

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Tomkow offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

8 Section 1. Section 25.385, Florida Statutes, is amended to
9 read:

10 25.385 Standards for instruction of circuit and county
11 court judges ~~in handling domestic violence cases.~~

12 (1) The Florida Court Educational Council shall establish
13 standards for instruction of circuit and county court judges who
14 have responsibility for domestic violence cases, and the council
15 shall provide such instruction on a periodic and timely basis.

16 ~~(2) As used in this subsection, section:~~

Amendment No. 1

17 ~~(a)~~ the term "domestic violence" has the meaning set forth
18 in s. 741.28.

19 ~~(b) "Family or household member" has the meaning set forth~~
20 ~~in s. 741.28.~~

21 (2) The Florida Court Educational Council shall establish
22 standards for instruction of circuit and county court judges who
23 have responsibility for dependency cases regarding the benefits
24 of a secure attachment with a primary caregiver, the importance
25 of a stable placement, and the impact of trauma on child
26 development. The council shall provide such instruction to the
27 circuit and county court judges handling dependency cases on a
28 periodic and timely basis.

29 Section 2. Section 39.01304, Florida Statutes, is created
30 to read:

31 39.01304 Early childhood court programs.—

32 (1) A circuit court may create an early childhood court
33 program to serve the needs of infants and toddlers in dependency
34 court. If a circuit court creates an early childhood court, it
35 may consider all of the following components:

36 (a) The court supporting the therapeutic needs of the
37 parent and child in a nonadversarial manner.

38 (b) A multidisciplinary team made up of key community
39 stakeholders to work with the court to restructure the way the
40 community responds to the needs of maltreated children.

41 (c) A community coordinator to facilitate services and
42 resources for families, serve as a liaison between a

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

43 multidisciplinary team and the judiciary, and manage data
44 collection for program evaluation and accountability. The Office
45 of the State Courts Administrator may coordinate with each
46 participating circuit court to fill a community coordinator
47 position for the circuit's early childhood court program.

48 (d) A continuum of mental health services which includes
49 those that support the parent-child relationship and are
50 appropriate for children and family served.

51 (2) The Office of State Courts Administrator shall
52 contract with one or more university-based centers that have
53 expertise in infant mental health to ensure the quality,
54 accountability, and fidelity of the program's evidence-based
55 treatment. The Office of State Courts Administrator may provide,
56 or contract for the provision of, training and technical
57 assistance related to program services, consultation and
58 guidance for difficult cases, and ongoing training for court
59 teams.

60 Section 3. Subsection (1) of section 39.0138, Florida
61 Statutes, is amended to read:

62 39.0138 Criminal history and other records checks; limit
63 on placement of a child.—

64 (1) The department shall conduct a records check through
65 the State Automated Child Welfare Information System (SACWIS)
66 and a local and statewide criminal history records check on all
67 persons, including parents, being considered by the department
68 for placement of a child under this chapter, including all

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

69 nonrelative placement decisions, and all members of the
70 household, 12 years of age and older, of the person being
71 considered. For purposes of this section, a criminal history
72 records check may include, but is not limited to, submission of
73 fingerprints to the Department of Law Enforcement for processing
74 and forwarding to the Federal Bureau of Investigation for state
75 and national criminal history information, and local criminal
76 records checks through local law enforcement agencies of all
77 household members 18 years of age and older and other visitors
78 to the home. The department must complete this record check
79 within 14 business days after receiving the criminal history
80 results, unless additional information is required to complete
81 processing. An out-of-state criminal history records check must
82 be initiated for any person 18 years of age or older who resided
83 in another state if that state allows the release of such
84 records. The department shall establish by rule standards for
85 evaluating any information contained in the automated system
86 relating to a person who must be screened for purposes of making
87 a placement decision.

88 Section 4. Subsection (1) and paragraph (a) of subsection
89 (9) of section 39.301, Florida Statutes, are amended to read:

90 39.301 Initiation of protective investigations.—

91 (1) (a) Upon receiving a report of known or suspected child
92 abuse, abandonment, or neglect, or that a child is in need of
93 supervision and care and has no parent, legal custodian, or

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

94 responsible adult relative immediately known and available to
95 provide supervision and care, the central abuse hotline shall
96 determine if the report requires an immediate onsite protective
97 investigation. For reports requiring an immediate onsite
98 protective investigation, the central abuse hotline shall
99 immediately notify the department's designated district staff
100 responsible for protective investigations to ensure that an
101 onsite investigation is promptly initiated. For reports not
102 requiring an immediate onsite protective investigation, the
103 central abuse hotline shall notify the department's designated
104 district staff responsible for protective investigations in
105 sufficient time to allow for an investigation. At the time of
106 notification, the central abuse hotline shall also provide
107 information to district staff on any previous report concerning
108 a subject of the present report or any pertinent information
109 relative to the present report or any noted earlier reports.

110 (b) The department shall promptly notify the court of any
111 report to the central abuse hotline that is accepted for a
112 protective investigation and involves a child over whom the
113 court has jurisdiction.

114 (9) (a) For each report received from the central abuse
115 hotline and accepted for investigation, the department or the
116 sheriff providing child protective investigative services under
117 s. 39.3065, shall perform the following child protective
118 investigation activities to determine child safety:

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

119 1. Conduct a review of all relevant, available information
120 specific to the child and family and alleged maltreatment;
121 family child welfare history; local, state, and federal criminal
122 records checks; and requests for law enforcement assistance
123 provided by the abuse hotline. Based on a review of available
124 information, including the allegations in the current report, a
125 determination shall be made as to whether immediate consultation
126 should occur with law enforcement, the Child Protection Team, a
127 domestic violence shelter or advocate, or a substance abuse or
128 mental health professional. Such consultations should include
129 discussion as to whether a joint response is necessary and
130 feasible. A determination shall be made as to whether the person
131 making the report should be contacted before the face-to-face
132 interviews with the child and family members.

133 2. Conduct face-to-face interviews with the child; other
134 siblings, if any; and the parents, legal custodians, or
135 caregivers.

136 3. Assess the child's residence, including a determination
137 of the composition of the family and household, including the
138 name, address, date of birth, social security number, sex, and
139 race of each child named in the report; any siblings or other
140 children in the same household or in the care of the same
141 adults; the parents, legal custodians, or caregivers; and any
142 other adults in the same household.

Amendment No. 1

143 4. Determine whether there is any indication that any
144 child in the family or household has been abused, abandoned, or
145 neglected; the nature and extent of present or prior injuries,
146 abuse, or neglect, and any evidence thereof; and a determination
147 as to the person or persons apparently responsible for the
148 abuse, abandonment, or neglect, including the name, address,
149 date of birth, social security number, sex, and race of each
150 such person.

151 5. Complete assessment of immediate child safety for each
152 child based on available records, interviews, and observations
153 with all persons named in subparagraph 2. and appropriate
154 collateral contacts, which may include other professionals. The
155 department's child protection investigators are hereby
156 designated a criminal justice agency for the purpose of
157 accessing criminal justice information to be used for enforcing
158 this state's laws concerning the crimes of child abuse,
159 abandonment, and neglect. This information shall be used solely
160 for purposes supporting the detection, apprehension,
161 prosecution, pretrial release, posttrial release, or
162 rehabilitation of criminal offenders or persons accused of the
163 crimes of child abuse, abandonment, or neglect and may not be
164 further disseminated or used for any other purpose.

