

1                   A bill to be entitled  
2           An act relating to child welfare; amending s. 39.4015,  
3           F.S.; removing a definition; amending s. 39.402, F.S.;  
4           requiring certain judicial orders to specify that the  
5           Department of Children and Families has placement and  
6           care responsibility for certain children; amending s.  
7           39.407, F.S.; revising the time period within which a  
8           court must review a child's residential treatment  
9           plan; amending s. 39.5085, F.S.; revising eligibility  
10          for the Relative Caregiver Program; amending s.  
11          39.5086, F.S.; removing a definition; amending s.  
12          39.6225, F.S.; providing for the termination of  
13          guardianship assistance benefits under certain  
14          circumstances; conforming provisions to changes made  
15          by the act; authorizing the department to adopt rules;  
16          amending s. 39.6251, F.S.; requiring a young adult in  
17          extended foster care to provide certain documentation  
18          or execute a consent for release of certain records;  
19          revising permanency goals for young adults in extended  
20          foster care; authorizing a return to care through the  
21          execution of a voluntary placement agreement;  
22          authorizing the department to adopt rules; amending s.  
23          39.701, F.S.; requiring the court to make certain  
24          orders when a young adult enters extended foster care;  
25          amending s. 409.1451, F.S.; authorizing certain

26 financial awards to be disregarded when applying for  
 27 other federal assistance; amending s. 409.175, F.S.;  
 28 revising definitions; revising provisions related to  
 29 the licensure of family foster homes and certain  
 30 child-caring and child-placing agencies; deleting  
 31 required number of training hours for foster parents;  
 32 amending s. 409.903, F.S.; revising eligibility for  
 33 Medicaid coverage for children eligible for the  
 34 Guardianship Assistance Program; amending s. 409.991,  
 35 F.S.; revising a definition; amending s. 414.045,  
 36 F.S.; revising eligibility for child-only funding;  
 37 amending s. 1009.25, F.S.; revising eligibility for  
 38 tuition and fee exemptions; providing an effective  
 39 date.

40

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

42

43 Section 1. Paragraph (d) of subsection (2) of section  
 44 39.4015, Florida Statutes, is amended to read:

45 39.4015 Family finding.—

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

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

51 Section 2. Paragraph (h) of subsection (8) of section  
52 39.402, Florida Statutes, is amended to read:

53 39.402 Placement in a shelter.—

54 (8)

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

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

60 2. That placement in shelter care is in the best interest  
61 of the child.

62 3. That continuation of the child in the home is contrary  
63 to the welfare of the child because the home situation presents  
64 a substantial and immediate danger to the child's physical,  
65 mental, or emotional health or safety which cannot be mitigated  
66 by the provision of preventive services.

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

73 5. That the department has made reasonable efforts to  
74 prevent or eliminate the need for removal of the child from the  
75 home. A finding of reasonable effort by the department to

76 prevent or eliminate the need for removal may be made and the  
77 department is deemed to have made reasonable efforts to prevent  
78 or eliminate the need for removal if:

79 a. The first contact of the department with the family  
80 occurs during an emergency;

81 b. The appraisal of the home situation by the department  
82 indicates that the home situation presents a substantial and  
83 immediate danger to the child's physical, mental, or emotional  
84 health or safety which cannot be mitigated by the provision of  
85 preventive services;

86 c. The child cannot safely remain at home, either because  
87 there are no preventive services that can ensure the health and  
88 safety of the child or because, even with appropriate and  
89 available services being provided, the health and safety of the  
90 child cannot be ensured; or

91 d. The parent or legal custodian is alleged to have  
92 committed any of the acts listed as grounds for expedited  
93 termination of parental rights in s. 39.806(1)(f)-(i).

94 6. That the department has made reasonable efforts to keep  
95 siblings together if they are removed and placed in out-of-home  
96 care unless such placement is not in the best interest of each  
97 child. It is preferred that siblings be kept together in a  
98 foster home, if available. Other reasonable efforts shall  
99 include short-term placement in a group home with the ability to  
100 accommodate sibling groups if such a placement is available. The

101 department shall report to the court its efforts to place  
102 siblings together unless the court finds that such placement is  
103 not in the best interest of a child or his or her sibling.

104 7. That the court notified the parents, relatives that are  
105 providing out-of-home care for the child, or legal custodians of  
106 the time, date, and location of the next dependency hearing and  
107 of the importance of the active participation of the parents,  
108 relatives that are providing out-of-home care for the child, or  
109 legal custodians in all proceedings and hearings.

110 8. That the court notified the parents or legal custodians  
111 of their right to counsel to represent them at the shelter  
112 hearing and at each subsequent hearing or proceeding, and the  
113 right of the parents to appointed counsel, pursuant to the  
114 procedures set forth in s. 39.013.

