\_

1                   A bill to be entitled  
2           An act relating to child welfare; amending ss. 39.01  
3           and 39.4015, F.S.; revising definitions; conforming  
4           cross-references; amending s. 39.402, F.S.; requiring  
5           that the order for placement of a child in shelter  
6           care contain a written finding specifying that the  
7           Department of Children and Families has placement and  
8           care responsibility for certain children; amending s.  
9           39.407, F.S.; authorizing certain advanced practice  
10          registered nurses to prescribe psychotropic  
11          medications to certain children; revising the time  
12          period within which a court must review a child's  
13          residential treatment plan; amending s. 39.5085, F.S.;  
14          revising eligibility for the Relative Caregiver  
15          Program; amending s. 39.5086, F.S.; deleting the term  
16          "fictive kin"; amending s. 39.6225, F.S.; providing  
17          for the termination of guardianship assistance  
18          benefits under certain circumstances; conforming  
19          provisions to changes made by the act; amending s.  
20          39.6251, F.S.; requiring a young adult in extended  
21          foster care to provide certain documentation or  
22          authorize release of certain records; revising  
23          permanency goals for young adults in extended foster  
24          care; requiring execution of a voluntary placement  
25          agreement under certain circumstances; requiring the  
26          department to adopt rules; amending s. 39.701, F.S.;  
27          revising when a court must return a child to the  
28          custody of his or her parents after making certain  
29          determinations; requiring the court to make certain

26-01284-19

20191650\_\_

30 orders relating to extended foster care; amending s.  
31 409.1451, F.S.; authorizing certain financial awards  
32 to be disregarded when applying for other federal  
33 assistance; amending s. 409.175, F.S.; revising  
34 definitions; revising provisions related to the  
35 licensure of family foster homes and certain child-  
36 caring and child-placing agencies; deleting required  
37 numbers of training hours for foster parents; amending  
38 s. 409.903, F.S.; revising eligibility for Medicaid  
39 coverage; amending s. 409.991, F.S.; revising a  
40 definition; amending s. 414.045, F.S.; revising  
41 eligibility for child-only funding; amending s.  
42 1009.25, F.S.; revising eligibility for tuition fee  
43 exemptions; amending ss. 39.302, 39.521, 39.523,  
44 39.6012, 322.09, 394.495, 627.746, 934.255, and  
45 960.065, F.S.; conforming cross-references; providing  
46 an effective date.

47

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

49

50 Section 1. Present subsections (30) through (87) of section  
51 39.01, Florida Statutes, are redesignated as subsections (29)  
52 through (86), respectively, and present subsections (10), (29),  
53 (31), and (37) of that section are amended, to read:

54 39.01 Definitions.—When used in this chapter, unless the  
55 context otherwise requires:

56 (10) "Caregiver" means the parent, legal custodian,  
57 permanent guardian, adult household member, or other person  
58 responsible for a child's welfare as defined in subsection (53)

26-01284-19

20191650\_\_

59 ~~(54).~~

60 ~~(29) "Fictive kin" means a person unrelated by birth,~~  
 61 ~~marriage, or adoption who has an emotionally significant~~  
 62 ~~relationship, which possesses the characteristics of a family~~  
 63 ~~relationship, to a child.~~

64 ~~(30)~~(31) "Guardian" means a relative, nonrelative, or next  
 65 of kin, ~~or fictive kin~~ who is awarded physical custody of a  
 66 child in a proceeding brought pursuant to this chapter.

67 ~~(36)~~(37) "Institutional child abuse or neglect" means  
 68 situations of known or suspected child abuse or neglect in which  
 69 the person allegedly perpetrating the child abuse or neglect is  
 70 an employee of a public or private school, public or private day  
 71 care center, residential home, institution, facility, or agency  
 72 or any other person at such institution responsible for the  
 73 child's care as defined in this section ~~subsection (54).~~

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

76 39.302 Protective investigations of institutional child  
 77 abuse, abandonment, or neglect.—

78 (1) The department shall conduct a child protective  
 79 investigation of each report of institutional child abuse,  
 80 abandonment, or neglect. Upon receipt of a report that alleges  
 81 that an employee or agent of the department, or any other entity  
 82 or person covered by s. 39.01(36) or (53) ~~s. 39.01(37) or (54)~~,  
 83 acting in an official capacity, has committed an act of child  
 84 abuse, abandonment, or neglect, the department shall initiate a  
 85 child protective investigation within the timeframe established  
 86 under s. 39.201(5) and notify the appropriate state attorney,  
 87 law enforcement agency, and licensing agency, which shall

26-01284-19

20191650\_\_

88 immediately conduct a joint investigation, unless independent  
89 investigations are more feasible. When conducting investigations  
90 or having face-to-face interviews with the child, investigation  
91 visits shall be unannounced unless it is determined by the  
92 department or its agent that unannounced visits threaten the  
93 safety of the child. If a facility is exempt from licensing, the  
94 department shall inform the owner or operator of the facility of  
95 the report. Each agency conducting a joint investigation is  
96 entitled to full access to the information gathered by the  
97 department in the course of the investigation. A protective  
98 investigation must include an interview with the child's parent  
99 or legal guardian. The department shall make a full written  
100 report to the state attorney within 3 working days after making  
101 the oral report. A criminal investigation shall be coordinated,  
102 whenever possible, with the child protective investigation of  
103 the department. Any interested person who has information  
104 regarding the offenses described in this subsection may forward  
105 a statement to the state attorney as to whether prosecution is  
106 warranted and appropriate. Within 15 days after the completion  
107 of the investigation, the state attorney shall report the  
108 findings to the department and shall include in the report a  
109 determination of whether or not prosecution is justified and  
110 appropriate in view of the circumstances of the specific case.

111 Section 3. Paragraphs (a), (c), and (d) of subsection (2)  
112 and paragraphs (a) and (b) of subsection (3) of section 39.4015,  
113 Florida Statutes, are amended to read:

114 39.4015 Family finding.—

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

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

26-01284-19

20191650\_\_

117 techniques, including, but not limited to, interviews with  
118 immediate and extended family ~~and fictive kin~~, genograms, eco-  
119 mapping, case mining, cold calls, and specialized computer  
120 searches.

121 (c) "Family group decisionmaking" is a generic term that  
122 includes a number of approaches in which family members ~~and~~  
123 ~~fictive kin~~ are brought together to make decisions about how to  
124 care for their children and develop a plan for services. The  
125 term includes family team conferencing, family team meetings,  
126 family group conferencing, family team decisionmaking, family  
127 unity meetings, and team decisionmaking, which may consist of  
128 several phases and employ a trained facilitator or coordinator.

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

133 (3) FAMILY-FINDING PROGRAM.—Subject to available resources,  
134 the department, in collaboration with sheriffs' offices that  
135 conduct child protective investigations and community-based care  
136 lead agencies, may develop a formal family-finding program to be  
137 implemented by child protective investigators and community-  
138 based care lead agencies as resources permit.

139 (a) Family finding may begin as soon as a child is taken  
140 into custody of the department, pursuant to s. 39.401, and  
141 throughout the duration of the case as necessary, finding and  
142 engaging with as many family members ~~and fictive kin~~ as possible  
143 for each child who may help with care or support for the child.  
144 The department or community-based care lead agency must  
145 specifically document strategies taken to locate and engage

26-01284-19

20191650\_\_

146 relatives ~~and fictive kin~~. Strategies of engagement may include,  
147 but are not limited to, asking the relatives ~~and fictive kin~~ to:

- 148 1. Participate in a family group decisionmaking conference,  
149 family team conferencing, or other family meetings aimed at  
150 developing or supporting the family service plan;
- 151 2. Attend visitations with the child;
- 152 3. Assist in transportation of the child;
- 153 4. Provide respite or child care services; or
- 154 5. Provide actual kinship care.

155 (b) The family finding program shall provide the department  
156 and the community-based care lead agencies with best practices  
157 for identifying family ~~and fictive kin~~. The family finding  
158 program must use diligent efforts in family finding, must  
159 continue those efforts until multiple relatives ~~and fictive kin~~  
160 are identified, and must go beyond basic searching tools by  
161 exploring alternative tools and methodologies. Family finding  
162 efforts by the department and the community-based care lead  
163 agency may include, but are not limited to:

- 164 1. Searching for and locating adult relatives ~~and fictive~~  
165 ~~kin~~.
- 166 2. Identifying and building positive connections between  
167 the child and the child's relatives ~~and fictive kin~~.
- 168 3. Supporting the engagement of relatives ~~and fictive kin~~  
169 in social service planning and delivery of services and creating  
170 a network of extended family support to assist in remedying the  
171 concerns that led to the child becoming involved with the child  
172 welfare system, when appropriate.
- 173 4. Maintaining family connections, when possible.
- 174 5. Keeping siblings together in care, when in the best

26-01284-19

20191650\_\_

175 interest of each child and when possible.