165 6. Document the present and impending dangers to each
166 child based on the identification of inadequate protective
167 capacity through utilization of a standardized safety assessment

Amendment No. 1

168 instrument. If present or impending danger is identified, the
169 child protective investigator must implement a safety plan or
170 take the child into custody. If present danger is identified and
171 the child is not removed, the child protective investigator
172 shall create and implement a safety plan before leaving the home
173 or the location where there is present danger. If impending
174 danger is identified, the child protective investigator shall
175 create and implement a safety plan as soon as necessary to
176 protect the safety of the child. The child protective
177 investigator may modify the safety plan if he or she identifies
178 additional impending danger.

179 a. If the child protective investigator implements a
180 safety plan, the plan must be specific, sufficient, feasible,
181 and sustainable in response to the realities of the present or
182 impending danger. A safety plan may be an in-home plan or an
183 out-of-home plan, or a combination of both. A safety plan may
184 include tasks or responsibilities for a parent, caregiver, or
185 legal custodian. However, a safety plan may not rely on
186 promissory commitments by the parent, caregiver, or legal
187 custodian who is currently not able to protect the child or on
188 services that are not available or will not result in the safety
189 of the child. A safety plan may not be implemented if for any
190 reason the parents, guardian, or legal custodian lacks the
191 capacity or ability to comply with the plan. If the department
192 is not able to develop a plan that is specific, sufficient,

Amendment No. 1

193 feasible, and sustainable, the department shall file a shelter
194 petition. A child protective investigator shall implement
195 separate safety plans for the perpetrator of domestic violence,
196 if the investigator, using reasonable efforts, can locate the
197 perpetrator to implement a safety plan, and for the parent who
198 is a victim of domestic violence as defined in s. 741.28.
199 Reasonable efforts to locate a perpetrator include, but are not
200 limited to, a diligent search pursuant to the same requirements
201 as in s. 39.503. If the perpetrator of domestic violence is not
202 the parent, guardian, or legal custodian of any child in the
203 home and if the department does not intend to file a shelter
204 petition or dependency petition that will assert allegations
205 against the perpetrator as a parent of a child in the home, the
206 child protective investigator shall seek issuance of an
207 injunction authorized by s. 39.504 to implement a safety plan
208 for the perpetrator and impose any other conditions to protect
209 the child. The safety plan for the parent who is a victim of
210 domestic violence may not be shared with the perpetrator. If any
211 party to a safety plan fails to comply with the safety plan
212 resulting in the child being unsafe, the department shall file a
213 shelter petition.

214 b. The child protective investigator shall collaborate
215 with the community-based care lead agency in the development of
216 the safety plan as necessary to ensure that the safety plan is
217 specific, sufficient, feasible, and sustainable. The child

Amendment No. 1

218 protective investigator shall identify services necessary for
219 the successful implementation of the safety plan. The child
220 protective investigator and the community-based care lead agency
221 shall mobilize service resources to assist all parties in
222 complying with the safety plan. The community-based care lead
223 agency shall prioritize safety plan services to families who
224 have multiple risk factors, including, but not limited to, two
225 or more of the following:

226 (I) The parent or legal custodian is of young age;

227 (II) The parent or legal custodian, or an adult currently
228 living in or frequently visiting the home, has a history of
229 substance abuse, mental illness, or domestic violence;

230 (III) The parent or legal custodian, or an adult currently
231 living in or frequently visiting the home, has been previously
232 found to have physically or sexually abused a child;

233 (IV) The parent or legal custodian or an adult currently
234 living in or frequently visiting the home has been the subject
235 of multiple allegations by reputable reports of abuse or
236 neglect;

237 (V) The child is physically or developmentally disabled;
238 or

239 (VI) The child is 3 years of age or younger.

240 c. The child protective investigator shall monitor the
241 implementation of the plan to ensure the child's safety until

Amendment No. 1

242 the case is transferred to the lead agency at which time the
243 lead agency shall monitor the implementation.

244 d. The department may file a petition for shelter or
245 dependency without a new child protective investigation or the
246 concurrence of the child protective investigator if the child is
247 unsafe but for the use of a safety plan and the parent or
248 caregiver has not sufficiently increased protective capacities
249 within 90 days after the transfer of the safety plan to the lead
250 agency.

251 Section 5. Subsection (1) of section 39.522, Florida
252 Statutes, is amended, and subsection (4) is added to that
253 section, to read:

254 39.522 Postdisposition change of custody.—The court may
255 change the temporary legal custody or the conditions of
256 protective supervision at a postdisposition hearing, without the
257 necessity of another adjudicatory hearing.

258 (1)(a) At any time before a child is residing in the
259 permanent placement approved at the permanency hearing, a child
260 who has been placed in the child's own home under the protective
261 supervision of an authorized agent of the department, in the
262 home of a relative, in the home of a legal custodian, or in some
263 other place may be brought before the court by the department or
264 by any other interested person, upon the filing of a motion
265 alleging a need for a change in the conditions of protective
266 supervision or the placement. If the parents or other legal

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

267 | custodians deny the need for a change, the court shall hear all
268 | parties in person or by counsel, or both. Upon the admission of
269 | a need for a change or after such hearing, the court shall enter
270 | an order changing the placement, modifying the conditions of
271 | protective supervision, or continuing the conditions of
272 | protective supervision as ordered. The standard for changing
273 | custody of the child shall be the best interests ~~interest~~ of the
274 | child. When determining whether a change of legal custody or
275 | placement is in ~~applying this standard, the court shall consider~~
276 | ~~the continuity of the child's placement in the same out-of-home~~
277 | ~~residence as a factor when determining~~ the best interests of the
278 | child, the court shall consider:

279 | 1. The child's age.

280 | 2. The physical, mental, and emotional health benefits to
281 | the child by remaining in his or her current placement or moving
282 | to the proposed placement.

283 | 3. The stability and longevity of the child's current
284 | placement.

285 | 4. The established bonded relationship between the child
286 | and the current or proposed caregiver.

287 | 5. The reasonable preference of the child, if the court
288 | has found that the child is of sufficient intelligence,
289 | understanding, and experience to express a preference.

290 | 6. The recommendation of the child's current caregiver.

Amendment No. 1

291 7. The recommendation of the child's guardian ad litem, if
292 one has been appointed.

293 8. The child's previous and current relationship with a
294 sibling, if the change of legal custody or placement will
295 separate or reunite siblings.

296 9. The likelihood of the child attaining permanency in the
297 current or proposed placement.

298 10. Any other relevant factors.

299 (b) If the child is not placed in foster care, ~~then~~ the
300 new placement for the child must meet the home study criteria
301 and court approval ~~under~~ pursuant to this chapter.

302 (4) In cases in which the issue before the court is
303 whether to place a child in out-of-home care after the child was
304 placed in the child's own home with an in-home safety plan or
305 the child was reunified with a parent or caregiver with an in-
306 home safety plan, the court must consider, at a minimum, the
307 following factors in making its determination whether to place
308 the child in out-of-home care:

309 (a) The circumstances that caused the child's dependency
310 and other subsequently identified issues.

311 (b) The length of time the child has been placed in the
312 home with an in-home safety plan.

313 (c) The parent's or caregiver's current level of
314 protective capacities.

Amendment No. 1

315 (d) The level of increase, if any, in the parent's or
316 caregiver's protective capacities since the child's placement in
317 the home based on the length of time the child has been placed
318 in the home.

319
320 The court shall additionally evaluate the child's permanency
321 goal and change the permanency goal as needed if doing so would
322 be in the best interests of the child. If the court changes the
323 permanency goal, the case plan must be amended pursuant to s.
324 39.6013(5).