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

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

123 Section 3. Paragraphs (g), (h), and (i) of subsection (6)  
124 of section 39.407, Florida Statutes, are amended to read:

125 39.407 Medical, psychiatric, and psychological examination

126 | and treatment of child; physical, mental, or substance abuse  
 127 | examination of person with or requesting child custody.—

128 |         (6) Children who are in the legal custody of the  
 129 | department may be placed by the department, without prior  
 130 | approval of the court, in a residential treatment center  
 131 | licensed under s. 394.875 or a hospital licensed under chapter  
 132 | 395 for residential mental health treatment only pursuant to  
 133 | this section or may be placed by the court in accordance with an  
 134 | order of involuntary examination or involuntary placement  
 135 | entered pursuant to s. 394.463 or s. 394.467. All children  
 136 | placed in a residential treatment program under this subsection  
 137 | must have a guardian ad litem appointed.

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

142 |         2. The court must conduct a hearing to review the status  
 143 | of the child's residential treatment plan no later than 60 days  
 144 | ~~3 months~~ after the child's admission to the residential  
 145 | treatment program. An independent review of the child's progress  
 146 | toward achieving the goals and objectives of the treatment plan  
 147 | must be completed by a qualified evaluator and submitted to the  
 148 | court before its 60-day ~~3-month~~ review.

149 |         3. For any child in residential treatment at the time a  
 150 | judicial review is held pursuant to s. 39.701, the child's

151 continued placement in residential treatment must be a subject  
152 of the judicial review.

153 4. If at any time the court determines that the child is  
154 not suitable for continued residential treatment, the court  
155 shall order the department to place the child in the least  
156 restrictive setting that is best suited to meet his or her  
157 needs.

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

161 (i) The department must adopt rules for implementing  
162 timeframes for the completion of suitability assessments by  
163 qualified evaluators and a procedure that includes timeframes  
164 for completing the 60-day ~~3-month~~ independent review by the  
165 qualified evaluators of the child's progress toward achieving  
166 the goals and objectives of the treatment plan which review must  
167 be submitted to the court. The Agency for Health Care  
168 Administration must adopt rules for the registration of  
169 qualified evaluators, the procedure for selecting the evaluators  
170 to conduct the reviews required under this section, and a  
171 reasonable, cost-efficient fee schedule for qualified  
172 evaluators.

173 Section 4. Paragraph (a) of subsection (1) and paragraph  
174 (a) of subsection (2) of section 39.5085, Florida Statutes, are  
175 amended to read:

176 39.5085 Relative Caregiver Program.—

177 (1) It is the intent of the Legislature in enacting this  
 178 section to:

179 (a) Provide for the establishment of procedures and  
 180 protocols that serve to advance the continued safety of children  
 181 by acknowledging the valued resource uniquely available through  
 182 grandparents, relatives of children, and specified nonrelatives  
 183 of children pursuant to subparagraph (2) (a)3.

184 (2) (a) The Department of Children and Families shall  
 185 establish, operate, and implement the Relative Caregiver Program  
 186 by rule of the department. Relatives and nonrelatives who are  
 187 caring for a child and do not meet the eligibility requirements  
 188 for Level I licensure under s. 39.6225 may apply for the  
 189 Relative Caregiver Program. The Relative Caregiver Program  
 190 shall, within the limits of available funding, provide financial  
 191 assistance to:

192 1. Relatives who are within the fifth degree by blood or  
 193 marriage to the parent or stepparent of a child and who are  
 194 caring full-time for that dependent child in the role of  
 195 substitute parent as a result of a court's determination of  
 196 child abuse, neglect, or abandonment and subsequent placement  
 197 with the relative under this chapter.

198 2. Relatives who are within the fifth degree by blood or  
 199 marriage to the parent or stepparent of a child and who are  
 200 caring full-time for that dependent child, and a dependent half-



201 brother or half-sister of that dependent child, in the role of  
202 substitute parent as a result of a court's determination of  
203 child abuse, neglect, or abandonment and subsequent placement  
204 with the relative under this chapter.

205 3. Nonrelatives who are willing to assume custody and care  
206 of a dependent child in the role of substitute parent as a  
207 result of a court's determination of child abuse, neglect, or  
208 abandonment and subsequent placement with the nonrelative  
209 caregiver under this chapter. The court must find that a  
210 proposed placement under this subparagraph is in the best  
211 interest of the child.

212 4. A relative or nonrelative caregiver, but the relative  
213 or nonrelative caregiver may not receive a Relative Caregiver  
214 Program payment if the parent or stepparent of the child resides  
215 in the home. However, a relative or nonrelative may receive the  
216 Relative Caregiver Program payment for a minor parent who is in  
217 his or her care, as well as for the minor parent's child, if  
218 both children have been adjudicated dependent and meet all other  
219 eligibility requirements. If the caregiver is currently  
220 receiving the payment, the Relative Caregiver Program payment  
221 must be terminated no later than the first of the following  
222 month after the parent or stepparent moves into the home,  
223 allowing for 10-day notice of adverse action.