176 Section 4. Paragraph (h) of subsection (8) of section  
177 39.402, Florida Statutes, is amended to read:

178 39.402 Placement in a shelter.—

179 (8)

180 (h) The order for placement of a child in shelter care must  
181 identify the parties present at the hearing and must contain  
182 written findings:

183 1. That placement in shelter care is necessary based on the  
184 criteria in subsections (1) and (2).

185 2. That placement in shelter care is in the best interest  
186 of the child.

187 3. That continuation of the child in the home is contrary  
188 to the welfare of the child because the home situation presents  
189 a substantial and immediate danger to the child's physical,  
190 mental, or emotional health or safety which cannot be mitigated  
191 by the provision of preventive services.

192 4. That based upon the allegations of the petition for  
193 placement in shelter care, there is probable cause to believe  
194 that the child is dependent or that the court needs additional  
195 time, which may not exceed 72 hours, in which to obtain and  
196 review documents pertaining to the family in order to  
197 appropriately determine the risk to the child.

198 5. That the department has made reasonable efforts to  
199 prevent or eliminate the need for removal of the child from the  
200 home. A finding of reasonable effort by the department to  
201 prevent or eliminate the need for removal may be made and the  
202 department is deemed to have made reasonable efforts to prevent  
203 or eliminate the need for removal if:

26-01284-19

20191650\_\_

- 204           a. The first contact of the department with the family  
205 occurs during an emergency;
- 206           b. The appraisal of the home situation by the department  
207 indicates that the home situation presents a substantial and  
208 immediate danger to the child's physical, mental, or emotional  
209 health or safety which cannot be mitigated by the provision of  
210 preventive services;
- 211           c. The child cannot safely remain at home, either because  
212 there are no preventive services that can ensure the health and  
213 safety of the child or because, even with appropriate and  
214 available services being provided, the health and safety of the  
215 child cannot be ensured; or
- 216           d. The parent or legal custodian is alleged to have  
217 committed any of the acts listed as grounds for expedited  
218 termination of parental rights in s. 39.806(1)(f)-(i).
- 219           6. That the department has made reasonable efforts to keep  
220 siblings together if they are removed and placed in out-of-home  
221 care unless such placement is not in the best interest of each  
222 child. It is preferred that siblings be kept together in a  
223 foster home, if available. Other reasonable efforts shall  
224 include short-term placement in a group home with the ability to  
225 accommodate sibling groups if such a placement is available. The  
226 department shall report to the court its efforts to place  
227 siblings together unless the court finds that such placement is  
228 not in the best interest of a child or his or her sibling.
- 229           7. That the court notified the parents, relatives that are  
230 providing out-of-home care for the child, or legal custodians of  
231 the time, date, and location of the next dependency hearing and  
232 of the importance of the active participation of the parents,



26-01284-19

20191650\_\_

233 relatives that are providing out-of-home care for the child, or  
234 legal custodians in all proceedings and hearings.

235 8. That the court notified the parents or legal custodians  
236 of their right to counsel to represent them at the shelter  
237 hearing and at each subsequent hearing or proceeding, and the  
238 right of the parents to appointed counsel, pursuant to the  
239 procedures set forth in s. 39.013.

240 9. That the court notified relatives who are providing out-  
241 of-home care for a child as a result of the shelter petition  
242 being granted that they have the right to attend all subsequent  
243 hearings, to submit reports to the court, and to speak to the  
244 court regarding the child, if they so desire.

245 10. That the department has placement and care  
246 responsibility for any child who is not placed in the care of a  
247 parent at the conclusion of the shelter hearing.

248 Section 5. Subsection (3) and paragraphs (g), (h), and (i)  
249 of subsection (6) of section 39.407, Florida Statutes, are  
250 amended to read:

251 39.407 Medical, psychiatric, and psychological examination  
252 and treatment of child; physical, mental, or substance abuse  
253 examination of person with or requesting child custody.—

254 (3) (a) 1. Except as otherwise provided in subparagraph (b) 1.  
255 or paragraph (e), before the department provides psychotropic  
256 medications to a child in its custody, the prescribing physician  
257 or the advanced practice registered nurse whose specialty is  
258 psychiatric nursing, as defined in chapter 394, and who is given  
259 prescribing authority under chapter 464 shall attempt to obtain  
260 express and informed consent, as defined in s. 394.455(15) and  
261 as described in s. 394.459(3) (a), from the child's parent or

26-01284-19

20191650\_\_

262 legal guardian. The department must take steps necessary to  
263 facilitate the inclusion of the parent in the child's  
264 consultation with the physician or advanced practice registered  
265 nurse. However, if the parental rights of the parent have been  
266 terminated, the parent's location or identity is unknown or  
267 cannot reasonably be ascertained, or the parent declines to give  
268 express and informed consent, the department may, after  
269 consultation with the prescribing physician or advanced practice  
270 registered nurse, seek court authorization to provide the  
271 psychotropic medications to the child. Unless parental rights  
272 have been terminated and if it is possible to do so, the  
273 department shall continue to involve the parent in the  
274 decisionmaking process regarding the provision of psychotropic  
275 medications. If, at any time, a parent whose parental rights  
276 have not been terminated provides express and informed consent  
277 to the provision of a psychotropic medication, the requirements  
278 of this section that the department seek court authorization do  
279 not apply to that medication until such time as the parent no  
280 longer consents.

281 2. Any time the department seeks a medical evaluation to  
282 determine the need to initiate or continue a psychotropic  
283 medication for a child, the department must provide to the  
284 evaluating physician or advanced practice registered nurse all  
285 pertinent medical information known to the department concerning  
286 that child.

287 (b)1. If a child who is removed from the home under s.  
288 39.401 is receiving prescribed psychotropic medication at the  
289 time of removal and parental authorization to continue providing  
290 the medication cannot be obtained, the department may take

26-01284-19

20191650\_\_

291 possession of the remaining medication and may continue to  
292 provide the medication as prescribed until the shelter hearing,  
293 if it is determined that the medication is a current  
294 prescription for that child and the medication is in its  
295 original container.

296 2. If the department continues to provide the psychotropic  
297 medication to a child when parental authorization cannot be  
298 obtained, the department shall notify the parent or legal  
299 guardian as soon as possible that the medication is being  
300 provided to the child as provided in subparagraph 1. The child's  
301 official departmental record must include the reason parental  
302 authorization was not initially obtained and an explanation of  
303 why the medication is necessary for the child's well-being.

304 3. If the department is advised by a physician licensed  
305 under chapter 458 or chapter 459 or an advanced practice  
306 registered nurse whose specialty is psychiatric nursing, as  
307 defined in chapter 394, and who is given prescribing authority  
308 under chapter 464 that the child should continue the  
309 psychotropic medication and parental authorization has not been  
310 obtained, the department shall request court authorization at  
311 the shelter hearing to continue to provide the psychotropic  
312 medication and shall provide to the court any information in its  
313 possession in support of the request. Any authorization granted  
314 at the shelter hearing may extend only until the arraignment  
315 hearing on the petition for adjudication of dependency or 28  
316 days following the date of removal, whichever occurs sooner.

317 4. Before filing the dependency petition, the department  
318 shall ensure that the child is evaluated by a physician licensed  
319 under chapter 458 or chapter 459 or an advanced practice

26-01284-19

20191650\_\_

320 registered nurse whose specialty is psychiatric nursing, as  
321 defined in chapter 394, and who is given prescribing authority  
322 under chapter 464 to determine whether it is appropriate to  
323 continue the psychotropic medication. If, as a result of the  
324 evaluation, the department seeks court authorization to continue  
325 the psychotropic medication, a motion for such continued  
326 authorization shall be filed at the same time as the dependency  
327 petition, within 21 days after the shelter hearing.

328 (c) Except as provided in paragraphs (b) and (e), the  
329 department must file a motion seeking the court's authorization  
330 to initially provide or continue to provide psychotropic  
331 medication to a child in its legal custody. The motion must be  
332 supported by a written report prepared by the department which  
333 describes the efforts made to enable the prescribing physician  
334 or advanced practice registered nurse whose specialty is  
335 psychiatric nursing, as defined in chapter 394, and who is given  
336 prescribing authority under chapter 464 to obtain express and  
337 informed consent for providing the medication to the child and  
338 other treatments considered or recommended for the child. In  
339 addition, the motion must be supported by the prescribing  
340 physician's or advanced practice registered nurse's signed  
341 medical report providing:

342 1. The name of the child, the name and range of the dosage  
343 of the psychotropic medication, and that there is a need to  
344 prescribe psychotropic medication to the child based upon a  
345 diagnosed condition for which such medication is being  
346 prescribed.

347 2. A statement indicating that the physician has reviewed  
348 all medical information concerning the child which has been

26-01284-19

20191650\_\_

349 provided.

350 3. A statement indicating that the psychotropic medication,  
351 at its prescribed dosage, is appropriate for treating the  
352 child's diagnosed medical condition, as well as the behaviors  
353 and symptoms the medication, at its prescribed dosage, is  
354 expected to address.