325 Section 6. Subsection (5) of section 39.6011, Florida
326 Statutes, is amended to read:

327 39.6011 Case plan development.—

328 (5) The case plan must describe all of the following:

329 (a) The role of the foster parents or caregivers ~~legal~~
330 ~~custodians~~ when developing the services that are to be provided
331 to the child, foster parents, or caregivers. ~~legal custodians;~~

332 (b) The responsibility of the parents and caregivers to
333 work together when safe to do so, including:

334 1. How parents and caregivers will work together to
335 successfully implement the case plan.

336 2. How the case manager will assist the parents and
337 caregivers in developing a productive relationship that includes
338 meaningful communication and mutual support.

Amendment No. 1

339 3. How the parents and caregivers may notify the court or
340 the case manager if ineffective communication takes place that
341 negatively impacts the child.

342 ~~(c)-(b)~~ The responsibility of the case manager to forward a
343 relative's request to receive notification of all proceedings
344 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the
345 attorney for the department. ~~;~~

346 ~~(d)-(e)~~ The minimum number of face-to-face meetings to be
347 held each month between the parents and the case managers
348 ~~department's family services counselors~~ to review the progress
349 of the plan and services to the child, to eliminate barriers to
350 progress, and to resolve conflicts or disagreements between
351 parents and caregivers, service providers, or any other
352 professional assisting the parents in the completion of the case
353 plan. ~~;~~ and

354 ~~(e)-(d)~~ The parent's responsibility for financial support
355 of the child, including, but not limited to, health insurance
356 and child support. The case plan must list the costs associated
357 with any services or treatment that the parent and child are
358 expected to receive which are the financial responsibility of
359 the parent. The determination of child support and other
360 financial support shall be made independently of any
361 determination of indigency under s. 39.013.

Amendment No. 1

362 Section 7. Paragraph (b) of subsection (1) and paragraphs
363 (a) and (c) of subsection (2) of section 39.701, Florida
364 Statutes, are amended to read:

365 39.701 Judicial review.—

366 (1) GENERAL PROVISIONS.—

367 (b)1. The court shall retain jurisdiction over a child
368 returned to his or her parents for a minimum period of 6 months
369 following the reunification, but, at that time, based on a
370 report of the social service agency and the guardian ad litem,
371 if one has been appointed, and any other relevant factors, the
372 court shall make a determination as to whether supervision by
373 the department and the court's jurisdiction shall continue or be
374 terminated.

375 2. Notwithstanding subparagraph 1., the court must retain
376 jurisdiction over a child if the child is placed in the home
377 with a parent or caregiver with an in-home safety plan and such
378 safety plan remains necessary for the child to reside safely in
379 the home.

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

382 (a) Social study report for judicial review.—Before every
383 judicial review hearing or citizen review panel hearing, the
384 social service agency shall make an investigation and social
385 study concerning all pertinent details relating to the child and

Amendment No. 1

386 shall furnish to the court or citizen review panel a written
387 report that includes, but is not limited to:

388 1. A description of the type of placement the child is in
389 at the time of the hearing, including the safety of the child
390 and the continuing necessity for and appropriateness of the
391 placement.

392 2. Documentation of the diligent efforts made by all
393 parties to the case plan to comply with each applicable
394 provision of the plan.

395 3. The amount of fees assessed and collected during the
396 period of time being reported.

397 4. The services provided to the foster family or caregiver
398 ~~legal custodian~~ in an effort to address the needs of the child
399 as indicated in the case plan.

400 5. A statement that either:

401 a. The parent, though able to do so, did not comply
402 substantially with the case plan, and the agency
403 recommendations;

404 b. The parent did substantially comply with the case plan;
405 or

406 c. The parent has partially complied with the case plan,
407 with a summary of additional progress needed and the agency
408 recommendations.

409 6. A statement from the foster parent or caregiver ~~legal~~
410 ~~custodian~~ providing any material evidence concerning the well-

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

411 being of the child, the impact of any services provided to the
412 child, the working relationship between the parents and
413 caregivers, and the return of the child to the ~~parent or~~
414 parents.

415 7. A statement concerning the frequency, duration, and
416 results of the parent-child visitation, if any, and the agency
417 and caregiver recommendations for an expansion or restriction of
418 future visitation.

419 8. The number of times a child has been removed from his
420 or her home and placed elsewhere, the number and types of
421 placements that have occurred, and the reason for the changes in
422 placement.

423 9. The number of times a child's educational placement has
424 been changed, the number and types of educational placements
425 which have occurred, and the reason for any change in placement.

426 10. If the child has reached 13 years of age but is not
427 yet 18 years of age, a statement from the caregiver on the
428 progress the child has made in acquiring independent living
429 skills.

430 11. Copies of all medical, psychological, and educational
431 records that support the terms of the case plan and that have
432 been produced concerning the parents or any caregiver since the
433 last judicial review hearing.

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

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

436 (c) Review determinations.—The court and any citizen
437 review panel shall take into consideration the information
438 contained in the social services study and investigation and all
439 medical, psychological, and educational records that support the
440 terms of the case plan; testimony by the social services agency,
441 the parent, the foster parent or caregiver ~~legal custodian~~, the
442 guardian ad litem or surrogate parent for educational
443 decisionmaking if one has been appointed for the child, and any
444 other person deemed appropriate; and any relevant and material
445 evidence submitted to the court, including written and oral
446 reports to the extent of their probative value. These reports
447 and evidence may be received by the court in its effort to
448 determine the action to be taken with regard to the child and
449 may be relied upon to the extent of their probative value, even
450 though not competent in an adjudicatory hearing. In its
451 deliberations, the court and any citizen review panel shall seek
452 to determine:

453 1. If the parent was advised of the right to receive
454 assistance from any person or social service agency in the
455 preparation of the case plan.

456 2. If the parent has been advised of the right to have
457 counsel present at the judicial review or citizen review
458 hearings. If not so advised, the court or citizen review panel
459 shall advise the parent of such right.

Amendment No. 1

460 3. If a guardian ad litem needs to be appointed for the
461 child in a case in which a guardian ad litem has not previously
462 been appointed or if there is a need to continue a guardian ad
463 litem in a case in which a guardian ad litem has been appointed.

464 4. Who holds the rights to make educational decisions for
465 the child. If appropriate, the court may refer the child to the
466 district school superintendent for appointment of a surrogate
467 parent or may itself appoint a surrogate parent under the
468 Individuals with Disabilities Education Act and s. 39.0016.

469 5. The compliance or lack of compliance of all parties
470 with applicable items of the case plan, including the parents'
471 compliance with child support orders.

472 6. The compliance or lack of compliance with a visitation
473 contract between the parent and the social service agency for
474 contact with the child, including the frequency, duration, and
475 results of the parent-child visitation and the reason for any
476 noncompliance.

477 7. The frequency, kind, and duration of contacts among
478 siblings who have been separated during placement, as well as
479 any efforts undertaken to reunite separated siblings if doing so
480 is in the best interests ~~interest~~ of the child.

481 8. The compliance or lack of compliance of the parent in
482 meeting specified financial obligations pertaining to the care
483 of the child, including the reason for failure to comply, if
484 applicable.

Amendment No. 1

485 9. Whether the child is receiving safe and proper care
486 according to s. 39.6012, including, but not limited to, the
487 appropriateness of the child's current placement, including
488 whether the child is in a setting that is as family-like and as
489 close to the parent's home as possible, consistent with the
490 child's best interests and special needs, and including
491 maintaining stability in the child's educational placement, as
492 documented by assurances from the community-based care lead
493 agency provider that:

494 a. The placement of the child takes into account the
495 appropriateness of the current educational setting and the
496 proximity to the school in which the child is enrolled at the
497 time of placement.

