

By Senator Book

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.4085,
3 F.S.; providing legislative findings and intent;
4 specifying the rights of children and young adults in
5 out-of-home care; providing roles and responsibilities
6 for the Department of Children and Families,
7 community-based care lead agencies, and other agency
8 staff; providing roles and responsibilities for
9 caregivers; requiring the department to adopt certain
10 rules; creating s. 39.4088, F.S.; requiring the
11 Florida Children's Ombudsman to serve as an autonomous
12 entity within the department for certain purposes;
13 providing general roles and responsibilities for the
14 ombudsman; requiring the ombudsman to collect certain
15 data; requiring the ombudsman, in consultation with
16 the department and other specified entities and by a
17 specified date, to develop standardized information
18 explaining the rights of children and young adults
19 placed in out-of-home care; requiring the department,
20 community-based care lead agencies, and agency staff
21 to use the information provided by the ombudsman in
22 carrying out specified responsibilities; requiring the
23 department to establish a statewide toll-free
24 telephone number for the ombudsman; requiring the
25 department to adopt certain rules; amending s.
26 39.6011, F.S.; requiring that a case plan be developed
27 in a face-to-face conference with a caregiver of a
28 child under certain circumstances; providing
29 additional requirements for the content of a case

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30 plan; providing additional requirements for a case
31 plan when a child is 14 years of age or older or is of
32 an appropriate age and capacity; requiring the
33 department to provide a copy of the case plan to the
34 caregiver of a child placed in a licensed foster home;
35 amending s. 39.604, F.S.; requiring a caseworker to
36 provide information about subsidies provided by early
37 learning coalitions to caregivers of certain children;
38 amending s. 39.701, F.S.; providing additional
39 requirements for social study reports for judicial
40 review; amending s. 409.145, F.S.; providing
41 additional requirements for caregivers; providing
42 additional requirements for records and information
43 the department and any additional providers are
44 required to make available to caregivers; amending s.
45 409.175, F.S.; providing additional requirements for
46 the licensure and operation of family foster homes,
47 residential child-caring agencies, and child-placing
48 agencies; amending s. 409.1753, F.S.; requiring a lead
49 agency, rather than the department, to provide
50 caregivers with a contact when the caseworker is
51 unavailable; amending s. 409.988, F.S.; requiring lead
52 agencies to recruit and retain foster homes; amending
53 s. 39.6013, F.S.; conforming a cross-reference;
54 providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Section 39.4085, Florida Statutes, is amended to

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59 read:

60 (Substantial rewording of section. See61 s. 39.4085, F.S., for present text.)62 39.4085 Foster Children's Bill of Rights.-63 (1) LEGISLATIVE FINDINGS AND INTENT.-

64 (a) The Legislature finds that children in, and young
65 adults leaving, out-of-home care face more developmental,
66 psychosocial, and economic challenges than their peers outside
67 of the child welfare system and are more likely to be
68 unemployed, undereducated, homeless, and dependent on public
69 assistance; and to experience early parenthood and to suffer
70 from substance abuse and mental health disorders.

71 (b) The Legislature also finds that emotional trauma,
72 separation from family, frequent changes in placement, and
73 frequent changes in school enrollment, as well as being
74 dependent on the state to make decisions regarding current and
75 future life options, may contribute to feelings of limited
76 control over life circumstances for children and young adults in
77 out-of-home care.

78 (c) The Legislature also recognizes that there are basic
79 human rights guaranteed to everyone, but children and young
80 adults in out-of-home care have additional rights that they
81 should be aware of in order to better advocate for themselves.

82 (d) Therefore, it is the intent of the Legislature to
83 empower these children and young adults by helping them become
84 better informed of their rights so they can become stronger
85 self-advocates.