224  
225 The placement may be court-ordered temporary legal custody to

226 | the relative or nonrelative under protective supervision of the  
 227 | department pursuant to s. 39.521(1)(c)3., or court-ordered  
 228 | placement in the home of a relative or nonrelative as a  
 229 | permanency option under s. 39.6221 or s. 39.6231 or under former  
 230 | s. 39.622 if the placement was made before July 1, 2006. The  
 231 | Relative Caregiver Program shall offer financial assistance to  
 232 | caregivers who would be unable to serve in that capacity without  
 233 | the caregiver payment because of financial burden, thus exposing  
 234 | the child to the trauma of placement in a shelter or in foster  
 235 | care.

236 |       Section 5. Subsection (1) of section 39.5086, Florida  
 237 | Statutes, is amended to read:

238 |       39.5086 Kinship navigator programs.—

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

240 |       ~~(a) "Fictive kin" has the same meaning as provided in s.~~  
 241 | ~~39.4015(2)(d).~~

242 |       (a)~~(b)~~ "Kinship care" means the full-time care of a child  
 243 | placed in out-of-home care by the court in the home of a  
 244 | relative or fictive kin.

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

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

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

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

255 Section 6. Subsections (6) and (10) of section 39.6225,  
 256 Florida Statutes, are amended, and subsection (15) is added to  
 257 that section, to read:

258 39.6225 Guardianship Assistance Program.—

259 (6) Guardianship assistance benefits shall be terminated  
 260 if:

261 (a) The child has attained 18 years of age, or the child  
 262 has attained 21 years of age if he or she meets the requirements  
 263 of subsection (9); ~~is absent from the home of the guardian for a~~  
 264 ~~period of at least 60 consecutive calendar days, unless the~~  
 265 ~~child:~~

266 1. ~~Is absent due to medical care, school attendance,~~  
 267 ~~runaway status, or detention in a Department of Juvenile Justice~~  
 268 ~~facility; and~~

269 2. ~~Continues to be under the care and custody of the~~  
 270 ~~guardian.~~

271 (b) The child has not attained 18 years of age and the  
 272 guardian is no longer legally responsible for the support of the  
 273 child; ~~The court modifies the placement of the child and the~~  
 274 ~~guardian is no longer eligible to receive guardianship~~  
 275 ~~assistance benefits~~

276        (c) The child no longer receives support from the  
 277 guardian.

278        (10) The case plan must describe the following for each  
 279 child with a permanency goal of permanent guardianship in which  
 280 the guardian is pursuing ~~in receipt of~~ guardianship assistance  
 281 ~~payments:~~

282            (a) The manner in which the child meets program  
 283 eligibility requirements.

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

286            (c) Efforts to discuss adoption with the child's permanent  
 287 guardian.

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

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

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

294            (g) Efforts to consult the child, if the child is 14 years  
 295 of age or older, regarding the permanent guardianship  
 296 arrangement.

297        (15) The department may adopt rules necessary to  
 298 administer this section.

299        Section 7. Subsections (2) and (3), paragraph (a) of  
 300 subsection (4), and subsection (6) of section 39.6251, Florida

301 Statutes, are amended, and subsection (10) is added to that  
 302 section, to read:

303 39.6251 Continuing care for young adults.—

304 (2) The primary goal for a child in care is permanency. A  
 305 child who is living in licensed care on his or her 18th birthday  
 306 and who has not achieved permanency under s. 39.621 is eligible  
 307 to remain in licensed care under the jurisdiction of the court  
 308 and in the care of the department. A child is eligible to remain  
 309 in licensed care if he or she is:

310 (a) Completing secondary education or a program leading to  
 311 an equivalent credential;

312 (b) Enrolled in an institution that provides postsecondary  
 313 or vocational education;

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

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

317 (e) Unable to participate in programs or activities listed  
 318 in paragraphs (a)-(d) full time due to a physical, intellectual,  
 319 emotional, or psychiatric condition that limits participation.

320 Any such barrier to participation must be supported by  
 321 documentation in the child's case file or school or medical  
 322 records of a physical, intellectual, or psychiatric condition  
 323 that impairs the child's ability to perform one or more life  
 324 activities.

325

326 The young adult must furnish documentation to the department or  
327 lead agency of his or her participation in one of the programs  
328 or activities listed in paragraphs (a)-(d), or his or her  
329 inability to participate in one of the programs or activities as  
330 provided in paragraph (e), or authorize the release of his or  
331 her records to the department or lead agency.