498 b. The community-based care lead agency has coordinated
499 with appropriate local educational agencies to ensure that the
500 child remains in the school in which the child is enrolled at
501 the time of placement.

502 10. A projected date likely for the child's return home or
503 other permanent placement.

504 11. When appropriate, the basis for the unwillingness or
505 inability of the parent to become a party to a case plan. The
506 court and the citizen review panel shall determine if the
507 efforts of the social service agency to secure party
508 participation in a case plan were sufficient.

Amendment No. 1

509 12. For a child who has reached 13 years of age but is not
510 yet 18 years of age, the adequacy of the child's preparation for
511 adulthood and independent living. For a child who is 15 years of
512 age or older, the court shall determine if appropriate steps are
513 being taken for the child to obtain a driver license or
514 learner's driver license.

515 13. If amendments to the case plan are required.
516 Amendments to the case plan must be made under s. 39.6013.

517 14. If the parents and caregivers have developed a
518 productive relationship that includes meaningful communication
519 and mutual support.

520 Section 8. Subsection (3) of section 63.092, Florida
521 Statutes, is amended to read:

522 63.092 Report to the court of intended placement by an
523 adoption entity; at-risk placement; preliminary study.—

524 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
525 the intended adoptive home, a preliminary home study must be
526 performed by a licensed child-placing agency, a child-caring
527 agency registered under s. 409.176, a licensed professional, or
528 an agency described in s. 61.20(2), unless the adoptee is an
529 adult or the petitioner is a stepparent or a relative. If the
530 adoptee is an adult or the petitioner is a stepparent or a
531 relative, a preliminary home study may be required by the court
532 for good cause shown. The department is required to perform the
533 preliminary home study only if there is no licensed child-

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

534 placing agency, child-caring agency registered under s. 409.176,
535 licensed professional, or agency described in s. 61.20(2), in
536 the county where the prospective adoptive parents reside. The
537 preliminary home study must be made to determine the suitability
538 of the intended adoptive parents and may be completed prior to
539 identification of a prospective adoptive minor. Preliminary home
540 studies for identified prospective adoptive minors who are in
541 the custody of the department must be completed within 30 days
542 of initiation. A favorable preliminary home study is valid for 1
543 year after the date of its completion. Upon its completion, a
544 signed copy of the home study must be provided to the intended
545 adoptive parents who were the subject of the home study. A minor
546 may not be placed in an intended adoptive home before a
547 favorable preliminary home study is completed unless the
548 adoptive home is also a licensed foster home under s. 409.175.
549 The preliminary home study must include, at a minimum:
550 (a) An interview with the intended adoptive parents;
551 (b) Records checks of the department's central abuse
552 registry, which the department shall provide to the entity
553 conducting the preliminary home study, and criminal records
554 correspondence checks under s. 39.0138 through the Department of
555 Law Enforcement on the intended adoptive parents;
556 (c) An assessment of the physical environment of the home;
557 (d) A determination of the financial security of the
558 intended adoptive parents;

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

559 (e) Documentation of counseling and education of the
560 intended adoptive parents on adoptive parenting, as determined
561 by the entity conducting the preliminary home study. The
562 training specified in s. 409.175(14) shall only be required for
563 persons who adopt children from the department;

564 (f) Documentation that information on adoption and the
565 adoption process has been provided to the intended adoptive
566 parents;

567 (g) Documentation that information on support services
568 available in the community has been provided to the intended
569 adoptive parents; and

570 (h) A copy of each signed acknowledgment of receipt of
571 disclosure required by s. 63.085.

572
573 If the preliminary home study is favorable, a minor may be
574 placed in the home pending entry of the judgment of adoption. A
575 minor may not be placed in the home if the preliminary home
576 study is unfavorable. If the preliminary home study is
577 unfavorable, the adoption entity may, within 20 days after
578 receipt of a copy of the written recommendation, petition the
579 court to determine the suitability of the intended adoptive
580 home. A determination as to suitability under this subsection
581 does not act as a presumption of suitability at the final
582 hearing. In determining the suitability of the intended adoptive
583 home, the court must consider the totality of the circumstances

Amendment No. 1

584 in the home. A minor may not be placed in a home in which there
585 resides any person determined by the court to be a sexual
586 predator as defined in s. 775.21 or to have been convicted of an
587 offense listed in s. 63.089(4)(b)2.

588 Section 9. Section 63.093, Florida Statutes, is created to
589 read:

590 63.093 Adoption of a child from the child welfare system.—

591 (1) The department, community-based care lead agency, as
592 defined in s. 409.986(2), or its subcontracted agency must
593 respond to an initial inquiry from a prospective adoptive parent
594 within 7 business days after receipt. The response shall inform
595 the prospective adoptive parent of the process and requirements
596 for adopting a child from the child welfare system.

597 (2) The department, community-based care lead agency, or
598 its subcontracted agency must refer a prospective adoptive
599 parent interested in adopting children in the custody of the
600 department to a department-approved adoptive parent training
601 program. All prospective adoptive parents must successfully
602 complete the training except licensed foster parents and
603 relative and nonrelative caregivers who:

604 (a) Previously attended the training within the last 5
605 years; or

606 (b) Have had the child available for adoption currently
607 placed in their home for 6 months or longer, and have been
608 determined to understand the challenges and parenting skills
609 needed to successfully parent the child available for adoption.

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

610 (3) A prospective adoptive parent must complete an
611 adoption application created by the department.

612 (4) Prior to the adoptive placement of a child, the
613 community-based care lead agency or its subcontracted agency
614 must complete an adoptive home study of a prospective adoptive
615 parent that includes observation, screening, and evaluation of
616 the child and the prospective adoptive parent. An adoptive home
617 study shall be valid for 12 months from the approval date. In
618 addition, the community-based care lead agency or its
619 subcontracted agency shall complete a preparation process, as
620 established by rule, with the prospective adoptive parent.

621 (6) At the conclusion of the home study and preparation
622 process, a decision shall be made about the family's
623 appropriateness to adopt. This decision shall be reflected in
624 the final recommendation included in the home study. If the
625 recommendation is for approval, the adoptive parent application
626 file must be submitted to the community-based care lead agency
627 or subcontracted agency for approval. The community-based care
628 lead agency or its subcontracted agency must approve the home
629 study within 14 business days after receipt of the
630 recommendation.

631
632 With the exception of (1) and (2), the provisions of this
633 section do not apply to children adopted through the process
634 provided for in s. 63.082(6), F.S.

635 Section 10. Section 409.1415, Florida Statutes, is created
636 to read:

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

637 409.1415 Parenting partnerships for children in out-of-
638 home care.-

639 (1) LEGISLATIVE FINDINGS AND INTENT.-

640 (a) The Legislature finds that reunification is the most
641 common outcome for children in out-of-home care and that
642 caregivers are one of the most important resources to help
643 children reunify with their families.

644 (b) The Legislature further finds that the most successful
645 caregivers understand that their role goes beyond supporting the
646 children in their care to supporting the children's families, as
647 a whole, and that children and their families benefit when
648 caregivers and birth or legal parents are supported by an agency
649 culture that encourages a meaningful partnership between them
650 and provides quality support.

651 (c) Therefore, in keeping with national trends, it is the
652 intent of the Legislature to bring birth parents and caregivers
653 together in order to build strong relationships that lead to
654 more successful reunifications and more stability for children
655 being fostered in out-of-home care.