86 (2) BILL OF RIGHTS.-The department's child welfare system
87 shall operate with the understanding that the rights of children

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88 and young adults in out-of-home care are critical to their
89 safety, permanence, and well-being and shall work with all
90 stakeholders to help such children and young adults become
91 knowledgeable about their rights and the resources available to
92 them. A child should be able to remain in the custody of his or
93 her parents or legal custodians unless a qualified person
94 exercising competent professional judgment determines that
95 removal is necessary to protect the child's physical, mental, or
96 emotional health or safety. The rights of a child or young adult
97 placed in out-of-home care are:

98 (a) To live in a safe, healthy, and comfortable home where
99 he or she is treated with respect and where the caregiver is
100 aware of and understands the child's history, needs, and risk
101 factors.

102 (b) To be free from physical, sexual, emotional, or other
103 abuse, or corporal punishment. This includes the right to be
104 placed away from other children or young adults who are known to
105 pose a threat of harm to him or her because of his or her own
106 risk factors or those of the other child or young adult.

107 (c) To receive adequate and healthful food, adequate
108 clothing, and an allowance.

109 (d) To receive medical, dental, vision, and mental health
110 services, as needed.

111 (e) To be free of the administration of medication or
112 chemical substances, unless authorized by a parent or the court.

113 (f) To be able to contact and visit his or her family
114 members and fictive kin at least once per month, unless
115 prohibited by court order.

116 (g) To be placed together with his or her siblings, or to

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117 maintain contact with and visit his or her siblings at least
118 once per week, unless prohibited by court order.

119 (h) To be able to contact the Florida Children's Ombudsman,
120 as described in s. 39.4086, regarding violations of rights; to
121 speak to the ombudsman confidentially; and to be free from
122 threats or punishment for making complaints.

123 (i) To make and receive confidential telephone calls and to
124 send and receive unopened mail, unless prohibited by court
125 order.

126 (j) To attend the religious services and activities of his
127 or her choice, and to not be compelled to unwillingly attend
128 religious services or activities.

129 (k) To maintain a bank account and manage personal income,
130 consistent with his or her age and developmental level, unless
131 prohibited by the case plan.

132 (l) To not be locked in any room, building, or facility
133 premises, unless placed in a residential treatment center by
134 court order.

135 (m) To attend school and participate in extracurricular,
136 cultural, and personal enrichment activities consistent with his
137 or her age and developmental level.

138 (n) To work and develop job skills at an age-appropriate
139 level that is consistent with state law.

140 (o) To have social contact with people outside of the
141 foster care system such as teachers, church members, mentors,
142 and friends.

143 (p) To attend independent living program classes and
144 activities if he or she meets the age requirements.

145 (q) To attend all court hearings and speak with the judge.

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146 (r) To have storage space for private use.

147 (s) To participate in creating and reviewing his or her
148 case plan if he or she is 14 years of age or older or, if
149 younger, is of an appropriate age and capacity to receive
150 information about his or her out-of-home placement and case
151 plan, including being told of changes to the plan, and to have
152 the ability to object to provisions of the case plan.

153 (t) To be free from unreasonable searches of his or her
154 personal belongings.

155 (u) To the confidentiality of all juvenile court records
156 consistent with state law.

157 (v) To have fair and equal access to all available
158 services, placement, care, treatment, and benefits, and to not
159 be subjected to discrimination or harassment on the basis of
160 actual or perceived race, ethnic group identification, ancestry,
161 national origin, color, religion, sex, sexual orientation,
162 gender identity, mental or physical disability, or HIV status.

163 (w) If he or she is 16 years of age or older, to have
164 access to existing information regarding the educational and
165 financial assistance options available to him or her, including,
166 but not limited to, the coursework necessary for vocational and
167 postsecondary educational programs, postsecondary educational
168 services and support, the Keys to Independence program, and the
169 tuition waiver available under s. 1009.25.

170 (x) To not be moved by the department or a community-based
171 care lead agency to another out-of-home placement unless the
172 current home is unsafe or the change is court-ordered and, if
173 moved, the right to a transition that respects his or her
174 relationships and property pursuant to s. 409.145.

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175 (y) To have a guardian ad litem appointed to represent his
176 or her best interests and, if appropriate, an attorney ad litem
177 appointed to represent his or her legal interests. The guardian
178 ad litem and attorney ad litem shall have immediate and
179 unlimited access to the children they represent.