355 4. An explanation of the nature and purpose of the  
356 treatment; the recognized side effects, risks, and  
357 contraindications of the medication; drug-interaction  
358 precautions; the possible effects of stopping the medication;  
359 and how the treatment will be monitored, followed by a statement  
360 indicating that this explanation was provided to the child if  
361 age appropriate and to the child's caregiver.

362 5. Documentation addressing whether the psychotropic  
363 medication will replace or supplement any other currently  
364 prescribed medications or treatments; the length of time the  
365 child is expected to be taking the medication; and any  
366 additional medical, mental health, behavioral, counseling, or  
367 other services that the prescribing physician or advanced  
368 practice registered nurse recommends.

369 (d)1. The department must notify all parties of the  
370 proposed action taken under paragraph (c) in writing or by  
371 whatever other method best ensures that all parties receive  
372 notification of the proposed action within 48 hours after the  
373 motion is filed. If any party objects to the department's  
374 motion, that party shall file the objection within 2 working  
375 days after being notified of the department's motion. If any  
376 party files an objection to the authorization of the proposed  
377 psychotropic medication, the court shall hold a hearing as soon

26-01284-19

20191650\_\_

378 as possible before authorizing the department to initially  
379 provide or to continue providing psychotropic medication to a  
380 child in the legal custody of the department. At such hearing  
381 and notwithstanding s. 90.803, the medical report described in  
382 paragraph (c) is admissible in evidence. The prescribing  
383 physician or advanced practice registered nurse whose specialty  
384 is psychiatric nursing, as defined in chapter 394, and who is  
385 given prescribing authority under chapter 464 need not attend  
386 the hearing or testify unless the court specifically orders such  
387 attendance or testimony, or a party subpoenas the physician or  
388 advanced practice registered nurse to attend the hearing or  
389 provide testimony. If, after considering any testimony received,  
390 the court finds that the department's motion and the physician's  
391 or advanced practice registered nurse's medical report meet the  
392 requirements of this subsection and that it is in the child's  
393 best interests, the court may order that the department provide  
394 or continue to provide the psychotropic medication to the child  
395 without additional testimony or evidence. At any hearing held  
396 under this paragraph, the court shall further inquire of the  
397 department as to whether additional medical, mental health,  
398 behavioral, counseling, or other services are being provided to  
399 the child by the department which the prescribing physician or  
400 advanced practice registered nurse considers to be necessary or  
401 beneficial in treating the child's medical condition and which  
402 the physician or advanced practice registered nurse recommends  
403 or expects to provide to the child in concert with the  
404 medication. The court may order additional medical consultation,  
405 including consultation with the MedConsult line at the  
406 University of Florida, if available, or require the department

26-01284-19

20191650\_\_

407 to obtain a second opinion within a reasonable timeframe as  
408 established by the court, not to exceed 21 calendar days, after  
409 such order based upon consideration of the best interests of the  
410 child. The department must make a referral for an appointment  
411 for a second opinion with a physician within 1 working day. The  
412 court may not order the discontinuation of prescribed  
413 psychotropic medication if such order is contrary to the  
414 decision of the prescribing physician or advanced practice  
415 registered nurse unless the court first obtains an opinion from  
416 a licensed psychiatrist, if available, or, if not available, a  
417 physician licensed under chapter 458 or chapter 459, stating  
418 that more likely than not, discontinuing the medication would  
419 not cause significant harm to the child. If, however, the  
420 prescribing psychiatrist specializes in mental health care for  
421 children and adolescents, the court may not order the  
422 discontinuation of prescribed psychotropic medication unless the  
423 required opinion is also from a psychiatrist who specializes in  
424 mental health care for children and adolescents. The court may  
425 also order the discontinuation of prescribed psychotropic  
426 medication if a child's treating physician, licensed under  
427 chapter 458 or chapter 459, states that continuing the  
428 prescribed psychotropic medication would cause significant harm  
429 to the child due to a diagnosed nonpsychiatric medical  
430 condition.

431 2. The burden of proof at any hearing held under this  
432 paragraph shall be by a preponderance of the evidence.

433 (e)1. If the child's prescribing physician or advanced  
434 practice registered nurse whose specialty is psychiatric  
435 nursing, as defined in chapter 394, and who is given prescribing

26-01284-19

20191650\_\_

436 authority under chapter 464 certifies in the signed medical  
437 report required in paragraph (c) that delay in providing a  
438 prescribed psychotropic medication would more likely than not  
439 cause significant harm to the child, the medication may be  
440 provided in advance of the issuance of a court order. In such  
441 event, the medical report must provide the specific reasons why  
442 the child may experience significant harm and the nature and the  
443 extent of the potential harm. The department must submit a  
444 motion seeking continuation of the medication and the  
445 physician's medical report to the court, the child's guardian ad  
446 litem, and all other parties within 3 working days after the  
447 department commences providing the medication to the child. The  
448 department shall seek the order at the next regularly scheduled  
449 court hearing required under this chapter, or within 30 days  
450 after the date of the prescription, whichever occurs sooner. If  
451 any party objects to the department's motion, the court shall  
452 hold a hearing within 7 days.

453 2. Psychotropic medications may be administered in advance  
454 of a court order in hospitals, crisis stabilization units, and  
455 in statewide inpatient psychiatric programs. Within 3 working  
456 days after the medication is begun, the department must seek  
457 court authorization as described in paragraph (c).

458 (f)1. The department shall fully inform the court of the  
459 child's medical and behavioral status as part of the social  
460 services report prepared for each judicial review hearing held  
461 for a child for whom psychotropic medication has been prescribed  
462 or provided under this subsection. As a part of the information  
463 provided to the court, the department shall furnish copies of  
464 all pertinent medical records concerning the child which have



26-01284-19

20191650\_\_

465 been generated since the previous hearing. On its own motion or  
466 on good cause shown by any party, including any guardian ad  
467 litem, attorney, or attorney ad litem who has been appointed to  
468 represent the child or the child's interests, the court may  
469 review the status more frequently than required in this  
470 subsection.

471 2. The court may, in the best interests of the child, order  
472 the department to obtain a medical opinion addressing whether  
473 the continued use of the medication under the circumstances is  
474 safe and medically appropriate.

475 (g) The department shall adopt rules to ensure that  
476 children receive timely access to clinically appropriate  
477 psychotropic medications. These rules must include, but need not  
478 be limited to, the process for determining which adjunctive  
479 services are needed, the uniform process for facilitating the  
480 prescribing physician's or advanced practice registered nurse's  
481 ability to obtain the express and informed consent of a child's  
482 parent or guardian, the procedures for obtaining court  
483 authorization for the provision of a psychotropic medication,  
484 the frequency of medical monitoring and reporting on the status  
485 of the child to the court, how the child's parents will be  
486 involved in the treatment-planning process if their parental  
487 rights have not been terminated, and how caretakers are to be  
488 provided information contained in the physician's or advanced  
489 practice registered nurse's signed medical report. The rules  
490 must also include uniform forms to be used in requesting court  
491 authorization for the use of a psychotropic medication and  
492 provide for the integration of each child's treatment plan and  
493 case plan. The department must begin the formal rulemaking

26-01284-19

20191650\_\_

494 process within 90 days after the effective date of this act.

495 (6) Children who are in the legal custody of the department  
496 may be placed by the department, without prior approval of the  
497 court, in a residential treatment center licensed under s.  
498 394.875 or a hospital licensed under chapter 395 for residential  
499 mental health treatment only pursuant to this section or may be  
500 placed by the court in accordance with an order of involuntary  
501 examination or involuntary placement entered pursuant to s.  
502 394.463 or s. 394.467. All children placed in a residential  
503 treatment program under this subsection must have a guardian ad  
504 litem appointed.

505 (g)1. The department must submit, at the beginning of each  
506 month, to the court having jurisdiction over the child, a  
507 written report regarding the child's progress toward achieving  
508 the goals specified in the individualized plan of treatment.

509 2. The court must conduct a hearing to review the status of  
510 the child's residential treatment plan no later than 60 days ~~3~~  
511 ~~months~~ after the child's admission to the residential treatment  
512 program. An independent review of the child's progress toward  
513 achieving the goals and objectives of the treatment plan must be  
514 completed by a qualified evaluator and submitted to the court  
515 before its 60-day ~~3-month~~ review.

516 3. For any child in residential treatment at the time a  
517 judicial review is held pursuant to s. 39.701, the child's  
518 continued placement in residential treatment must be a subject  
519 of the judicial review.

520 4. If at any time the court determines that the child is  
521 not suitable for continued residential treatment, the court  
522 shall order the department to place the child in the least

26-01284-19

20191650\_\_

523 restrictive setting that is best suited to meet his or her  
524 needs.

525 (h) After the initial 60-day ~~3-month~~ review, the court must  
526 conduct a review of the child's residential treatment plan every  
527 90 days.