656 (2) PARENTING PARTNERSHIPS.-

657 (a) General provisions.-In order to ensure that children
658 in out-of-home care achieve legal permanency as soon as
659 possible, and to reduce the likelihood that they will reenter
660 care or that other children in the family are abused or
661 neglected or enter out-of-home care, and to ensure that families

Amendment No. 1

662 are fully prepared to resume custody of their children, the
663 department and community-based care lead agencies shall develop
664 and support relationships between caregivers and birth or legal
665 parents of children in out-of-home care, to the extent that it
666 is safe and in the child's best interest, by:

667 1. Facilitating telephone communication between the
668 caregiver and the birth or legal parent as soon as possible
669 after the child is placed in the home of the caregiver.

670 2. Facilitating and attending an in-person meeting between
671 the caregiver and the birth or legal parent as soon as possible
672 after the child's placement with the caregiver.

673 3. Developing and supporting a plan for the birth or legal
674 parent to participate in medical appointments, educational and
675 extracurricular activities, and other events involving the
676 child.

677 4. Facilitating participation by the caregiver in
678 visitation between the birth or legal parent and the child.

679 5. Involving the caregiver in planning meetings with the
680 birth or legal parent.

681 6. Developing and implementing effective transition plans
682 for the child's return home or placement in any other living
683 environment.

684 7. Supporting continued contact between the caregiver and
685 the child after the child returns home or moves to another
686 permanent living arrangement.

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

687 (b) Responsibilities.—To ensure that a child in out-of-
688 home care receives support for healthy development which gives
689 the child the best possible opportunity for success, caregivers,
690 birth or legal parents, the department, and community-based care
691 lead agency, as applicable, shall work cooperatively in a
692 respectful partnership by adhering to the following
693 requirements:

694 1. All members of the partnership must interact and
695 communicate professionally with one another, must share all
696 relevant information promptly, and must respect the
697 confidentiality of all information related to a child and his or
698 her family.

699 2. Caregivers, the birth or legal parent, the child, if
700 appropriate, the department, and community-based care lead
701 agency must participate in developing a case plan for the child
702 and the birth or legal parent. All members of the team must work
703 together to implement the case plan. Caregivers must have the
704 opportunity to participate in all team meetings or court
705 hearings related to the child's care and future plans. The
706 department and community-based care lead agency must support and
707 facilitate caregiver participation through timely notification
708 of such meetings and hearings and provide alternative methods
709 for participation for caregivers who cannot be physically
710 present at a meeting or hearing.

Amendment No. 1

711 3. Caregivers must strive to provide, and the department
712 and community-based care lead agency must support, excellent
713 parenting, which includes:

714 a. A loving commitment to the child and the child's safety
715 and well-being.

716 b. Appropriate supervision and positive methods of
717 discipline.

718 c. Encouragement of the child's strengths

719 d. Respect for the child's individuality and likes and
720 dislikes.

721 e. Providing opportunities to develop the child's
722 interests and skills.

723 f. Being aware of the impact of trauma on behavior.

724 g. Facilitating equal participation of the child in family
725 life.

726 h. Involving the child within his or her community.

727 i. A commitment to enable the child to lead a normal life.

728 4. Children in out-of-home care must be placed with a
729 caregiver who has the ability to care for the child, is willing
730 to accept responsibility for providing care, and is willing and
731 able to learn about and be respectful of the child's culture,
732 religion, and ethnicity; special physical or psychological
733 needs; circumstances unique to the child; and family
734 relationships. The department, the community-based care lead
735 agency, and other agencies must provide a caregiver with all

Amendment No. 1

736 available information necessary to assist the caregiver in
737 determining whether he or she is able to appropriately care for
738 a particular child.

739 5. A caregiver must have access to and take advantage of
740 all training that he or she needs to improve his or her skills
741 in parenting a child who has experienced trauma due to neglect,
742 abuse, or separation from home; to meet the child's special
743 needs; and to work effectively with child welfare agencies, the
744 courts, the schools, and other community and governmental
745 agencies.

746 6. The department and community-based care lead agency
747 must provide caregivers with the services and support they need
748 to enable them to provide quality care for the child.

749 7. Once a caregiver accepts the responsibility of caring
750 for a child, the child may be removed from the home of the
751 caregiver only if:

752 a. the caregiver is clearly unable to safely or legally
753 care for the child;

754 b. The child and the birth or legal parent are reunified;

755 c. The child is being placed in a legally permanent home
756 in accordance with a case plan or court order; or

757 d. The removal is demonstrably in the best interests of
758 the child.

759 8. If a child must leave the caregiver's home for one of
760 the reasons stated in subparagraph 7., and in the absence of an

Amendment No. 1

761 unforeseeable emergency, the transition must be accomplished
762 according to a plan that involves cooperation and sharing of
763 information among all persons involved, respects the child's
764 developmental stage and psychological needs, ensures the child
765 has all of his or her belongings, allows for a gradual
766 transition from the caregiver's home, and, if possible, allows
767 for continued contact with the caregiver after the child leaves.

768 9. When the case plan for a child includes reunification,
769 caregivers, the department and community-based care lead agency
770 must work together to assist the birth or legal parent in
771 improving his or her ability to care for and protect the child
772 and to provide continuity for the child.

773 10. A caregiver must respect and support the child's ties
774 to his or her birth or legal family including parents, siblings,
775 and extended family members, and must assist the child in
776 maintaining allowable visitation and other forms of
777 communication. The department and community-based care lead
778 agency must provide caregivers with the information, guidance,
779 training, and support necessary for fulfilling this
780 responsibility.

781 11. A caregiver must work in partnership with the
782 department and community-based care lead agency to obtain and
783 maintain records that are important to the child's well-being
784 including, but not limited to, child resource records, medical

Amendment No. 1

785 records, school records, photographs, and records of special
786 events and achievements.

787 12. A caregiver must advocate for a child in his or her
788 care with the child welfare system, the court, and community
789 agency, including schools, child care providers, health and
790 mental health providers, and employers. The department and
791 community-based care lead agency must support a caregiver in
792 advocating for a child and may not retaliate against the
793 caregiver as a result of this advocacy.

794 13. A caregiver must be as fully involved in the child's
795 medical, psychological, and dental care as he or she would be
796 for his or her biological child. The department and community-
797 based care lead agency must support and facilitate such
798 participation. Caregivers, the department, and community-based
799 care lead agency must share information with each other about
800 the child's health and well-being.

801 14. A caregiver must support a child's school success,
802 including, when possible, maintaining school stability by
803 participating in school activities and meetings.. The department
804 and community-based care lead agency must facilitate this
805 participation and be informed of the child's progress and needs.

806 15. A caregiver must ensure that a child in his or her care
807 who is between 13 and 17 years of age learns and masters
808 independent living skills.

Amendment No. 1

809 16. Case managers and case manager supervisors must
810 mediate disagreements that occur between caregivers and birth or
811 legal parents.

812 (c) Residential group homes.—All employees of a
813 residential group home must meet the background screening
814 requirements under s. 39.0138 and the level 2 standards for
815 screening under chapter 435. Employees in residential group
816 homes working directly with children as caregivers must meet, at
817 a minimum, the same education, training, background, and other
818 screening requirements as level 2 licensed foster parents.

819 (3) RULEMAKING.—The department shall adopt rules necessary
820 to administer this section.