180 (3) ROLES AND RESPONSIBILITIES OF THE DEPARTMENT,
181 COMMUNITY-BASED CARE LEAD AGENCIES, AND OTHER AGENCY STAFF.-

182 (a) The department shall develop training related to the
183 rights of children and young adults in out-of-home care under
184 this section. All child protective investigators, case managers,
185 and other appropriate staff must complete annual training
186 relating to these rights.

187 (b) The department shall provide a copy of this bill of
188 rights to all children and young adults entering out-of-home
189 care, and the department shall explain the bill of rights to the
190 child or young adult in a manner the child or young adult can
191 understand. Such explanation must occur in a manner that is the
192 most effective for each individual and must use words and
193 terminology that make sense to the child or young adult. If a
194 child or young adult has cognitive, physical, or behavioral
195 challenges that would prevent him or her from fully
196 comprehending the bill of rights as presented, such information
197 must be documented in the case record.

198 (c) The caseworker or other appropriate agency staff shall
199 document in court reports and case notes the date he or she
200 reviewed the bill of rights in age-appropriate language with the
201 foster child or young adult.

202 (d) The bill of rights must be reviewed with the child or
203 young adult by appropriate staff upon entry into out-of-home

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204 care and must be subsequently reviewed with the child or young
205 adult every 6 months until the child leaves care and upon every
206 change in placement. Each child or young adult must be given the
207 opportunity to ask questions about any of the rights that he or
208 she does not clearly understand.

209 (e) Facilities licensed to care for six or more children
210 and young adults in out-of-home care must post information about
211 the rights of these individuals in a prominent place in the
212 facility.

213 (4) ROLES AND RESPONSIBILITIES OF CAREGIVERS.—All
214 caregivers must ensure that a child or young adult in their care
215 is aware of and understands his or her rights under this section
216 and must assist the child or young adult in contacting the
217 Florida Children's Ombudsman, if necessary.

218 (5) RULEMAKING.—The department shall adopt rules to
219 implement this section.

220 Section 2. Section 39.4088, Florida Statutes, is created to
221 read:

222 39.4088 Florida Children's Ombudsman.—The Florida
223 Children's Ombudsman shall serve as an autonomous entity within
224 the department for the purpose of providing children and young
225 adults who are placed in out-of-home care with a means to
226 resolve issues related to their care, placement, or services
227 without fear of retribution. The ombudsman shall have access to
228 any record of a state or local agency which is necessary to
229 carry out his or her responsibilities and may meet or
230 communicate with any child or young adult in the child or young
231 adult's placement or elsewhere.

232 (1) GENERAL ROLES AND RESPONSIBILITIES OF THE OMBUDSMAN.—

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233 The ombudsman shall:

234 (a) Disseminate information on the rights of children and
235 young adults in out-of-home care under s. 39.4085 and the
236 services provided by the ombudsman.

237 (b) Attempt to resolve a complaint informally.

238 (c) Conduct whatever investigation he or she determines is
239 necessary to resolve a complaint.

240 (d) Update the complainant on the progress of the
241 investigation and notify the complainant of the final outcome.

242

243 The ombudsman may not investigate, challenge, or overturn court-
244 ordered decisions.

245 (2) DATA COLLECTION.—The ombudsman shall:

246 (a) Document the number, source, origin, location, and
247 nature of all complaints.

248 (b) Compile all data collected over the course of the year
249 including, but not limited to, the number of contacts to the
250 toll-free telephone number; the number of complaints made,
251 including the type and source of those complaints; the number of
252 investigations performed by the ombudsman; the trends and issues
253 that arose in the course of investigating complaints; the number
254 of referrals made; and the number of pending complaints.

255 (c) Post the compiled data on the department's website.

256 (3) DEVELOPMENT AND DISSEMINATION OF INFORMATION.—

257 (a) By January 1, 2020, the ombudsman, in consultation with
258 the department, children's advocacy and support groups, and
259 current or former children and young adults in out-of-home care,
260 shall develop standardized information explaining the rights
261 granted under s. 39.4085. The information must be age-

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262 appropriate, reviewed and updated by the ombudsman annually, and
263 made available through a variety of formats.