528 (i) The department must adopt rules for implementing  
529 timeframes for the completion of suitability assessments by  
530 qualified evaluators and a procedure that includes timeframes  
531 for completing the 60-day ~~3-month~~ independent review by the  
532 qualified evaluators of the child's progress toward achieving  
533 the goals and objectives of the treatment plan which review must  
534 be submitted to the court. The Agency for Health Care  
535 Administration must adopt rules for the registration of  
536 qualified evaluators, the procedure for selecting the evaluators  
537 to conduct the reviews required under this section, and a  
538 reasonable, cost-efficient fee schedule for qualified  
539 evaluators.

540 Section 6. Present paragraphs (a) through (h) of subsection  
541 (2) of section 39.5085, Florida Statutes, are redesignated as  
542 paragraphs (b) through (i), respectively, paragraph (a) of  
543 subsection (1) is amended, and a new paragraph (a) is added to  
544 subsection (2) of that section, to read:

545 39.5085 Relative Caregiver Program.—

546 (1) It is the intent of the Legislature in enacting this  
547 section to:

548 (a) Provide for the establishment of procedures and  
549 protocols that serve to advance the continued safety of children  
550 by acknowledging the valued resource uniquely available through  
551 grandparents, relatives of children, and specified nonrelatives

26-01284-19

20191650\_\_

552 of children pursuant to subparagraph (2) (b) 3. ~~(2) (a) 3.~~

553 (2)

554 (a) Relatives and nonrelatives who are caring for a child  
 555 must be denied for the Guardianship Assistance Program under s.  
 556 39.6225 before applying for the Relative Caregiver Program.

557 Section 7. Section 39.5086, Florida Statutes, is amended to  
 558 read:

559 39.5086 Kinship navigator programs.—

560 (1) DEFINITIONS.—As used in this section, the term:

561 ~~(a) "Fictive kin" has the same meaning as provided in s.~~  
 562 ~~39.4015(2) (d).~~

563 (a) ~~(b)~~ "Kinship care" means the full-time care of a child  
 564 placed in out-of-home care by the court in the home of a  
 565 relative ~~or fictive kin.~~

566 (b) ~~(e)~~ "Kinship navigator program" means a program designed  
 567 to ensure that kinship caregivers are provided with necessary  
 568 resources for the preservation of the family.

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

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

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

576 (2) PURPOSE AND SERVICES.—

577 (a) The purpose of a kinship navigator program is to help  
 578 relative caregivers ~~and fictive kin~~ in the child welfare system  
 579 to navigate the broad range of services available to them and  
 580 the children from public, private, community, and faith-based

26-01284-19

20191650\_\_

581 organizations.

582 (b) Subject to available resources, each community-based  
583 care lead agency may establish a kinship navigator program that:

584 1. Coordinates with other state or local agencies that  
585 promote service coordination or provide information and referral  
586 services, including any entities that participate in the Florida  
587 211 Network, to avoid duplication or fragmentation of services  
588 to kinship care families;

589 2. Is planned and operated in consultation with kinship  
590 caregivers and organizations representing them, youth raised by  
591 kinship caregivers, relevant governmental agencies, and relevant  
592 community-based or faith-based organizations;

593 3. Has a toll-free telephone hotline to provide information  
594 to link kinship caregivers, kinship support group facilitators,  
595 and kinship service providers to:

596 a. One another;

597 b. Eligibility and enrollment information for federal,  
598 state, and local benefits;

599 c. Relevant training to assist kinship caregivers in  
600 caregiving and in obtaining benefits and services; and

601 d. Relevant knowledge related to legal options available  
602 for child custody, other legal assistance, and help in obtaining  
603 legal services.

604 4. Provides outreach to kinship care families, including by  
605 establishing, distributing, and updating a kinship care website,  
606 or other relevant guides or outreach materials; and

607 5. Promotes partnerships between public and private  
608 agencies, including schools, community-based or faith-based  
609 organizations, and relevant governmental agencies, to increase

26-01284-19

20191650\_\_

610 their knowledge of the needs of kinship care families to promote  
611 better services for those families.

612 (3) RULEMAKING.—The department may adopt rules to implement  
613 this section.

614 Section 8. Paragraph (c) of subsection (1) of section  
615 39.521, Florida Statutes, is amended to read:

616 39.521 Disposition hearings; powers of disposition.—

617 (1) A disposition hearing shall be conducted by the court,  
618 if the court finds that the facts alleged in the petition for  
619 dependency were proven in the adjudicatory hearing, or if the  
620 parents or legal custodians have consented to the finding of  
621 dependency or admitted the allegations in the petition, have  
622 failed to appear for the arraignment hearing after proper  
623 notice, or have not been located despite a diligent search  
624 having been conducted.

625 (c) When any child is adjudicated by a court to be  
626 dependent, the court having jurisdiction of the child has the  
627 power by order to:

628 1. Require the parent and, when appropriate, the legal  
629 guardian or the child to participate in treatment and services  
630 identified as necessary. The court may require the person who  
631 has custody or who is requesting custody of the child to submit  
632 to a mental health or substance abuse disorder assessment or  
633 evaluation. The order may be made only upon good cause shown and  
634 pursuant to notice and procedural requirements provided under  
635 the Florida Rules of Juvenile Procedure. The mental health  
636 assessment or evaluation must be administered by a qualified  
637 professional as defined in s. 39.01, and the substance abuse  
638 assessment or evaluation must be administered by a qualified

26-01284-19

20191650\_\_

639 professional as defined in s. 397.311. The court may also  
640 require such person to participate in and comply with treatment  
641 and services identified as necessary, including, when  
642 appropriate and available, participation in and compliance with  
643 a mental health court program established under chapter 394 or a  
644 treatment-based drug court program established under s. 397.334.  
645 Adjudication of a child as dependent based upon evidence of harm  
646 as defined in s. 39.01(34)(g) ~~s. 39.01(35)(g)~~ demonstrates good  
647 cause, and the court shall require the parent whose actions  
648 caused the harm to submit to a substance abuse disorder  
649 assessment or evaluation and to participate and comply with  
650 treatment and services identified in the assessment or  
651 evaluation as being necessary. In addition to supervision by the  
652 department, the court, including the mental health court program  
653 or the treatment-based drug court program, may oversee the  
654 progress and compliance with treatment by a person who has  
655 custody or is requesting custody of the child. The court may  
656 impose appropriate available sanctions for noncompliance upon a  
657 person who has custody or is requesting custody of the child or  
658 make a finding of noncompliance for consideration in determining  
659 whether an alternative placement of the child is in the child's  
660 best interests. Any order entered under this subparagraph may be  
661 made only upon good cause shown. This subparagraph does not  
662 authorize placement of a child with a person seeking custody of  
663 the child, other than the child's parent or legal custodian, who  
664 requires mental health or substance abuse disorder treatment.

665       2. Require, if the court deems necessary, the parties to  
666 participate in dependency mediation.

667       3. Require placement of the child either under the

26-01284-19

20191650\_\_

668 protective supervision of an authorized agent of the department  
669 in the home of one or both of the child's parents or in the home  
670 of a relative of the child or another adult approved by the  
671 court, or in the custody of the department. Protective  
672 supervision continues until the court terminates it or until the  
673 child reaches the age of 18, whichever date is first. Protective  
674 supervision shall be terminated by the court whenever the court  
675 determines that permanency has been achieved for the child,  
676 whether with a parent, another relative, or a legal custodian,  
677 and that protective supervision is no longer needed. The  
678 termination of supervision may be with or without retaining  
679 jurisdiction, at the court's discretion, and shall in either  
680 case be considered a permanency option for the child. The order  
681 terminating supervision by the department must set forth the  
682 powers of the custodian of the child and include the powers  
683 ordinarily granted to a guardian of the person of a minor unless  
684 otherwise specified. Upon the court's termination of supervision  
685 by the department, further judicial reviews are not required if  
686 permanency has been established for the child.

687 4. Determine whether the child has a strong attachment to  
688 the prospective permanent guardian and whether such guardian has  
689 a strong commitment to permanently caring for the child.

690 Section 9. Paragraph (a) of subsection (2) of section  
691 39.523, Florida Statutes, is amended to read:

692 39.523 Placement in out-of-home care.—

693 (2) ASSESSMENT AND PLACEMENT.—When any child is removed  
694 from a home and placed into out-of-home care, a comprehensive  
695 placement assessment process shall be completed to determine the  
696 level of care needed by the child and match the child with the



26-01284-19

20191650\_\_

697 most appropriate placement.

698 (a) The community-based care lead agency or subcontracted  
699 agency with the responsibility for assessment and placement must  
700 coordinate a multidisciplinary team staffing with any available  
701 individual currently involved with the child including, but not  
702 limited to, a representative from the department and the case  
703 manager for the child; a therapist, attorney ad litem, guardian  
704 ad litem, teachers, coaches, Children's Medical Services; and  
705 other community providers of services to the child or  
706 stakeholders as applicable. The team may also include clergy  
707 and, ~~relatives, and fictive kin~~ if appropriate. Team  
708 participants must gather data and information on the child which  
709 is known at the time including, but not limited to:

- 710 1. Mental, medical, behavioral health, and medication  
711 history;
- 712 2. Community ties and school placement;
- 713 3. Current placement decisions relating to any siblings;
- 714 4. Alleged type of abuse or neglect including sexual abuse  
715 and trafficking history; and
- 716 5. The child's age, maturity, strengths, hobbies or  
717 activities, and the child's preference for placement.