821 Section 11. Section 409.145, Florida Statutes, is amended
822 to read:

823 409.145 Care of children; ~~quality parenting~~; "reasonable
824 and prudent parent" standard.—The child welfare system of the
825 department shall operate as a coordinated community-based system
826 of care which empowers all caregivers for children in foster
827 care to provide quality parenting, including approving or
828 disapproving a child's participation in activities based on the
829 caregiver's assessment using the "reasonable and prudent parent"
830 standard.

831 (1) SYSTEM OF CARE.—The department shall develop,
832 implement, and administer a coordinated community-based system
833 of care for children who are found to be dependent and their

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

834 families. This system of care must be directed toward the
835 following goals:

836 (a) Prevention of separation of children from their
837 families.

838 (b) Intervention to allow children to remain safely in
839 their own homes.

840 (c) Reunification of families who have had children
841 removed from their care.

842 (d) Safety for children who are separated from their
843 families by providing alternative emergency or longer-term
844 parenting arrangements.

845 (e) Focus on the well-being of children through emphasis
846 on maintaining educational stability and providing timely health
847 care.

848 (f) Permanency for children for whom reunification with
849 their families is not possible or is not in the best interest of
850 the child.

851 (g) The transition to independence and self-sufficiency
852 for older children who remain in foster care through
853 adolescence.

854 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
855 ~~placed only with a caregiver who has the ability to care for the~~
856 ~~child, is willing to accept responsibility for providing care,~~
857 ~~and is willing and able to learn about and be respectful of the~~
858 ~~child's culture, religion and ethnicity, special physical or~~

Amendment No. 1

859 ~~psychological needs, any circumstances unique to the child, and~~
860 ~~family relationships. The department, the community-based care~~
861 ~~lead agency, and other agencies shall provide such caregiver~~
862 ~~with all available information necessary to assist the caregiver~~
863 ~~in determining whether he or she is able to appropriately care~~
864 ~~for a particular child.~~

865 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
866 ~~shall:~~

867 ~~1. Participate in developing the case plan for the child~~
868 ~~and his or her family and work with others involved in his or~~
869 ~~her care to implement this plan. This participation includes the~~
870 ~~caregiver's involvement in all team meetings or court hearings~~
871 ~~related to the child's care.~~

872 ~~2. Complete all training needed to improve skills in~~
873 ~~parenting a child who has experienced trauma due to neglect,~~
874 ~~abuse, or separation from home, to meet the child's special~~
875 ~~needs, and to work effectively with child welfare agencies, the~~
876 ~~court, the schools, and other community and governmental~~
877 ~~agencies.~~

878 ~~3. Respect and support the child's ties to members of his~~
879 ~~or her biological family and assist the child in maintaining~~
880 ~~allowable visitation and other forms of communication.~~

881 ~~4. Effectively advocate for the child in the caregiver's~~
882 ~~care with the child welfare system, the court, and community~~

Amendment No. 1

883 ~~agencies, including the school, child care, health and mental~~
884 ~~health providers, and employers.~~

885 ~~5. Participate fully in the child's medical,~~
886 ~~psychological, and dental care as the caregiver would for his or~~
887 ~~her biological child.~~

888 ~~6. Support the child's educational success by~~
889 ~~participating in activities and meetings associated with the~~
890 ~~child's school or other educational setting, including~~
891 ~~Individual Education Plan meetings and meetings with an~~
892 ~~educational surrogate if one has been appointed, assisting with~~
893 ~~assignments, supporting tutoring programs, and encouraging the~~
894 ~~child's participation in extracurricular activities.~~

895 ~~a. Maintaining educational stability for a child while in~~
896 ~~out-of-home care by allowing the child to remain in the school~~
897 ~~or educational setting that he or she attended before entry into~~
898 ~~out-of-home care is the first priority, unless not in the best~~
899 ~~interest of the child.~~

900 ~~b. If it is not in the best interest of the child to~~
901 ~~remain in his or her school or educational setting upon entry~~
902 ~~into out-of-home care, the caregiver must work with the case~~
903 ~~manager, guardian ad litem, teachers and guidance counselors,~~
904 ~~and educational surrogate if one has been appointed to determine~~
905 ~~the best educational setting for the child. Such setting may~~
906 ~~include a public school that is not the school of origin, a~~
907 ~~private school pursuant to s. 1002.42, a virtual instruction~~

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

908 ~~program pursuant to s. 1002.45, or a home education program~~
909 ~~pursuant to s. 1002.41.~~

910 ~~7. Work in partnership with other stakeholders to obtain~~
911 ~~and maintain records that are important to the child's well-~~
912 ~~being, including child resource records, medical records, school~~
913 ~~records, photographs, and records of special events and~~
914 ~~achievements.~~

915 ~~8. Ensure that the child in the caregiver's care who is~~
916 ~~between 13 and 17 years of age learns and masters independent~~
917 ~~living skills.~~

918 ~~9. Ensure that the child in the caregiver's care is aware~~
919 ~~of the requirements and benefits of the Road-to-Independence~~
920 ~~Program.~~

921 ~~10. Work to enable the child in the caregiver's care to~~
922 ~~establish and maintain naturally occurring mentoring~~
923 ~~relationships.~~

924 ~~(b) Roles and responsibilities of the department, the~~
925 ~~community-based care lead agency, and other agency staff. The~~
926 ~~department, the community-based care lead agency, and other~~
927 ~~agency staff shall:~~

928 ~~1. Include a caregiver in the development and~~
929 ~~implementation of the case plan for the child and his or her~~
930 ~~family. The caregiver shall be authorized to participate in all~~
931 ~~team meetings or court hearings related to the child's care and~~
932 ~~future plans. The caregiver's participation shall be facilitated~~

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

933 ~~through timely notification, an inclusive process, and~~
934 ~~alternative methods for participation for a caregiver who cannot~~
935 ~~be physically present.~~

936 ~~2. Develop and make available to the caregiver the~~
937 ~~information, services, training, and support that the caregiver~~
938 ~~needs to improve his or her skills in parenting children who~~
939 ~~have experienced trauma due to neglect, abuse, or separation~~
940 ~~from home, to meet these children's special needs, and to~~
941 ~~advocate effectively with child welfare agencies, the courts,~~
942 ~~schools, and other community and governmental agencies.~~

943 ~~3. Provide the caregiver with all information related to~~
944 ~~services and other benefits that are available to the child.~~

945 ~~4. Show no prejudice against a caregiver who desires to~~
946 ~~educate at home a child placed in his or her home through the~~
947 ~~child welfare system.~~

948 ~~(c) Transitions.~~

949 ~~1. Once a caregiver accepts the responsibility of caring~~
950 ~~for a child, the child will be removed from the home of that~~
951 ~~caregiver only if:~~

952 ~~a. The caregiver is clearly unable to safely or legally~~
953 ~~care for the child;~~

954 ~~b. The child and his or her biological family are~~
955 ~~reunified;~~

956 ~~e. The child is being placed in a legally permanent home~~
957 ~~pursuant to the case plan or a court order; or~~

Amendment No. 1

958 ~~d. The removal is demonstrably in the child's best~~
959 ~~interest.~~

960 ~~2. In the absence of an emergency, if a child leaves the~~
961 ~~caregiver's home for a reason provided under subparagraph 1.,~~
962 ~~the transition must be accomplished according to a plan that~~
963 ~~involves cooperation and sharing of information among all~~
964 ~~persons involved, respects the child's developmental stage and~~
965 ~~psychological needs, ensures the child has all of his or her~~
966 ~~belongings, allows for a gradual transition from the caregiver's~~
967 ~~home and, if possible, for continued contact with the caregiver~~
968 ~~after the child leaves.~~