332 (3) The permanency goal for a young adult who chooses to  
333 remain in care past his or her 18th birthday is to transition to  
334 independence from licensed care to independent living.

335 (4) (a) The young adult must reside in a supervised living  
336 environment that is approved by the department or a community-  
337 based care lead agency. The young adult shall live  
338 independently, but in an environment in which he or she is  
339 provided supervision, case management, and supportive services  
340 by the department or lead agency. Such an environment must offer  
341 developmentally appropriate freedom and responsibility to  
342 prepare the young adult for adulthood. For the purposes of this  
343 subsection, a supervised living arrangement may include a  
344 licensed foster home, licensed group home, college dormitory,  
345 shared housing, apartment, or another housing arrangement if the  
346 arrangement is approved by the community-based care lead agency  
347 and is acceptable to the young adult, ~~with first choice being a~~  
348 ~~licensed foster home.~~ A young adult may continue to reside with  
349 the same licensed foster family or group care provider with whom  
350 he or she was residing at the time he or she reached the age of

351 18 years.

352 (6) A young adult who is between the ages of 18 and 21 and  
353 who has left care may return to care by applying to the  
354 community-based care lead agency for readmission through the  
355 execution of a voluntary placement agreement. The community-  
356 based care lead agency shall readmit the young adult if he or  
357 she continues to meet the eligibility requirements in this  
358 section.

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

362 (b) Within 30 days after the young adult has been  
363 readmitted to care, the community-based care lead agency shall  
364 assign a case manager to update the case plan and the transition  
365 plan and to arrange for the required services. Updates to the  
366 case plan and the transition plan and arrangements for the  
367 required services shall be undertaken in consultation with the  
368 young adult. The department shall petition the court to  
369 reinstate jurisdiction over the young adult. Notwithstanding s.  
370 39.013(2), the court shall resume jurisdiction over the young  
371 adult if the department establishes that he or she continues to  
372 meet the eligibility requirements in this section.

373 (10) The department shall adopt rules to administer this  
374 section.

375 Section 8. Paragraph (d) of subsection (2) of section

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376 39.701, Florida Statutes, is amended, and paragraphs (f) and (g)  
377 are added to subsection (4) of that section, to read:

378 39.701 Judicial review.—

379 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
380 AGE.—

381 (d) Orders.—

382 1. Based upon the criteria set forth in paragraph (c) and  
383 the recommended order of the citizen review panel, if any, the  
384 court shall determine whether ~~or not~~ the social service agency  
385 shall initiate proceedings to have a child declared a dependent  
386 child, return the child to the parent, continue the child in  
387 out-of-home care for a specified period of time, or initiate  
388 termination of parental rights proceedings for subsequent  
389 placement in an adoptive home. Amendments to the case plan must  
390 be prepared as provided ~~prescribed~~ in s. 39.6013. If the court  
391 finds that the prevention or reunification efforts of the  
392 department will allow the child to remain safely at home or be  
393 safely returned to the home, the court shall allow the child to  
394 remain in or return to the home after making a specific finding  
395 of fact that the reasons for the creation of the case plan have  
396 been remedied to the extent that the child's safety, well-being,  
397 and physical, mental, and emotional health will not be  
398 endangered.

399 2. The court shall return the child to the custody of the  
400 parents at any time it determines that they have substantially



401 | complied with the case plan, if the court is satisfied that  
402 | reunification will not be detrimental to the child's safety,  
403 | well-being, and physical, mental, and emotional health.

404 |         3. If, in the opinion of the court, the social service  
405 | agency has not complied with its obligations as specified in the  
406 | written case plan, the court may find the social service agency  
407 | in contempt, shall order the social service agency to submit its  
408 | plans for compliance with the agreement, and shall require the  
409 | social service agency to show why the child could not safely be  
410 | returned to the home of the parents.

411 |         4. If, at any judicial review, the court finds that the  
412 | parents have failed to substantially comply with the case plan  
413 | to the degree that further reunification efforts are without  
414 | merit and not in the best interest of the child, on its own  
415 | motion, the court may order the filing of a petition for  
416 | termination of parental rights, regardless of whether ~~or not~~ the  
417 | time period as contained in the case plan for substantial  
418 | compliance has expired.