718 Section 10. Paragraph (c) of subsection (1) of section  
719 39.6012, Florida Statutes, is amended to read:

720 39.6012 Case plan tasks; services.—

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

723 (c) If there is evidence of harm as defined in s.  
724 39.01(34)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a  
725 required task for the parent whose actions caused the harm that

26-01284-19

20191650\_\_

726 the parent submit to a substance abuse disorder assessment or  
 727 evaluation and participate and comply with treatment and  
 728 services identified in the assessment or evaluation as being  
 729 necessary.

730 Section 11. Subsections (1), (6), (10), and (12) of section  
 731 39.6225, Florida Statutes, are amended to read:

732 39.6225 Guardianship Assistance Program.—

733 (1) The department shall establish and operate the  
 734 Guardianship Assistance Program to provide guardianship  
 735 assistance payments to relatives and next of kin, ~~and fictive~~  
 736 ~~kin~~ who meet the eligibility requirements established in this  
 737 section. For purposes of administering the program, the term:

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

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

742 (6) Guardianship assistance benefits shall be terminated if  
 743 the guardian is no longer providing support to the child. For  
 744 purposes of this subsection, a guardian is considered to no  
 745 longer be providing support to the child if:

746 (a) The child is absent from the home of the guardian for a  
 747 period of at least 60 consecutive calendar days, unless the  
 748 child:

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

752 2. Continues to be under the care and custody of the  
 753 guardian.

754 (b) The court modifies the placement of the child and the

26-01284-19

20191650\_\_

755 guardian is no longer eligible to receive guardianship  
756 assistance benefits.

757 (10) The case plan must describe the following for each  
758 child with a permanency goal of permanent guardianship in which  
759 the guardian is pursuing ~~in receipt of~~ guardianship assistance  
760 ~~payments~~:

761 (a) The manner in which the child meets program eligibility  
762 requirements.

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

765 (c) Efforts to discuss adoption with the child's permanent  
766 guardian.

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

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

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

773 (g) Efforts to consult the child, if the child is 14 years  
774 of age or older, regarding the permanent guardianship  
775 arrangement.

776 (12) The department shall develop and implement a  
777 comprehensive communications strategy in support of relatives  
778 ~~and fictive kin~~ who are prospective caregivers. This strategy  
779 shall provide such prospective caregivers with information on  
780 supports and services available under state law. At a minimum,  
781 the department's communication strategy shall involve providing  
782 prospective caregivers with information about:

783 (a) Eligibility criteria, monthly payment rates, terms of

26-01284-19

20191650\_\_

784 payment, and program or licensure requirements for the Relative  
785 Caregiver Program, the Guardianship Assistance Program, and  
786 licensure as a Level I or Level II family foster home as  
787 provided in s. 409.175.

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

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

793 Section 12. Subsections (2) and (3), paragraph (a) of  
794 subsection (4), and subsection (6) of section 39.6251, Florida  
795 Statutes, are amended, and subsection (10) is added to that  
796 section, to read:

797 39.6251 Continuing care for young adults.—

798 (2) The primary goal for a child in care is permanency. A  
799 child who is living in licensed care on his or her 18th birthday  
800 and who has not achieved permanency under s. 39.621 is eligible  
801 to remain in licensed care under the jurisdiction of the court  
802 and in the care of the department. A child is eligible to remain  
803 in licensed care if he or she is:

804 (a) Completing secondary education or a program leading to  
805 an equivalent credential;

806 (b) Enrolled in an institution that provides postsecondary  
807 or vocational education;

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

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

811 (e) Unable to participate in programs or activities listed  
812 in paragraphs (a)-(d) full time due to a physical, intellectual,

26-01284-19

20191650\_\_

813 emotional, or psychiatric condition that limits participation.  
814 Any such barrier to participation must be supported by  
815 documentation in the child's case file or school or medical  
816 records of a physical, intellectual, or psychiatric condition  
817 that impairs the child's ability to perform one or more life  
818 activities.

819

820 The young adult must furnish documentation to the department or  
821 lead agency of his or her participation in one of the programs  
822 or activities listed in paragraphs (a)-(d), or his or her  
823 inability to participate in one of the programs or activities as  
824 provided in paragraph (e), or authorize the release of his or  
825 her records to the department or lead agency.

826 (3) The permanency goal for a young adult who chooses to  
827 remain in licensed care past his or her 18th birthday is to  
828 transition to independence ~~from licensed care to independent~~  
829 ~~living~~.

830 (4) (a) The young adult must reside in a supervised living  
831 environment that is approved by the department or a community-  
832 based care lead agency. The young adult shall live  
833 independently, but in an environment in which he or she is  
834 provided supervision, case management, and supportive services  
835 by the department or lead agency. Such an environment must offer  
836 developmentally appropriate freedom and responsibility to  
837 prepare the young adult for adulthood. For the purposes of this  
838 subsection, a supervised living arrangement may include a  
839 licensed foster home, licensed group home, college dormitory,  
840 shared housing, apartment, or another housing arrangement if the  
841 arrangement is approved by the community-based care lead agency

26-01284-19

20191650\_\_

842 and is acceptable to the young adult, ~~with first choice being a~~  
843 ~~licensed foster home~~. A young adult may continue to reside with  
844 the same licensed foster family or group care provider with whom  
845 he or she was residing at the time he or she reached the age of  
846 18 years.

847 (6) A young adult who is between the ages of 18 and 21 and  
848 who has left care may return to care by applying to the  
849 community-based care lead agency for readmission through the  
850 execution of a voluntary placement agreement. The community-  
851 based care lead agency shall readmit the young adult if he or  
852 she continues to meet the eligibility requirements in this  
853 section.

854 (a) The department shall develop a standard procedure and  
855 application packet for readmission to care to be used by all  
856 community-based care lead agencies.

857 (b) Within 30 days after the young adult has been  
858 readmitted to care, the community-based care lead agency shall  
859 assign a case manager to update the case plan and the transition  
860 plan and to arrange for the required services. Updates to the  
861 case plan and the transition plan and arrangements for the  
862 required services shall be undertaken in consultation with the  
863 young adult. The department shall petition the court to  
864 reinstate jurisdiction over the young adult. Notwithstanding s.  
865 39.013(2), the court shall resume jurisdiction over the young  
866 adult if the department establishes that he or she continues to  
867 meet the eligibility requirements in this section.

868 (10) The department shall adopt rules to administer this  
869 section.

870 Section 13. Paragraph (d) of subsection (2) of section

26-01284-19

20191650\_\_

871 39.701, Florida Statutes, is amended, and paragraphs (f) and (g)  
872 are added to subsection (4) of that section, to read:

873 39.701 Judicial review.—

874 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
875 AGE.—

876 (d) *Orders*.—

877 1. Based upon the criteria set forth in paragraph (c) and  
878 the recommended order of the citizen review panel, if any, the  
879 court shall determine whether ~~or not~~ the social service agency  
880 shall initiate proceedings to have a child declared a dependent  
881 child, return the child to the parent, continue the child in  
882 out-of-home care for a specified period of time, or initiate  
883 termination of parental rights proceedings for subsequent  
884 placement in an adoptive home. Amendments to the case plan must  
885 be prepared as provided ~~prescribed~~ in s. 39.6013. If the court  
886 finds that the prevention or reunification efforts of the  
887 department will allow the child to remain safely at home or be  
888 safely returned to the home, the court shall allow the child to  
889 remain in or return to the home after making a specific finding  
890 of fact that the reasons for the creation of the case plan have  
891 been remedied to the extent that the child's safety, well-being,  
892 and physical, mental, and emotional health will not be  
893 endangered.

894 2. The court shall return the child to the custody of his  
895 or her ~~the~~ parents at any time it determines that the  
896 circumstances which caused the out-of-home placement, and issues  
897 subsequently identified, have been remedied to the extent that  
898 return of the child to the home with an in-home safety plan  
899 prepared or approved by the department ~~that they have~~

26-01284-19

20191650\_\_

900 ~~substantially complied with the case plan, if the court is~~  
901 ~~satisfied that reunification~~ will not be detrimental to the  
902 child's safety, well-being, and physical, mental, and emotional  
903 health.

904 3. If, in the opinion of the court, the social service  
905 agency has not complied with its obligations as specified in the  
906 written case plan, the court may find the social service agency  
907 in contempt, shall order the social service agency to submit its  
908 plans for compliance with the agreement, and shall require the  
909 social service agency to show why the child could not safely be  
910 returned to the home of the parents.

911 4. If, at any judicial review, the court finds that the  
912 parents have failed to substantially comply with the case plan  
913 to the degree that further reunification efforts are without  
914 merit and not in the best interest of the child, on its own  
915 motion, the court may order the filing of a petition for  
916 termination of parental rights, regardless of whether ~~or not~~ the  
917 time period as contained in the case plan for substantial  
918 compliance has expired.