264 (b) The department, community-based care lead agencies, and
265 other agency staff must use the information provided by the
266 ombudsman to carry out their responsibilities to inform children
267 and young adults in out-of-home care of their rights pursuant to
268 the duties established under s. 409.145.

269 (c) The department shall establish a statewide toll-free
270 telephone number for the ombudsman and post the number on the
271 homepage of the department's website.

272 (4) RULEMAKING.—The department shall adopt rules to
273 implement this section.

274 Section 3. Subsections (4) through (8) of section 39.6011,
275 Florida Statutes, are redesignated as subsections (5) through
276 (9), respectively, paragraph (a) of subsection (1) and paragraph
277 (b) of present subsection (6) of that section are amended,
278 paragraph (f) is added to subsection (2) of that section, and a
279 new subsection (4) is added to that section, to read:

280 39.6011 Case plan development.—

281 (1) The department shall prepare a draft of the case plan
282 for each child receiving services under this chapter. A parent
283 of a child may not be threatened or coerced with the loss of
284 custody or parental rights for failing to admit in the case plan
285 of abusing, neglecting, or abandoning a child. Participating in
286 the development of a case plan is not an admission to any
287 allegation of abuse, abandonment, or neglect, and it is not a
288 consent to a finding of dependency or termination of parental
289 rights. The case plan shall be developed subject to the
290 following requirements:

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291 (a) The case plan must be developed in a face-to-face
292 conference with the parent of the child, any court-appointed
293 guardian ad litem, and, if appropriate, the child and the
294 temporary custodian or caregiver of the child.

295 (2) The case plan must be written simply and clearly in
296 English and, if English is not the principal language of the
297 child's parent, to the extent possible in the parent's principal
298 language. Each case plan must contain:

299 (f) If the child has attained 14 years of age or is
300 otherwise of an appropriate age and capacity:

301 1. A document that describes the rights of the child under
302 s. 39.4085 and the right to be provided with the documents
303 pursuant to s. 39.701.

304 2. A signed acknowledgement by the child or young adult, or
305 the caregiver if the child is too young or otherwise unable to
306 sign, that the child has been provided with a copy of the
307 document and that the rights contained in the document have been
308 explained to the child in a way that the child understands.

309 3. Documentation that a consumer credit report for the
310 child was requested from at least one reputable credit reporting
311 agency at no charge to the child and that any results were
312 provided to the child. The case plan must include documentation
313 of any barriers to obtaining the credit reports. If the consumer
314 credit report reveals any accounts, the case plan must detail
315 how the department ensured the child received assistance with
316 interpreting the credit report and resolving any inaccuracies,
317 including any referrals made for such assistance.

318 (4) If the child has attained 14 years of age or, if
319 younger, is of an appropriate age and capacity, the child must:

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320 (a) Be consulted on the development of the case plan; have
321 the opportunity to attend a face-to-face conference, if
322 appropriate; have the opportunity to express a placement
323 preference; and have the option to choose two members for the
324 case planning team who are not a foster parent or caseworker for
325 the child.

326 1. An individual selected by a child to be a member of the
327 case planning team may be rejected at any time if there is good
328 cause to believe that the individual would not act in the best
329 interest of the child. One individual selected by a child to be
330 a member of the child's case planning team may be designated to
331 act as the child's advisor and, as necessary, advocate with
332 respect to the application of the reasonable and prudent parent
333 standard to the child.

334 2. The child may not be included in any aspect of case plan
335 development if information could be revealed or discussed which
336 is of a nature that would best be presented to the child in a
337 therapeutic setting.

338 (b) Sign the case plan, unless there is reason to waive the
339 child's signature.

340 (c) Receive an explanation of the provisions of the case
341 plan from the department.

342 (d) After the case plan is agreed on and signed by all
343 parties, and after jurisdiction attaches and the case plan is
344 filed with the court, be provided a copy of the case plan within
345 72 hours before the disposition hearing.