969 ~~(d) Information sharing. Whenever a foster home or~~
970 ~~residential group home assumes responsibility for the care of a~~
971 ~~child, the department and any additional providers shall make~~
972 ~~available to the caregiver as soon as is practicable all~~
973 ~~relevant information concerning the child. Records and~~
974 ~~information that are required to be shared with caregivers~~
975 ~~include, but are not limited to:~~

976 ~~1. Medical, dental, psychological, psychiatric, and~~
977 ~~behavioral history, as well as ongoing evaluation or treatment~~
978 ~~needs;~~

979 ~~2. School records;~~

980 ~~3. Copies of his or her birth certificate and, if~~
981 ~~appropriate, immigration status documents;~~

982 ~~4. Consents signed by parents;~~

Amendment No. 1

983 ~~5. Comprehensive behavioral assessments and other social~~
984 ~~assessments;~~

985 ~~6. Court orders;~~

986 ~~7. Visitation and case plans;~~

987 ~~8. Guardian ad litem reports;~~

988 ~~9. Staffing forms; and~~

989 ~~10. Judicial or citizen review panel reports and~~
990 ~~attachments filed with the court, except confidential medical,~~
991 ~~psychiatric, and psychological information regarding any party~~
992 ~~or participant other than the child.~~

993 ~~(e) Caregivers employed by residential group homes. All~~
994 ~~caregivers in residential group homes shall meet the same~~
995 ~~education, training, and background and other screening~~
996 ~~requirements as foster parents.~~

997 ~~(2)(3) REASONABLE AND PRUDENT PARENT STANDARD.-~~

998 (a) Definitions.—As used in this subsection, the term:

999 1. "Age-appropriate" means an activity or item that is
1000 generally accepted as suitable for a child of the same
1001 chronological age or level of maturity. Age appropriateness is
1002 based on the development of cognitive, emotional, physical, and
1003 behavioral capacity which is typical for an age or age group.

1004 2. "Caregiver" means a person with whom the child is
1005 placed in out-of-home care, or a designated official for a group
1006 care facility licensed by the department under s. 409.175.

Amendment No. 1

1007 3. "Reasonable and prudent parent" standard means the
1008 standard of care used by a caregiver in determining whether to
1009 allow a child in his or her care to participate in
1010 extracurricular, enrichment, and social activities. This
1011 standard is characterized by careful and thoughtful parental
1012 decisionmaking that is intended to maintain a child's health,
1013 safety, and best interest while encouraging the child's
1014 emotional and developmental growth.

1015 (b) Application of standard of care.—

1016 1. Every child who comes into out-of-home care pursuant to
1017 this chapter is entitled to participate in age-appropriate
1018 extracurricular, enrichment, and social activities.

1019 2. Each caregiver shall use the reasonable and prudent
1020 parent standard in determining whether to give permission for a
1021 child living in out-of-home care to participate in
1022 extracurricular, enrichment, or social activities. When using
1023 the reasonable and prudent parent standard, the caregiver must
1024 consider:

1025 a. The child's age, maturity, and developmental level to
1026 maintain the overall health and safety of the child.

1027 b. The potential risk factors and the appropriateness of
1028 the extracurricular, enrichment, or social activity.

1029 c. The best interest of the child, based on information
1030 known by the caregiver.

Amendment No. 1

1031 d. The importance of encouraging the child's emotional and
1032 developmental growth.

1033 e. The importance of providing the child with the most
1034 family-like living experience possible.

1035 f. The behavioral history of the child and the child's
1036 ability to safely participate in the proposed activity.

1037 (c) Verification of services delivered.—The department and
1038 each community-based care lead agency shall verify that private
1039 agencies providing out-of-home care services to dependent
1040 children have policies in place which are consistent with this
1041 section and that these agencies promote and protect the ability
1042 of dependent children to participate in age-appropriate
1043 extracurricular, enrichment, and social activities.

1044 (d) Limitation of liability.—A caregiver is not liable for
1045 harm caused to a child who participates in an activity approved
1046 by the caregiver, provided that the caregiver has acted in
1047 accordance with the reasonable and prudent parent standard. This
1048 paragraph may not be interpreted as removing or limiting any
1049 existing liability protection afforded by law.

1050 ~~(3)(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1051 (a) Effective July 1, 2018, room and board rates shall be
1052 paid to foster parents as follows:

1053
1054 Monthly Foster Care Rate

Amendment No. 1

	0-5 Years Age	6-12 Years Age	13-21 Years Age
1055	\$457.95	\$469.68	\$549.74
1056			
1057	(b) Each January, foster parents shall receive an annual		
1058	cost of living increase. The department shall calculate the new		
1059	room and board rate increase equal to the percentage change in		
1060	the Consumer Price Index for All Urban Consumers, U.S. City		
1061	Average, All Items, not seasonally adjusted, or successor		
1062	reports, for the preceding December compared to the prior		
1063	December as initially reported by the United States Department		
1064	of Labor, Bureau of Labor Statistics. The department shall make		
1065	available the adjusted room and board rates annually.		
1066	(c) Effective July 1, 2019, foster parents of level I		
1067	family foster homes, as defined in s. 409.175(5) (a) shall		
1068	receive a room and board rate of \$333.		
1069	(d) Effective July 1, 2019, the foster care room and board		
1070	rate for level II family foster homes as defined in s.		
1071	409.175(5) (a) shall be the same as the new rate established for		
1072	family foster homes as of January 1, 2019.		
1073	(e) Effective January 1, 2020, paragraph (b) shall only		
1074	apply to level II through level V family foster homes, as		
1075	defined in s. 409.175(5) (a).		

Amendment No. 1

1076 (f) The amount of the monthly foster care room and board
1077 rate may be increased upon agreement among the department, the
1078 community-based care lead agency, and the foster parent.

1079 (g) From July 1, 2018, through June 30, 2019, community-
1080 based care lead agencies providing care under contract with the
1081 department shall pay a supplemental room and board payment to
1082 foster care parents of all family foster homes, on a per-child
1083 basis, for providing independent life skills and normalcy
1084 supports to children who are 13 through 17 years of age placed
1085 in their care. The supplemental payment shall be paid monthly to
1086 the foster care parents in addition to the current monthly room
1087 and board rate payment. The supplemental monthly payment shall
1088 be based on 10 percent of the monthly room and board rate for
1089 children 13 through 21 years of age as provided under this
1090 section and adjusted annually. Effective July 1, 2019, such
1091 supplemental payments shall only be paid to foster parents of
1092 level II through level V family foster homes.

1093 ~~(4)(5)~~ RULEMAKING.—The department shall adopt by rule
1094 procedures to administer this section.

1095 Section 12. Paragraphs (d) through (k) of subsection (6)
1096 of section 409.175, Florida Statutes, are renumbered (e) through
1097 (l), respectively, and paragraph (b) and present paragraph (d)
1098 of that section are amended to read:

Amendment No. 1

1099 409.175 Licensure of family foster homes, residential
1100 child-caring agencies, and child-placing agencies; public
1101 records exemption.-

1102 (6)

1103 (b) The department shall prescribe in rule the various
1104 roles of entities involved in the application process. Upon
1105 application for licensure, the department shall conduct a
1106 licensing study based on its licensing rules; shall inspect the
1107 home or the agency and the records, including financial records,
1108 of the applicant or agency; and shall interview the applicant.
1109 The department may authorize a licensed child-placing agency to
1110 conduct the licensing study of a family foster home to be used
1111 exclusively by that agency and to verify to the department that
1112 the home meets the licensing requirements established by the
1113 department. The department or authorized licensed child-placing
1114 agency must complete the licensing study of a family foster home
1115 within 30 days of initiation. The department shall post on its
1116 website a list of the agencies authorized to conduct such
1117 studies. Upon certification by a licensed child-placing agency
1118 that a family foster home meets the licensing requirements and
1119 upon receipt of a letter from a community-based care lead agency
1120 in the service area where the home will be licensed which
1121 indicates that the family foster home meets the criteria
1122 established by the lead agency, the department shall issue the
1123 license. A letter from the lead agency is not required if the

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1124 lead agency where the proposed home is located is directly
1125 supervising foster homes in the same service area.