919 5. Within 6 months after the date that the child was placed  
920 in shelter care, the court shall conduct a judicial review  
921 hearing to review the child's permanency goal as identified in  
922 the case plan. At the hearing the court shall make findings  
923 regarding the likelihood of the child's reunification with the  
924 parent or legal custodian. In making such findings, the court  
925 shall consider the level of the parent or legal custodian's  
926 compliance with the case plan and demonstrated change in  
927 protective capacities compared to that necessary to achieve  
928 timely reunification within 12 months after the removal of the



26-01284-19

20191650\_\_

929 child from the home. The court shall also consider the  
930 frequency, duration, manner, and level of engagement of the  
931 parent or legal custodian's visitation with the child in  
932 compliance with the case plan. If the court makes a written  
933 finding that it is not likely that the child will be reunified  
934 with the parent or legal custodian within 12 months after the  
935 child was removed from the home, the department must file with  
936 the court, and serve on all parties, a motion to amend the case  
937 plan under s. 39.6013 and declare that it will use concurrent  
938 planning for the case plan. The department must file the motion  
939 within 10 business days after receiving the written finding of  
940 the court. The department must attach the proposed amended case  
941 plan to the motion. If concurrent planning is already being  
942 used, the case plan must document the efforts the department is  
943 taking to complete the concurrent goal.

944 6. The court may issue a protective order in assistance, or  
945 as a condition, of any other order made under this part. In  
946 addition to the requirements included in the case plan, the  
947 protective order may set forth requirements relating to  
948 reasonable conditions of behavior to be observed for a specified  
949 period of time by a person or agency who is before the court,<sup>17</sup>  
950 and the order may require any person or agency to make periodic  
951 reports to the court containing such information as the court in  
952 its discretion may prescribe.

953 7. If, at any judicial review, the court determines that  
954 the child shall remain in out-of-home care, the court shall  
955 order that the department has placement and care responsibility  
956 for the child.

957 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—During

26-01284-19

20191650\_\_

958 each period of time that a young adult remains in foster care,  
959 the court shall review the status of the young adult at least  
960 every 6 months and must hold a permanency review hearing at  
961 least annually.

962 (f) If the young adult elects to voluntarily leave extended  
963 foster care for the sole purpose of ending a removal episode and  
964 immediately thereafter executes a voluntary placement agreement  
965 with the department to reenroll in extended foster care, the  
966 court shall enter an order finding that the prior removal  
967 episode has ended. Under these circumstances, the court  
968 maintains jurisdiction and a petition to reinstate jurisdiction  
969 as provided in s. 39.6251(6) (b) is not required.

970 (g)1. When a young adult enters extended foster care by  
971 executing a voluntary placement agreement, the court shall enter  
972 an order within 180 days after execution of the agreement that  
973 determines whether the placement is in the best interests of the  
974 young adult. For purposes of this paragraph, a placement may  
975 include a licensed foster home, licensed group home, college  
976 dormitory, shared housing, apartment, or another housing  
977 arrangement, if the arrangement is approved by the community-  
978 based care lead agency and is acceptable to the young adult.

979 2. When a young adult is in extended foster care, each  
980 judicial review order shall provide that the department has  
981 placement and care responsibility for the young adult.

982 3. When a young adult is in extended foster care, the court  
983 shall enter an order at least every 12 months that includes a  
984 finding of whether the department has made reasonable efforts to  
985 finalize the permanency plan currently in effect.

986 Section 14. Subsection (4) of section 322.09, Florida

26-01284-19

20191650\_\_

987 Statutes, is amended to read:

988 322.09 Application of minors; responsibility for negligence  
989 or misconduct of minor.—

990 (4) Notwithstanding subsections (1) and (2), if a caregiver  
991 of a minor who is under the age of 18 years and is in out-of-  
992 home care as defined in s. 39.01 ~~s. 39.01(49)~~, an authorized  
993 representative of a residential group home at which such a minor  
994 resides, the caseworker at the agency at which the state has  
995 placed the minor, or a guardian ad litem specifically authorized  
996 by the minor's caregiver to sign for a learner's driver license  
997 signs the minor's application for a learner's driver license,  
998 that caregiver, group home representative, caseworker, or  
999 guardian ad litem does not assume any obligation or become  
1000 liable for any damages caused by the negligence or willful  
1001 misconduct of the minor by reason of having signed the  
1002 application. Before signing the application, the caseworker,  
1003 authorized group home representative, or guardian ad litem shall  
1004 notify the caregiver or other responsible party of his or her  
1005 intent to sign and verify the application.

1006 Section 15. Paragraph (p) of subsection (4) of section  
1007 394.495, Florida Statutes, is amended to read:

1008 394.495 Child and adolescent mental health system of care;  
1009 programs and services.—

1010 (4) The array of services may include, but is not limited  
1011 to:

1012 (p) Trauma-informed services for children who have suffered  
1013 sexual exploitation as defined in s. 39.01(76)(g) ~~s.~~  
1014 ~~39.01(77)(g)~~.

1015 Section 16. Present subsections (9) and (10) of section

26-01284-19

20191650\_\_

1016 409.1451, Florida Statutes, are redesignated as subsections (10)  
1017 and (11), respectively, paragraph (b) of subsection (2) is  
1018 amended, and a new subsection (9) is added to that section, to  
1019 read:

1020 409.1451 The Road-to-Independence Program.—

1021 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1022 (b) The amount of the financial assistance shall be as  
1023 follows:

1024 1. For a young adult who does not remain in foster care and  
1025 is attending a postsecondary school as provided in s. 1009.533,  
1026 the amount is \$1,256 monthly.

1027 2. For a young adult who remains in foster care, is  
1028 attending a postsecondary school, as provided in s. 1009.533,  
1029 and continues to reside in a licensed foster home, the amount is  
1030 the established room and board rate for foster parents. This  
1031 takes the place of the payment provided for in s. 409.145(4).

1032 3. For a young adult who remains in foster care, but  
1033 temporarily resides away from a licensed foster home for  
1034 purposes of attending a postsecondary school as provided in s.  
1035 1009.533, the amount is \$1,256 monthly. This takes the place of  
1036 the payment provided for in s. 409.145(4).

1037 4. For a young adult who remains in foster care, is  
1038 attending a postsecondary school as provided in s. 1009.533, and  
1039 continues to reside in a licensed group home, the amount is  
1040 negotiated between the community-based care lead agency and the  
1041 licensed group home provider.

1042 5. For a young adult who remains in foster care, but  
1043 temporarily resides away from a licensed group home for purposes  
1044 of attending a postsecondary school as provided in s. 1009.533,

26-01284-19

20191650\_\_

1045 the amount is \$1,256 monthly. This takes the place of a  
1046 negotiated room and board rate.

1047 ~~6. The amount of the award may be disregarded for purposes~~  
1048 ~~of determining the eligibility for, or the amount of, any other~~  
1049 ~~federal or federally supported assistance.~~

1050 6.7. A young adult is eligible to receive financial  
1051 assistance during the months when he or she is enrolled in a  
1052 postsecondary educational institution.

1053 (9) FINANCIAL ASSISTANCE FOR YOUNG ADULTS RECEIVING  
1054 SERVICES.—Financial awards to young adults receiving services  
1055 under subsections (2) and (3) and s. 39.6251 may be disregarded  
1056 for purposes of determining the eligibility for, or the amount  
1057 of, any other federal or federally supported assistance.

1058 Section 17. Paragraphs (e), (j), and (m) of subsection (2),  
1059 paragraph (b) of subsection (5), paragraph (c) of subsection  
1060 (6), subsection (7), paragraph (b) of subsection (9), paragraphs  
1061 (b) and (c) of subsection (12), and paragraphs (b) and (d) of  
1062 subsection (14) of section 409.175, Florida Statutes, are  
1063 amended to read:

1064 409.175 Licensure of family foster homes, residential  
1065 child-caring agencies, and child-placing agencies; public  
1066 records exemption.—

1067 (2) As used in this section, the term:

1068 (e) "Family foster home" means a ~~private~~ residence licensed  
1069 by the department in which children who are unattended by a  
1070 parent or legal guardian are provided 24-hour care. The term  
1071 does not include an adoptive home that has been approved by the  
1072 department or approved by a licensed child-placing agency for  
1073 children placed for adoption.