346 (7)(6) After the case plan has been developed, the
347 department shall adhere to the following procedural
348 requirements:

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349 (b) After the case plan has been agreed upon and signed by
350 the parties, a copy of the plan must be given immediately to the
351 parties, including the child if appropriate, the caregiver if
352 the child is placed in a licensed foster home, and to other
353 persons as directed by the court.

354 1. A case plan must be prepared, but need not be submitted
355 to the court, for a child who will be in care no longer than 30
356 days unless that child is placed in out-of-home care a second
357 time within a 12-month period.

358 2. In each case in which a child has been placed in out-of-
359 home care, a case plan must be prepared within 60 days after the
360 department removes the child from the home and shall be
361 submitted to the court before the disposition hearing for the
362 court to review and approve.

363 3. After jurisdiction attaches, all case plans must be
364 filed with the court, and a copy provided to all the parties
365 whose whereabouts are known, not less than 3 business days
366 before the disposition hearing. The department shall file with
367 the court, and provide copies to the parties, all case plans
368 prepared before jurisdiction of the court attached.

369 Section 4. Paragraph (c) is added to subsection (3) of
370 section 39.604, Florida Statutes, to read:

371 39.604 Rilya Wilson Act; short title; legislative intent;
372 child care; early education; preschool.-

373 (3) REQUIREMENTS.-

374 (c) For children placed in a licensed foster home and who
375 are required to be enrolled in an early education or child care
376 program under this section, the caseworker shall inform the
377 caregiver of the amount of the subsidy provided by an early

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378 learning coalition, that this amount may not be sufficient to
379 pay the full cost of the services, and that the caregiver will
380 be responsible for paying the difference between the subsidy and
381 the full cost charged by the early education or child care
382 program.

383 Section 5. Paragraph (a) of subsection (2) and paragraph
384 (a) of subsection (3) of section 39.701, Florida Statutes, are
385 amended to read:

386 39.701 Judicial review.—

387 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
388 AGE.—

389 (a) *Social study report for judicial review.*—Before every
390 judicial review hearing or citizen review panel hearing, the
391 social service agency shall make an investigation and social
392 study concerning all pertinent details relating to the child and
393 shall furnish to the court or citizen review panel a written
394 report that includes, but is not limited to:

395 1. A description of the type of placement the child is in
396 at the time of the hearing, including the safety of the child
397 and the continuing necessity for and appropriateness of the
398 placement.

399 2. Documentation of the diligent efforts made by all
400 parties to the case plan to comply with each applicable
401 provision of the plan.

402 3. The amount of fees assessed and collected during the
403 period of time being reported.

404 4. The services provided to the foster family or legal
405 custodian in an effort to address the needs of the child as
406 indicated in the case plan.

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- 407 5. A statement that either:
- 408 a. The parent, though able to do so, did not comply
- 409 substantially with the case plan, and the agency
- 410 recommendations;
- 411 b. The parent did substantially comply with the case plan;
- 412 or
- 413 c. The parent has partially complied with the case plan,
- 414 with a summary of additional progress needed and the agency
- 415 recommendations.
- 416 6. A statement from the foster parent or legal custodian
- 417 providing any material evidence concerning the return of the
- 418 child to the parent or parents.
- 419 7. A statement concerning the frequency, duration, and
- 420 results of the parent-child visitation, if any, and the agency
- 421 recommendations for an expansion or restriction of future
- 422 visitation.
- 423 8. The number of times a child has been removed from his or
- 424 her home and placed elsewhere, the number and types of
- 425 placements that have occurred, and the reason for the changes in
- 426 placement.
- 427 9. The number of times a child's educational placement has
- 428 been changed, the number and types of educational placements
- 429 which have occurred, and the reason for any change in placement.
- 430 10. If the child has reached 13 years of age but is not yet
- 431 18 years of age, a statement from the caregiver on the progress
- 432 the child has made in acquiring independent living skills.
- 433 11. Copies of all medical, psychological, and educational
- 434 records that support the terms of the case plan and that have
- 435 been produced concerning the parents or any caregiver since the

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436 last judicial review hearing.

437 12. Copies of the child's current health, mental health,
438 and education records as identified in s. 39.6012.