419 |         5. Within 6 months after the date that the child was  
420 | placed in shelter care, the court shall conduct a judicial  
421 | review hearing to review the child's permanency goal as  
422 | identified in the case plan. At the hearing the court shall make  
423 | findings regarding the likelihood of the child's reunification  
424 | with the parent or legal custodian. In making such findings, the  
425 | court shall consider the level of the parent or legal

426 | custodian's compliance with the case plan and demonstrated  
427 | change in protective capacities compared to that necessary to  
428 | achieve timely reunification within 12 months after the removal  
429 | of the child from the home. The court shall also consider the  
430 | frequency, duration, manner, and level of engagement of the  
431 | parent or legal custodian's visitation with the child in  
432 | compliance with the case plan. If the court makes a written  
433 | finding that it is not likely that the child will be reunified  
434 | with the parent or legal custodian within 12 months after the  
435 | child was removed from the home, the department must file with  
436 | the court, and serve on all parties, a motion to amend the case  
437 | plan under s. 39.6013 and declare that it will use concurrent  
438 | planning for the case plan. The department must file the motion  
439 | within 10 business days after receiving the written finding of  
440 | the court. The department must attach the proposed amended case  
441 | plan to the motion. If concurrent planning is already being  
442 | used, the case plan must document the efforts the department is  
443 | taking to complete the concurrent goal.

444 |         6. The court may issue a protective order in assistance,  
445 | or as a condition, of any other order made under this part. In  
446 | addition to the requirements included in the case plan, the  
447 | protective order may set forth requirements relating to  
448 | reasonable conditions of behavior to be observed for a specified  
449 | period of time by a person or agency who is before the court;  
450 | and the order may require any person or agency to make periodic

451 reports to the court containing such information as the court in  
452 its discretion may prescribe.

453 7. If, at any judicial review, the court determines that  
454 the child shall remain in out-of-home care in a placement other  
455 than with a parent, the court shall order that the department  
456 has placement and care responsibility for the child.

457 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—  
458 During each period of time that a young adult remains in foster  
459 care, the court shall review the status of the young adult at  
460 least every 6 months and must hold a permanency review hearing  
461 at least annually.

462 (f) If the young adult elects to voluntarily leave  
463 extended foster care for the sole purpose of ending a removal  
464 episode and immediately thereafter executes a voluntary  
465 placement agreement with the department to reenroll in extended  
466 foster care, the court shall enter an order finding that the  
467 prior removal episode has ended. Under these circumstances, the  
468 court maintains jurisdiction and a petition to reinstate  
469 jurisdiction as provided in s. 39.6251(6)(b) is not required.

470 (g)1. When a young adult enters extended foster care by  
471 executing a voluntary placement agreement, the court shall enter  
472 an order within 180 days after execution of the agreement that  
473 determines whether the placement is in the best interest of the  
474 young adult. For purposes of this paragraph, a placement may  
475 include a licensed foster home, licensed group home, college

476 dormitory, shared housing, apartment, or another housing  
477 arrangement, if the arrangement is approved by the community-  
478 based care lead agency and is acceptable to the young adult.

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

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

486 Section 9. Subsections (9) and (10) of section 409.1451,  
487 Florida Statutes, are renumbered as subsections (10) and (11),  
488 respectively, paragraph (b) of subsection (2) is amended, and a  
489 new subsection (9) is added to that section, to read:

490 409.1451 The Road-to-Independence Program.—

491 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

492 (b) The amount of the financial assistance shall be as  
493 follows:

494 1. For a young adult who does not remain in foster care  
495 and is attending a postsecondary school as provided in s.  
496 1009.533, the amount is \$1,256 monthly.

497 2. For a young adult who remains in foster care, is  
498 attending a postsecondary school, as provided in s. 1009.533,  
499 and continues to reside in a licensed foster home, the amount is  
500 the established room and board rate for foster parents. This

501 takes the place of the payment provided for in s. 409.145(4).

502 3. For a young adult who remains in foster care, but  
 503 temporarily resides away from a licensed foster home for  
 504 purposes of attending a postsecondary school as provided in s.  
 505 1009.533, the amount is \$1,256 monthly. This takes the place of  
 506 the payment provided for in s. 409.145(4).

507 4. For a young adult who remains in foster care, is  
 508 attending a postsecondary school as provided in s. 1009.533, and  
 509 continues to reside in a licensed group home, the amount is  
 510 negotiated between the community-based care lead agency and the  
 511 licensed group home provider.

512 5. For a young adult who remains in foster care, but  
 513 temporarily resides away from a licensed group home for purposes  
 514 of attending a postsecondary school as provided in s. 1009.533,  
 515 the amount is \$1,256 monthly. This takes the place of a  
 516 negotiated room and board rate.

517 ~~6. The amount of the award may be disregarded for purposes~~  
 518 ~~of determining the eligibility for, or the amount of, any other~~  
 519 ~~federal or federally supported assistance.~~

520 6.7. A young adult is eligible to receive financial  
 521 assistance during the months when he or she is enrolled in a  
 522 postsecondary educational institution.

523 (9) FINANCIAL ASSISTANCE FOR YOUNG ADULTS RECEIVING  
 524 SERVICES.—Financial awards to young adults receiving services  
 525 under subsections (2) and (3) and s. 39.6251 may be disregarded

526 for purposes of determining the eligibility for, or the amount  
527 of, any other federal or federally supported assistance for  
528 which the department is required to determine eligibility for  
529 the program.