26-01284-19

20191650\_\_

1074 (j) "Personnel" means all owners, operators, employees, and  
1075 volunteers working in a child-placing agency, ~~family foster~~  
1076 ~~home,~~ or residential child-caring agency who may be employed by  
1077 or do volunteer work for a person, corporation, or agency that  
1078 holds a license as a child-placing agency or a residential  
1079 child-caring agency, but the term does not include those who do  
1080 not work on the premises where child care is furnished and have  
1081 no direct contact with a child or have no contact with a child  
1082 outside of the presence of the child's parent or guardian. For  
1083 purposes of screening, the term includes any member, over the  
1084 age of 12 years, of the family of the owner or operator or any  
1085 person other than a client, over the age of 12 years, residing  
1086 with the owner or operator if the agency ~~or family foster home~~  
1087 is located in or adjacent to the home of the owner or operator  
1088 or if the family member of, or person residing with, the owner  
1089 or operator has any direct contact with the children. Members of  
1090 the family of the owner or operator, or persons residing with  
1091 the owner or operator, who are between the ages of 12 years and  
1092 18 years are not required to be fingerprinted, but must be  
1093 screened for delinquency records. For purposes of screening, the  
1094 term also includes owners, operators, employees, and volunteers  
1095 working in summer day camps, or summer 24-hour camps providing  
1096 care for children. A volunteer who assists on an intermittent  
1097 basis for less than 10 hours per month shall not be included in  
1098 the term "personnel" for the purposes of screening if a person  
1099 who meets the screening requirement of this section is always  
1100 present and has the volunteer in his or her line of sight.

1101 (m) "Screening" means the act of assessing the background  
1102 of personnel or Level II through Level V family foster homes and

26-01284-19

20191650\_\_

1103 includes, but is not limited to, employment history checks as  
1104 provided in chapter 435, using the level 2 standards for  
1105 screening set forth in that chapter.

1106 (5) The department shall adopt and amend rules for the  
1107 levels of licensed care associated with the licensure of family  
1108 foster homes, residential child-caring agencies, and child-  
1109 placing agencies. The rules may include criteria to approve  
1110 waivers to licensing requirements when applying for a child-  
1111 specific license.

1112 (b) The requirements for licensure and operation of family  
1113 foster homes, residential child-caring agencies, and child-  
1114 placing agencies shall include:

1115 1. The operation, conduct, and maintenance of these homes  
1116 and agencies and the responsibility which they assume for  
1117 children served and the evidence of need for that service.

1118 2. The provision of food, clothing, educational  
1119 opportunities, services, equipment, and individual supplies to  
1120 assure the healthy physical, emotional, and mental development  
1121 of the children served.

1122 3. The appropriateness, safety, cleanliness, and general  
1123 adequacy of the premises, including fire prevention and health  
1124 standards, to provide for the physical comfort, care, and well-  
1125 being of the children served.

1126 4. The ratio of staff to children required to provide  
1127 adequate care and supervision of the children served and, in the  
1128 case of family foster homes, the maximum number of children in  
1129 the home.

1130 5. The good moral character based upon screening,  
1131 education, training, and experience requirements for personnel

26-01284-19

20191650\_\_

1132 and family foster homes.

1133         6. The department may grant exemptions from  
1134 disqualification from working with children or the  
1135 developmentally disabled as provided in s. 435.07.

1136         7. The provision of preservice and inservice training for  
1137 all foster parents and agency staff.

1138         8. Satisfactory evidence of financial ability to provide  
1139 care for the children in compliance with licensing requirements.

1140         9. The maintenance by the agency of records pertaining to  
1141 admission, progress, health, and discharge of children served,  
1142 including written case plans and reports to the department.

1143         10. The provision for parental involvement to encourage  
1144 preservation and strengthening of a child's relationship with  
1145 the family.

1146         11. The transportation safety of children served.

1147         12. The provisions for safeguarding the cultural,  
1148 religious, and ethnic values of a child.

1149         13. Provisions to safeguard the legal rights of children  
1150 served.

1151         (6)

1152         (c) A licensed family foster home, child-placing agency, or  
1153 residential child-caring agency which applies for renewal of its  
1154 license shall submit to the department a list of personnel or  
1155 household members who have worked or resided on a continuous  
1156 basis at the applicant family foster home or agency since  
1157 submitting fingerprints to the department, identifying those for  
1158 whom a written assurance of compliance was provided by the  
1159 department and identifying those personnel or household members  
1160 who have recently begun working or residing at the family foster



26-01284-19

20191650\_\_

1161 home or agency and are awaiting the results of the required  
1162 fingerprint check, along with the date of the submission of  
1163 those fingerprints for processing. The department shall by rule  
1164 determine the frequency of requests to the Department of Law  
1165 Enforcement to run state criminal records checks for such  
1166 personnel or household members except for those personnel or  
1167 household members awaiting the results of initial fingerprint  
1168 checks for employment at the applicant family foster home or  
1169 agency.

1170 ~~(7)(a) The department may extend a license expiration date~~  
1171 ~~once for a period of up to 30 days. However, the department may~~  
1172 ~~not extend a license expiration date more than once. The~~  
1173 ~~department may issue a provisional license to an applicant who~~  
1174 ~~is unable to conform to the licensing requirements at the time~~  
1175 ~~of the study, but who is believed able to meet the licensing~~  
1176 ~~requirements within the time allowed by the provisional license.~~  
1177 ~~The issuance of a provisional license shall be contingent upon~~  
1178 ~~the submission to the department of an acceptable written plan~~  
1179 ~~to overcome the deficiency by the expiration date of the~~  
1180 ~~provisional license.~~

1181 ~~(b) A provisional license may be issued when the applicant~~  
1182 ~~fails to meet licensing requirements in matters that are not of~~  
1183 ~~immediate danger to the children and the agency has submitted a~~  
1184 ~~corrective action plan which is approved by the department. A~~  
1185 ~~provisional license may be issued if the screening material has~~  
1186 ~~been timely submitted; however, a provisional license may not be~~  
1187 ~~issued unless the applicant is in compliance with the~~  
1188 ~~requirements in this section for screening of personnel.~~

1189 ~~(c) A provisional license shall not be issued for a period~~

26-01284-19

20191650\_\_

1190 ~~in excess of 1 year and shall not be subject to renewal; and it~~  
1191 ~~may be suspended if periodic inspection by the department~~  
1192 ~~indicates that insufficient progress has been made toward~~  
1193 ~~compliance with the requirements.~~

1194 (9)

1195 (b) Any of the following actions by a family foster home or  
1196 its household members or an agency or its personnel is a ground  
1197 for denial, suspension, or revocation of a license:

1198 1. An intentional or negligent act materially affecting the  
1199 health or safety of children in the home or agency.

1200 2. A violation of ~~the provisions of~~ this section or of  
1201 licensing rules adopted ~~promulgated~~ pursuant to this section.

1202 3. Noncompliance with the requirements for good moral  
1203 character as specified in paragraph (5) (b).

1204 4. Failure to dismiss personnel or a household member found  
1205 in noncompliance with requirements for good moral character.

1206 5. Failure to comply with the requirements of ss. 63.0422  
1207 and 790.335.

1208 (12)

1209 (b) It is unlawful for any person, agency, family foster  
1210 home, summer day camp, or summer 24-hour camp providing care for  
1211 children to:

1212 1. Willfully or intentionally fail to comply with the  
1213 requirements for the screening of personnel and family foster  
1214 homes or the dismissal of personnel or household members found  
1215 not to be in compliance with the requirements for good moral  
1216 character as specified in paragraph (5) (b).

1217 2. Use information from the criminal records obtained under  
1218 this section for any purpose other than screening a person for

26-01284-19

20191650\_\_

1219 employment as specified in this section or to release such  
1220 information to any other person for any purpose other than  
1221 screening for employment as specified in this section.

1222 (c) It is unlawful for any person, agency, family foster  
1223 home, summer day camp, or summer 24-hour camp providing care for  
1224 children to use information from the juvenile records of any  
1225 person obtained under this section for any purpose other than  
1226 screening for employment as specified in this section or to  
1227 release information from such records to any other person for  
1228 any purpose other than screening for employment as specified in  
1229 this section.

1230 (14)

1231 (b) As a condition of licensure, foster parents shall  
1232 successfully complete ~~a minimum of 21 hours of preservice~~  
1233 training. The preservice training shall be uniform statewide and  
1234 shall include, but not be limited to, such areas as:

- 1235 1. Orientation regarding agency purpose, objectives,  
1236 resources, policies, and services;
- 1237 2. Role of the foster parent as a treatment team member;
- 1238 3. Transition of a child into and out of foster care,  
1239 including issues of separation, loss, and attachment;
- 1240 4. Management of difficult child behavior that can be  
1241 intensified by placement, by prior abuse or neglect, and by  
1242 prior placement disruptions;
- 1243 5. Prevention of placement disruptions;
- 1244 6. Care of children at various developmental levels,  
1245 including appropriate discipline; and
- 1246 7. Effects of foster parenting on the family of the foster  
1247 parent.