439 13. Documentation that the Foster Children's Bill of
440 Rights, as described in s. 39.4085, has been provided to and
441 reviewed with the child.

442 14. A signed acknowledgement by the child, or the caregiver
443 if the child is too young or otherwise unable to sign, stating
444 that the child has been provided an explanation of the rights
445 under s. 39.4085.

446 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

447 (a) In addition to the review and report required under
448 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
449 a judicial review hearing within 90 days after a child's 17th
450 birthday. The court shall also issue an order, separate from the
451 order on judicial review, that the disability of nonage of the
452 child has been removed pursuant to ss. 743.044, 743.045,
453 743.046, and 743.047, and for any of these disabilities that the
454 court finds is in the child's best interest to remove. The court
455 shall continue to hold timely judicial review hearings. If
456 necessary, the court may review the status of the child more
457 frequently during the year before the child's 18th birthday. At
458 each review hearing held under this subsection, in addition to
459 any information or report provided to the court by the foster
460 parent, legal custodian, or guardian ad litem, the child shall
461 be given the opportunity to address the court with any
462 information relevant to the child's best interest, particularly
463 in relation to independent living transition services. The
464 department shall include in the social study report for judicial

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465 review written verification that the child has:

466 1. A current Medicaid card and all necessary information
467 concerning the Medicaid program sufficient to prepare the child
468 to apply for coverage upon reaching the age of 18, if such
469 application is appropriate.

470 2. A certified copy of the child's birth certificate and,
471 if the child does not have a valid driver license, a Florida
472 identification card issued under s. 322.051.

473 3. A social security card and information relating to
474 social security insurance benefits if the child is eligible for
475 those benefits. If the child has received such benefits and they
476 are being held in trust for the child, a full accounting of
477 these funds must be provided and the child must be informed as
478 to how to access those funds.

479 4. All relevant information related to the Road-to-
480 Independence Program, including, but not limited to, eligibility
481 requirements, information on participation, and assistance in
482 gaining admission to the program. If the child is eligible for
483 the Road-to-Independence Program, he or she must be advised that
484 he or she may continue to reside with the licensed family home
485 or group care provider with whom the child was residing at the
486 time the child attained his or her 18th birthday, in another
487 licensed family home, or with a group care provider arranged by
488 the department.

489 5. An open bank account or the identification necessary to
490 open a bank account and to acquire essential banking and
491 budgeting skills.

492 6. Information on public assistance and how to apply for
493 public assistance.

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494 7. A clear understanding of where he or she will be living
495 on his or her 18th birthday, how living expenses will be paid,
496 and the educational program or school in which he or she will be
497 enrolled.

498 8. Information related to the ability of the child to
499 remain in care until he or she reaches 21 years of age under s.
500 39.013.

501 9. A letter providing the dates that the child is under the
502 jurisdiction of the court.

503 10. A letter stating that the child is in compliance with
504 financial aid documentation requirements.

505 11. The child's educational records.

506 12. The child's entire health and mental health records.

507 13. The process for accessing his or her case file.

508 14. A statement encouraging the child to attend all
509 judicial review hearings occurring after the child's 17th
510 birthday.

511 15. Information on how to obtain a driver license or
512 learner's driver license.

513 16. Been provided with the Foster Children's Bill of
514 Rights, as described in s. 39.0485, and that the rights have
515 been reviewed with the child.

516 17. Signed an acknowledgement stating that he or she has
517 been provided an explanation of the rights or, if the child is
518 too young or otherwise unable to sign, that such acknowledgment
519 has been signed by the child's caregiver.

520 Section 6. Paragraphs (a) and (d) of subsection (2) of
521 section 409.145, Florida Statutes, are amended to read:

522 409.145 Care of children; quality parenting; "reasonable

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523 and prudent parent" standard.—The child welfare system of the
524 department shall operate as a coordinated community-based system
525 of care which empowers all caregivers for children in foster
526 care to provide quality parenting, including approving or
527 disapproving a child's participation in activities based on the
528 caregiver's assessment using the "reasonable and prudent parent"
529 standard.