530 Section 10. Paragraphs (e), (j), and (m) of subsection  
531 (2), paragraph (b) of subsection (5), paragraph (c) of  
532 subsection (6), subsection (7), paragraph (b) of subsection (9),  
533 paragraphs (b) and (c) of subsection (12), and paragraphs (b)  
534 and (d) of subsection (14) of section 409.175, Florida Statutes,  
535 are amended to read:

536 409.175 Licensure of family foster homes, residential  
537 child-caring agencies, and child-placing agencies; public  
538 records exemption.—

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

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

546 (j) "Personnel" means all owners, operators, employees,  
547 and volunteers working in a child-placing agency, ~~family foster~~  
548 ~~home,~~ or residential child-caring agency who may be employed by  
549 or do volunteer work for a person, corporation, or agency that  
550 holds a license as a child-placing agency or a residential

551 child-caring agency, but the term does not include those who do  
552 not work on the premises where child care is furnished and have  
553 no direct contact with a child or have no contact with a child  
554 outside of the presence of the child's parent or guardian. For  
555 purposes of screening, the term includes any member, over the  
556 age of 12 years, of the family of the owner or operator or any  
557 person other than a client, over the age of 12 years, residing  
558 with the owner or operator if the agency ~~or family foster home~~  
559 is located in or adjacent to the home of the owner or operator  
560 or if the family member of, or person residing with, the owner  
561 or operator has any direct contact with the children. Members of  
562 the family of the owner or operator, or persons residing with  
563 the owner or operator, who are between the ages of 12 years and  
564 18 years are not required to be fingerprinted, but must be  
565 screened for delinquency records. For purposes of screening, the  
566 term also includes owners, operators, employees, and volunteers  
567 working in summer day camps, or summer 24-hour camps providing  
568 care for children. A volunteer who assists on an intermittent  
569 basis for less than 10 hours per month shall not be included in  
570 the term "personnel" for the purposes of screening if a person  
571 who meets the screening requirement of this section is always  
572 present and has the volunteer in his or her line of sight.

573 (m) "Screening" means the act of assessing the background  
574 of personnel or level II through level V family foster homes and  
575 includes, but is not limited to, employment history checks as

576 provided in chapter 435, using the level 2 standards for  
577 screening set forth in that chapter.

578 (5) The department shall adopt and amend rules for the  
579 levels of licensed care associated with the licensure of family  
580 foster homes, residential child-caring agencies, and child-  
581 placing agencies. The rules may include criteria to approve  
582 waivers to licensing requirements when applying for a child-  
583 specific license.

584 (b) The requirements for licensure and operation of family  
585 foster homes, residential child-caring agencies, and child-  
586 placing agencies shall include:

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

590 2. The provision of food, clothing, educational  
591 opportunities, services, equipment, and individual supplies to  
592 assure the healthy physical, emotional, and mental development  
593 of the children served.

594 3. The appropriateness, safety, cleanliness, and general  
595 adequacy of the premises, including fire prevention and health  
596 standards, to provide for the physical comfort, care, and well-  
597 being of the children served.

598 4. The ratio of staff to children required to provide  
599 adequate care and supervision of the children served and, in the  
600 case of family foster homes, the maximum number of children in



601 the home.

602 5. The good moral character based upon screening,  
 603 education, training, and experience requirements for personnel  
 604 and family foster homes.

605 6. The department may grant exemptions from  
 606 disqualification from working with children or the  
 607 developmentally disabled as provided in s. 435.07.

608 7. The provision of preservice and inservice training for  
 609 all foster parents and agency staff.

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

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

615 10. The provision for parental involvement to encourage  
 616 preservation and strengthening of a child's relationship with  
 617 the family.

618 11. The transportation safety of children served.

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

621 13. Provisions to safeguard the legal rights of children  
 622 served.

623 (6)

624 (c) A licensed family foster home, child-placing agency,  
 625 or residential child-caring agency which applies for renewal of

626 | its license shall submit to the department a list of personnel  
627 | or household members who have worked or resided on a continuous  
628 | basis at the applicant family foster home or agency since  
629 | submitting fingerprints to the department, identifying those for  
630 | whom a written assurance of compliance was provided by the  
631 | department and identifying those personnel or household members  
632 | who have recently begun working or residing at the family foster  
633 | home or agency and are awaiting the results of the required  
634 | fingerprint check, along with the date of the submission of  
635 | those fingerprints for processing. The department shall by rule  
636 | determine the frequency of requests to the Department of Law  
637 | Enforcement to run state criminal records checks for such  
638 | personnel or household members except for those personnel or  
639 | household members awaiting the results of initial fingerprint  
640 | checks for employment at the applicant family foster home or  
641 | agency.