26-01284-19

20191650\_\_

1248 (d) Before ~~prior to~~ licensure renewal, each ~~level II~~  
1249 ~~through level V~~ foster parent must ~~shall~~ successfully complete ~~8~~  
1250 ~~hours of inservice training. Each level I foster parent shall~~  
1251 ~~successfully complete 4 hours of inservice training.~~ Periodic  
1252 time-limited training courses shall be made available for  
1253 selective use by foster parents. Such inservice training shall  
1254 include subjects affecting the daily living experiences of  
1255 foster parenting as a foster parent. For a foster parent  
1256 participating in the required inservice training, the department  
1257 shall reimburse such parent for travel expenditures and, if both  
1258 parents in a home are attending training or if the absence of  
1259 the parent would leave the children without departmentally  
1260 approved adult supervision, the department shall make provision  
1261 for child care or shall reimburse the foster parents for child  
1262 care purchased by the parents for children in their care.

1263 Section 18. Subsection (4) of section 409.903, Florida  
1264 Statutes, is amended to read:

1265 409.903 Mandatory payments for eligible persons.—The agency  
1266 shall make payments for medical assistance and related services  
1267 on behalf of the following persons who the department, or the  
1268 Social Security Administration by contract with the Department  
1269 of Children and Families, determines to be eligible, subject to  
1270 the income, assets, and categorical eligibility tests set forth  
1271 in federal and state law. Payment on behalf of these Medicaid  
1272 eligible persons is subject to the availability of moneys and  
1273 any limitations established by the General Appropriations Act or  
1274 chapter 216.

1275 (4) A child who is eligible under Title IV-E of the Social  
1276 Security Act for subsidized board payments, foster care, or

26-01284-19

20191650\_\_

1277 adoption subsidies, and a child for whom the state has assumed  
1278 temporary or permanent responsibility and who does not qualify  
1279 for Title IV-E assistance but is in foster care, shelter or  
1280 emergency shelter care, or subsidized adoption. This category  
1281 includes:

1282 (a) A young adult who is eligible to receive services under  
1283 s. 409.1451, until the young adult reaches 21 years of age,  
1284 without regard to any income, resource, or categorical  
1285 eligibility test that is otherwise required.

1286 ~~(b) This category also includes~~ A person who as a child was  
1287 eligible under Title IV-E of the Social Security Act for foster  
1288 care or the state-provided foster care and who is a participant  
1289 in the Road-to-Independence Program.

1290 (c) A child who is eligible for the Guardianship Assistance  
1291 Program as provided in s. 39.6225.

1292 Section 19. Paragraph (a) of subsection (1) of section  
1293 409.991, Florida Statutes, is amended to read:

1294 409.991 Allocation of funds for community-based care lead  
1295 agencies.—

1296 (1) As used in this section, the term:

1297 (a) "Core services funds" means all funds allocated to  
1298 community-based care lead agencies operating under contract with  
1299 the department pursuant to s. 409.987, with the following  
1300 exceptions:

- 1301 1. Funds appropriated for independent living;
- 1302 2. Funds appropriated for maintenance adoption subsidies;
- 1303 3. Funds allocated by the department for protective  
1304 investigations training;
- 1305 4. Nonrecurring funds;

26-01284-19

20191650\_\_

1306 5. Designated mental health wrap-around services funds; ~~and~~

1307 6. Funds for special projects for a designated community-  
 1308 based care lead agency; and

1309 7. Funds appropriated for the Guardianship Assistance  
 1310 Program under s. 39.6225.

1311 Section 20. Paragraph (b) of subsection (1) of section  
 1312 414.045, Florida Statutes, is amended to read:

1313 414.045 Cash assistance program.—Cash assistance families  
 1314 include any families receiving cash assistance payments from the  
 1315 state program for temporary assistance for needy families as  
 1316 defined in federal law, whether such funds are from federal  
 1317 funds, state funds, or commingled federal and state funds. Cash  
 1318 assistance families may also include families receiving cash  
 1319 assistance through a program defined as a separate state  
 1320 program.

1321 (1) For reporting purposes, families receiving cash  
 1322 assistance shall be grouped into the following categories. The  
 1323 department may develop additional groupings in order to comply  
 1324 with federal reporting requirements, to comply with the data-  
 1325 reporting needs of the board of directors of CareerSource  
 1326 Florida, Inc., or to better inform the public of program  
 1327 progress.

1328 (b) *Child-only cases*.—Child-only cases include cases that  
 1329 do not have an adult or teen head of household as defined in  
 1330 federal law. Such cases include:

1331 1. Children in the care of caretaker relatives, if the  
 1332 caretaker relatives choose to have their needs excluded in the  
 1333 calculation of the amount of cash assistance.

1334 2. Families in the Relative Caregiver Program as provided

26-01284-19

20191650\_\_

1335 in s. 39.5085.

1336 3. Families in which the only parent in a single-parent  
1337 family or both parents in a two-parent family receive  
1338 supplemental security income (SSI) benefits under Title XVI of  
1339 the Social Security Act, as amended. To the extent permitted by  
1340 federal law, individuals receiving SSI shall be excluded as  
1341 household members in determining the amount of cash assistance,  
1342 and such cases shall not be considered families containing an  
1343 adult. Parents or caretaker relatives who are excluded from the  
1344 cash assistance group due to receipt of SSI may choose to  
1345 participate in work activities. An individual whose ability to  
1346 participate in work activities is limited who volunteers to  
1347 participate in work activities shall be assigned to work  
1348 activities consistent with such limitations. An individual who  
1349 volunteers to participate in a work activity may receive child  
1350 care or support services consistent with such participation.

1351 4. Families in which the only parent in a single-parent  
1352 family or both parents in a two-parent family are not eligible  
1353 for cash assistance due to immigration status or other  
1354 limitation of federal law. To the extent required by federal  
1355 law, such cases shall not be considered families containing an  
1356 adult.

1357 5. To the extent permitted by federal law and subject to  
1358 appropriations, special needs children who have been adopted  
1359 pursuant to s. 409.166 and whose adopting family qualifies as a  
1360 needy family under the state program for temporary assistance  
1361 for needy families. Notwithstanding any provision to the  
1362 contrary in s. 414.075, s. 414.085, or s. 414.095, a family  
1363 shall be considered a needy family if:

26-01284-19

20191650\_\_

- 1364 a. The family is determined by the department to have an  
 1365 income below 200 percent of the federal poverty level;  
 1366 b. The family meets the requirements of s. 414.095(2) and  
 1367 (3) related to residence, citizenship, or eligible noncitizen  
 1368 status; and  
 1369 c. The family provides any information that may be  
 1370 necessary to meet federal reporting requirements specified under  
 1371 Part A of Title IV of the Social Security Act.

1372 6. Families in the Guardianship Assistance Program as  
 1373 provided in s. 39.6225.

1374  
 1375 Families described in subparagraph 1., subparagraph 2., or  
 1376 subparagraph 3. may receive child care assistance or other  
 1377 supports or services so that the children may continue to be  
 1378 cared for in their own homes or in the homes of relatives. Such  
 1379 assistance or services may be funded from the temporary  
 1380 assistance for needy families block grant to the extent  
 1381 permitted under federal law and to the extent funds have been  
 1382 provided in the General Appropriations Act.

1383 Section 21. Section 627.746, Florida Statutes, is amended  
 1384 to read:

1385 627.746 Coverage for minors who have a learner's driver  
 1386 license; additional premium prohibited.—An insurer that issues  
 1387 an insurance policy on a private passenger motor vehicle to a  
 1388 named insured who is a caregiver of a minor who is under the age  
 1389 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~  
 1390 ~~39.01(49)~~ may not charge an additional premium for coverage of  
 1391 the minor while the minor is operating the insured vehicle, for  
 1392 the period of time that the minor has a learner's driver



26-01284-19

20191650\_\_

1393 license, until such time as the minor obtains a driver license.

1394 Section 22. Paragraph (c) of subsection (1) of section  
1395 934.255, Florida Statutes, is amended to read:

1396 934.255 Subpoenas in investigations of sexual offenses.—

1397 (1) As used in this section, the term:

1398 (c) "Sexual abuse of a child" means a criminal offense  
1399 based on any conduct described in s. 39.01 ~~s. 39.01(71)~~.

1400 Section 23. Subsection (5) of section 960.065, Florida  
1401 Statutes, is amended to read:

1402 960.065 Eligibility for awards.—

1403 (5) A person is not ineligible for an award pursuant to  
1404 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
1405 person is a victim of sexual exploitation of a child as defined  
1406 in s. 39.01(76) (g) ~~s. 39.01(77) (g)~~.

1407 Section 24. Paragraph (d) of subsection (1) of section  
1408 1009.25, Florida Statutes, is amended to read:

1409 1009.25 Fee exemptions.—

1410 (1) The following students are exempt from the payment of  
1411 tuition and fees, including lab fees, at a school district that  
1412 provides workforce education programs, Florida College System  
1413 institution, or state university:

1414 (d) A student who is or was at the time he or she reached  
1415 18 years of age in the custody of a relative or nonrelative  
1416 under s. 39.5085 or s. 39.6225 or who was adopted from the  
1417 Department of Children and Families after May 5, 1997. Such  
1418 exemption includes fees associated with enrollment in applied  
1419 academics for adult education instruction. The exemption remains  
1420 valid until the student reaches 28 years of age.

1421 Section 25. This act shall take effect July 1, 2019.