530 (2) QUALITY PARENTING.—A child in foster care shall be
531 placed only with a caregiver who has the ability to care for the
532 child, is willing to accept responsibility for providing care,
533 and is willing and able to learn about and be respectful of the
534 child's culture, religion and ethnicity, special physical or
535 psychological needs, any circumstances unique to the child, and
536 family relationships. The department, the community-based care
537 lead agency, and other agencies shall provide such caregiver
538 with all available information necessary to assist the caregiver
539 in determining whether he or she is able to appropriately care
540 for a particular child.

541 (a) *Roles and responsibilities of caregivers.*—A caregiver
542 shall:

543 1. Participate in developing the case plan for the child
544 and his or her family and work with others involved in his or
545 her care to implement this plan. This participation includes the
546 caregiver's involvement in all team meetings or court hearings
547 related to the child's care.

548 2. Complete all training needed to improve skills in
549 parenting a child who has experienced trauma due to neglect,
550 abuse, or separation from home, to meet the child's special
551 needs, and to work effectively with child welfare agencies, the

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552 court, the schools, and other community and governmental
553 agencies.

554 3. Respect and support the child's ties to members of his
555 or her biological family and assist the child in maintaining
556 allowable visitation and other forms of communication.

557 4. Effectively advocate for the child in the caregiver's
558 care with the child welfare system, the court, and community
559 agencies, including the school, child care, health and mental
560 health providers, and employers.

561 5. Participate fully in the child's medical, psychological,
562 and dental care as the caregiver would for his or her biological
563 child.

564 6. Support the child's educational success by participating
565 in activities and meetings associated with the child's school or
566 other educational setting, including Individual Education Plan
567 meetings and meetings with an educational surrogate if one has
568 been appointed, assisting with assignments, supporting tutoring
569 programs, and encouraging the child's participation in
570 extracurricular activities.

571 a. Maintaining educational stability for a child while in
572 out-of-home care by allowing the child to remain in the school
573 or educational setting that he or she attended before entry into
574 out-of-home care is the first priority, unless not in the best
575 interest of the child.

576 b. If it is not in the best interest of the child to remain
577 in his or her school or educational setting upon entry into out-
578 of-home care, the caregiver must work with the case manager,
579 guardian ad litem, teachers and guidance counselors, and
580 educational surrogate if one has been appointed to determine the

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581 best educational setting for the child. Such setting may include
582 a public school that is not the school of origin, a private
583 school pursuant to s. 1002.42, a virtual instruction program
584 pursuant to s. 1002.45, or a home education program pursuant to
585 s. 1002.41.

586 7. Work in partnership with other stakeholders to obtain
587 and maintain records that are important to the child's well-
588 being, including child resource records, medical records, school
589 records, photographs, and records of special events and
590 achievements.

591 8. Ensure that the child in the caregiver's care who is
592 between 13 and 17 years of age learns and masters independent
593 living skills.

594 9. Ensure that the child in the caregiver's care is aware
595 of the requirements and benefits of the Road-to-Independence
596 Program.

597 10. Work to enable the child in the caregiver's care to
598 establish and maintain naturally occurring mentoring
599 relationships.

600 11. Pay the difference between the subsidy from an early
601 learning coalition and the full cost charged by an early
602 education or child care program.

603 12. Ensure that the child in the caregiver's care is aware
604 of and understands his or her rights under s. 309.4085.

605 13. Assist the child in contacting the Florida Children's
606 Ombudsman, if necessary.

607 (d) *Information sharing.*—Whenever a foster home or
608 residential group home assumes responsibility for the care of a
609 child, the department and any additional providers shall make

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610 available to the caregiver as soon as is practicable all
611 relevant information concerning the child. Records and
612 information that are required to be shared with caregivers
613 include, but are not limited to:

614 1. Medical, dental, psychological, psychiatric, and
615 behavioral history, as well as ongoing evaluation or treatment
616 needs or treatment plans and information on how the caregiver
617 can support any treatment plan within the foster home;

618 2. School records;

619 3. Copies of his or her birth certificate and, if
620 appropriate, immigration status documents;

621 4. Consents signed by parents;

622 5. Comprehensive behavioral assessments and other social
623 assessments and information on how the caregiver can manage any
624 behavioral issues;

625 6. Court orders;

626 7. Visitation and case plans;

627 8. Guardian ad litem reports;

628 9. Staffing forms; and

629 10. Judicial or citizen review panel reports and
630 attachments filed with the court, except confidential medical,
631 psychiatric, and psychological information regarding any party
632 or participant other than the child.