642 |       (7)-(a) The department may extend a license expiration date  
643 | once for a period of up to 30 days. However, the department may  
644 | not extend a license expiration date more than once during a  
645 | licensure period. ~~The department may issue a provisional license~~  
646 | ~~to an applicant who is unable to conform to the licensing~~  
647 | ~~requirements at the time of the study, but who is believed able~~  
648 | ~~to meet the licensing requirements within the time allowed by~~  
649 | ~~the provisional license. The issuance of a provisional license~~  
650 | ~~shall be contingent upon the submission to the department of an~~

651 ~~acceptable written plan to overcome the deficiency by the~~  
652 ~~expiration date of the provisional license.~~

653 ~~(b) A provisional license may be issued when the applicant~~  
654 ~~fails to meet licensing requirements in matters that are not of~~  
655 ~~immediate danger to the children and the agency has submitted a~~  
656 ~~corrective action plan which is approved by the department. A~~  
657 ~~provisional license may be issued if the screening material has~~  
658 ~~been timely submitted; however, a provisional license may not be~~  
659 ~~issued unless the applicant is in compliance with the~~  
660 ~~requirements in this section for screening of personnel.~~

661 ~~(c) A provisional license shall not be issued for a period~~  
662 ~~in excess of 1 year and shall not be subject to renewal; and it~~  
663 ~~may be suspended if periodic inspection by the department~~  
664 ~~indicates that insufficient progress has been made toward~~  
665 ~~compliance with the requirements.~~

666 (9)

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

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

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

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

676           4. Failure to dismiss personnel or remove a household  
677 member found in noncompliance with requirements for good moral  
678 character.

679           5. Failure to comply with the requirements of ss. 63.0422  
680 and 790.335.

681           (12)

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

685           1. Willfully or intentionally fail to comply with the  
686 requirements for the screening of personnel and family foster  
687 homes or the dismissal of personnel or removal of household  
688 members found not to be in compliance with the requirements for  
689 good moral character as specified in paragraph (5) (b).

690           2. Use information from the criminal records obtained  
691 under this section for any purpose other than screening a person  
692 for employment as specified in this section or to release such  
693 information to any other person for any purpose other than  
694 screening for employment as specified in this section.

695           (c) It is unlawful for any person, agency, family foster  
696 home, summer day camp, or summer 24-hour camp providing care for  
697 children to use information from the juvenile records of any  
698 person obtained under this section for any purpose other than  
699 screening for employment as specified in this section or to  
700 release information from such records to any other person for

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701 any purpose other than screening for employment as specified in  
702 this section.

703 (14)

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

708 1. Orientation regarding agency purpose, objectives,  
709 resources, policies, and services;

710 2. Role of the foster parent as a treatment team member;

711 3. Transition of a child into and out of foster care,  
712 including issues of separation, loss, and attachment;

713 4. Management of difficult child behavior that can be  
714 intensified by placement, by prior abuse or neglect, and by  
715 prior placement disruptions;

716 5. Prevention of placement disruptions;

717 6. Care of children at various developmental levels,  
718 including appropriate discipline; and

719 7. Effects of foster parenting on the family of the foster  
720 parent.

721 (d) Before ~~Prior to~~ licensure renewal, each ~~level II~~  
722 ~~through level V~~ foster parent must ~~shall~~ successfully complete ~~8~~  
723 ~~hours of~~ inservice training. ~~Each level I foster parent shall~~  
724 ~~successfully complete 4 hours of inservice training.~~ Periodic  
725 time-limited training courses shall be made available for

726 selective use by foster parents. Such inservice training shall  
727 include subjects affecting the daily living experiences of  
728 foster parenting as a foster parent. For a foster parent  
729 participating in the required inservice training, the department  
730 shall reimburse such parent for travel expenditures and, if both  
731 parents in a home are attending training or if the absence of  
732 the parent would leave the children without departmentally  
733 approved adult supervision, the department shall make provision  
734 for child care or shall reimburse the foster parents for child  
735 care purchased by the parents for children in their care.

736 Section 11. Subsection (4) of section 409.903, Florida  
737 Statutes, is amended to read:

738 409.903 Mandatory payments for eligible persons.—The  
739 agency shall make payments for medical assistance and related  
740 services on behalf of the following persons who the department,  
741 or the Social Security Administration by contract with the  
742 Department of Children and Families, determines to be eligible,  
743 subject to the income, assets, and categorical eligibility tests  
744 set forth in federal and state law. Payment on behalf of these  
745 Medicaid eligible persons is subject to the availability of  
746 moneys and any limitations established by the General  
747 Appropriations Act or chapter 216.