633 Section 7. Paragraph (b) of subsection (5) of section
634 409.175, Florida Statutes, is amended to read:

635 409.175 Licensure of family foster homes, residential
636 child-caring agencies, and child-placing agencies; public
637 records exemption.—

638 (5) The department shall adopt and amend rules for the

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639 levels of licensed care associated with the licensure of family
640 foster homes, residential child-caring agencies, and child-
641 placing agencies. The rules may include criteria to approve
642 waivers to licensing requirements when applying for a child-
643 specific license.

644 (b) The requirements for licensure and operation of family
645 foster homes, residential child-caring agencies, and child-
646 placing agencies shall include:

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

650 2. The provision of food, clothing, educational
651 opportunities, services, equipment, and individual supplies to
652 assure the healthy physical, emotional, and mental development
653 of the children served.

654 3. The appropriateness, safety, cleanliness, and general
655 adequacy of the premises, including fire prevention and health
656 standards, to provide for the physical comfort, care, and well-
657 being of the children served.

658 4. The ratio of staff to children required to provide
659 adequate care and supervision of the children served and, in the
660 case of foster homes, the maximum number of children in the
661 home.

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

664 6. The department may grant exemptions from
665 disqualification from working with children or the
666 developmentally disabled as provided in s. 435.07.

667 7. The provision of preservice and inservice training for

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668 all foster parents and agency staff.

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

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

674 10. The provision for parental involvement to encourage
675 preservation and strengthening of a child's relationship with
676 the family.

677 11. The transportation safety of children served.

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

680 13. Provisions to safeguard the legal rights of children
681 served, as well as rights of children established under s.
682 39.4085.

683 Section 8. Section 409.1753, Florida Statutes, is amended
684 to read:

685 409.1753 Foster care; duties.—The department shall ensure
686 that each lead agency provides, ~~within each district~~, each
687 foster home with ~~is given~~ a telephone number for the foster
688 parent to call during normal working hours whenever immediate
689 assistance is needed and the child's caseworker is unavailable.
690 This number must be staffed and answered by individuals
691 possessing the knowledge and authority necessary to assist
692 foster parents.

693 Section 9. Paragraph (1) is added to subsection (1) of
694 section 409.988, Florida Statutes, to read:

695 409.988 Lead agency duties; general provisions.—

696 (1) DUTIES.—A lead agency:

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- 697 (1) Shall recruit and retain foster homes. In performing
698 such duty, a lead agency shall:
- 699 1. Develop a plan to recruit and retain foster homes using
700 best practices identified by the department and specify how the
701 lead agency complies with s. 409.1753.
- 702 2. Annually submit such plan to the department for
703 approval.
- 704 3. Provide to the department a quarterly report detailing
705 the number of licensed foster homes and beds and occupancy rate.
- 706 4. Conduct exit interviews with foster parents who
707 voluntarily give up their license to determine the reasons for
708 giving up their license and identify suggestions for how to
709 better recruit and retain foster homes, and provide a quarterly
710 summary of such interviews to the department.

711 Section 10. Subsection (8) of section 39.6013, Florida
712 Statutes, is amended to read:

713 39.6013 Case plan amendments.—

714 (8) Amendments must include service interventions that are
715 the least intrusive into the life of the parent and child, must
716 focus on clearly defined objectives, and must provide the most
717 efficient path to quick reunification or permanent placement
718 given the circumstances of the case and the child's need for
719 safe and proper care. A copy of the amended plan must be
720 immediately given to the persons identified in s. 39.6011(7)(b)
721 ~~s. 39.6011(6)(b).~~

722 Section 11. This act shall take effect October 1, 2019.