748 (4) A child who is eligible under Title IV-E of the Social  
749 Security Act for subsidized board payments, foster care, or  
750 adoption subsidies, and a child for whom the state has assumed

751 temporary or permanent responsibility and who does not qualify  
752 for Title IV-E assistance but is in foster care, shelter or  
753 emergency shelter care, or subsidized adoption. This category  
754 includes:

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

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

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

765 Section 12. Paragraph (a) of subsection (1) of section  
766 409.991, Florida Statutes, is amended to read:

767 409.991 Allocation of funds for community-based care lead  
768 agencies.—

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

770 (a) "Core services funds" means all funds allocated to  
771 community-based care lead agencies operating under contract with  
772 the department pursuant to s. 409.987, with the following  
773 exceptions:

- 774 1. Funds appropriated for independent living;
- 775 2. Funds appropriated for maintenance adoption subsidies;

- 776           3. Funds allocated by the department for protective  
777 investigations training;
- 778           4. Nonrecurring funds;
- 779           5. Designated mental health wrap-around services funds;  
780 ~~and~~
- 781           6. Funds for special projects for a designated community-  
782 based care lead agency; and
- 783           7. Funds appropriated for the Guardianship Assistance  
784 Program under s. 39.6225.

785           Section 13. Paragraph (b) of subsection (1) of section  
786 414.045, Florida Statutes, is amended to read:

787           414.045 Cash assistance program.—Cash assistance families  
788 include any families receiving cash assistance payments from the  
789 state program for temporary assistance for needy families as  
790 defined in federal law, whether such funds are from federal  
791 funds, state funds, or commingled federal and state funds. Cash  
792 assistance families may also include families receiving cash  
793 assistance through a program defined as a separate state  
794 program.

795           (1) For reporting purposes, families receiving cash  
796 assistance shall be grouped into the following categories. The  
797 department may develop additional groupings in order to comply  
798 with federal reporting requirements, to comply with the data-  
799 reporting needs of the board of directors of CareerSource  
800 Florida, Inc., or to better inform the public of program



801 progress.

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

805 1. Children in the care of caretaker relatives, if the  
806 caretaker relatives choose to have their needs excluded in the  
807 calculation of the amount of cash assistance.

808 2. Families in the Relative Caregiver Program as provided  
809 in s. 39.5085.

810 3. Families in which the only parent in a single-parent  
811 family or both parents in a two-parent family receive  
812 supplemental security income (SSI) benefits under Title XVI of  
813 the Social Security Act, as amended. To the extent permitted by  
814 federal law, individuals receiving SSI shall be excluded as  
815 household members in determining the amount of cash assistance,  
816 and such cases shall not be considered families containing an  
817 adult. Parents or caretaker relatives who are excluded from the  
818 cash assistance group due to receipt of SSI may choose to  
819 participate in work activities. An individual whose ability to  
820 participate in work activities is limited who volunteers to  
821 participate in work activities shall be assigned to work  
822 activities consistent with such limitations. An individual who  
823 volunteers to participate in a work activity may receive child  
824 care or support services consistent with such participation.

825 4. Families in which the only parent in a single-parent

826 family or both parents in a two-parent family are not eligible  
827 for cash assistance due to immigration status or other  
828 limitation of federal law. To the extent required by federal  
829 law, such cases shall not be considered families containing an  
830 adult.

831 5. To the extent permitted by federal law and subject to  
832 appropriations, special needs children who have been adopted  
833 pursuant to s. 409.166 and whose adopting family qualifies as a  
834 needy family under the state program for temporary assistance  
835 for needy families. Notwithstanding any provision to the  
836 contrary in s. 414.075, s. 414.085, or s. 414.095, a family  
837 shall be considered a needy family if:

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

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

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

846 6. Families in the Guardianship Assistance Program as  
847 provided in s. 39.6225.

848  
849 Families described in subparagraph 1., subparagraph 2., or  
850 subparagraph 3. may receive child care assistance or other

851 supports or services so that the children may continue to be  
852 cared for in their own homes or in the homes of relatives. Such  
853 assistance or services may be funded from the temporary  
854 assistance for needy families block grant to the extent  
855 permitted under federal law and to the extent funds have been  
856 provided in the General Appropriations Act.

857 Section 14. Paragraph (d) of subsection (1) of section  
858 1009.25, Florida Statutes, is amended to read:

859 1009.25 Fee exemptions.—

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

864 (d) A student who is or was at the time he or she reached  
865 18 years of age in the custody of a relative or nonrelative  
866 under s. 39.5085 or s. 39.6225 or who was adopted from the  
867 Department of Children and Families after May 5, 1997. Such  
868 exemption includes fees associated with enrollment in applied  
869 academics for adult education instruction. The exemption remains  
870 valid until the student reaches 28 years of age.

871 Section 15. This act shall take effect July 1, 2019.