1126 (d) The department shall approve or deny a license within
1127 10 business days after receipt of a complete family foster home
1128 application and other required documentation as prescribed in
1129 rule. The department shall approve or deny a complete
1130 application no later than 100 calendar days after the
1131 orientation required by s. 409.175(14). The department may
1132 exceed 100 calendar days to approve or deny a license if
1133 additional certifications are required by s. 409.175(5)(a).

1134 Section 13. Paragraph (j) of subsection (1) of section
1135 409.988, Florida Statutes, is amended to read:

1136 409.988 Lead agency duties; general provisions.-

1137 (1) DUTIES.-A lead agency:

1138 (j) May subcontract for the provision of services required
1139 by the contract with the lead agency and the department;
1140 however, the subcontracts must specify how the provider will
1141 contribute to the lead agency meeting the performance standards
1142 established pursuant to the child welfare results-oriented
1143 accountability system required by s. 409.997. The lead agency
1144 shall directly provide no more than 35 percent of all child
1145 welfare services provided unless it can demonstrate a need,
1146 within the lead agency's geographic service area, to exceed this
1147 threshold. The local community alliance in the geographic
1148 service area in which the lead agency is seeking to exceed the

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1149 threshold shall review the lead agency's justification for need
1150 and recommend to the department whether the department should
1151 approve or deny the lead agency's request for an exemption from
1152 the services threshold. If there is not a community alliance
1153 operating in the geographic service area in which the lead
1154 agency is seeking to exceed the threshold, such review and
1155 recommendation shall be made by representatives of local
1156 stakeholders, including at least one representative from each of
1157 the following:

- 1158 1. The department.
- 1159 2. The county government.
- 1160 3. The school district.
- 1161 4. The county United Way.
- 1162 5. The county sheriff's office.
- 1163 6. The circuit court corresponding to the county.
- 1164 7. The county children's board, if one exists.

1165 Section 14. Paragraph (b) of subsection (7) of section
1166 39.302, Florida Statutes, is amended to read:

1167 39.302 Protective investigations of institutional child
1168 abuse, abandonment, or neglect.—

1169 (7) When an investigation of institutional abuse, neglect,
1170 or abandonment is closed and a person is not identified as a
1171 caregiver responsible for the abuse, neglect, or abandonment
1172 alleged in the report, the fact that the person is named in some
1173 capacity in the report may not be used in any way to adversely

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1174 affect the interests of that person. This prohibition applies to
1175 any use of the information in employment screening, licensing,
1176 child placement, adoption, or any other decisions by a private
1177 adoption agency or a state agency or its contracted providers.

1178 (b) Likewise, if a person is employed as a caregiver in a
1179 residential group home licensed under ~~pursuant to~~ s. 409.175 and
1180 is named in any capacity in three or more reports within a 5-
1181 year period, the department may review all reports for the
1182 purposes of the employment screening required under s.
1183 409.1415(2)(c) ~~pursuant to s. 409.145(2)(e)~~.

1184 Section 15. Paragraph (d) of subsection (5) of section
1185 39.6225, Florida Statutes, is amended to read:

1186 39.6225 Guardianship Assistance Program.—

1187 (5) A guardian with an application approved pursuant to
1188 subsection (2) who is caring for a child placed with the
1189 guardian by the court pursuant to this part may receive
1190 guardianship assistance payments based on the following
1191 criteria:

1192 (d) The department shall provide guardianship assistance
1193 payments in the amount of \$4,000 annually, paid on a monthly
1194 basis, or in an amount other than \$4,000 annually as determined
1195 by the guardian and the department and memorialized in a written
1196 agreement between the guardian and the department. The agreement
1197 shall take into consideration the circumstances of the guardian
1198 and the needs of the child. Changes may not be made without the

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1199 concurrence of the guardian. However, ~~in no case shall~~ the
1200 amount of the monthly payment may not exceed the foster care
1201 maintenance payment that would have been paid during the same
1202 period if the child had been in licensed care at his or her
1203 designated level of care at the rate established in s.
1204 409.145(3) ~~s. 409.145(4)~~.

1205 Section 16. Paragraph (b) of subsection (5) of section
1206 393.065, Florida Statutes, is amended to read:

1207 393.065 Application and eligibility determination.—

1208 (5) The agency shall assign and provide priority to
1209 clients waiting for waiver services in the following order:

1210 (b) Category 2, which includes individuals on the waiting
1211 list who are:

1212 1. From the child welfare system with an open case in the
1213 Department of Children and Families' statewide automated child
1214 welfare information system and who are either:

1215 a. Transitioning out of the child welfare system at the
1216 finalization of an adoption, a reunification with family
1217 members, a permanent placement with a relative, or a
1218 guardianship with a nonrelative; or

1219 b. At least 18 years but not yet 22 years of age and who
1220 need both waiver services and extended foster care services; or

1221 2. At least 18 years but not yet 22 years of age and who
1222 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
1223 extended foster care system.

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1224
1225 For individuals who are at least 18 years but not yet 22 years
1226 of age and who are eligible under sub-subparagraph 1.b., the
1227 agency shall provide waiver services, including residential
1228 habilitation, and the community-based care lead agency shall
1229 fund room and board at the rate established in s. 409.145(3) ~~s.~~
1230 ~~409.145(4)~~ and provide case management and related services as
1231 defined in s. 409.986(3)(e). Individuals may receive both waiver
1232 services and services under s. 39.6251. Services may not
1233 duplicate services available through the Medicaid state plan.

1234
1235 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
1236 waiting list of clients placed in the order of the date that the
1237 client is determined eligible for waiver services.

1238 Section 17. Paragraph (b) of subsection (2) of section
1239 409.1451, Florida Statutes, is amended to read:

1240 409.1451 The Road-to-Independence Program.—

1241 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1242 (b) The amount of the financial assistance shall be as
1243 follows:

1244 1. For a young adult who does not remain in foster care
1245 and is attending a postsecondary school as provided in s.
1246 1009.533, the amount is \$1,256 monthly.

1247 2. For a young adult who remains in foster care, is
1248 attending a postsecondary school, as provided in s. 1009.533,

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1249 and continues to reside in a licensed foster home, the amount is
1250 the established room and board rate for foster parents. This
1251 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
1252 ~~409.145(4)~~.

1253 3. For a young adult who remains in foster care, but
1254 temporarily resides away from a licensed foster home for
1255 purposes of attending a postsecondary school as provided in s.
1256 1009.533, the amount is \$1,256 monthly. This takes the place of
1257 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1258 4. For a young adult who remains in foster care, is
1259 attending a postsecondary school as provided in s. 1009.533, and
1260 continues to reside in a licensed group home, the amount is
1261 negotiated between the community-based care lead agency and the
1262 licensed group home provider.

1263 5. For a young adult who remains in foster care, but
1264 temporarily resides away from a licensed group home for purposes
1265 of attending a postsecondary school as provided in s. 1009.533,
1266 the amount is \$1,256 monthly. This takes the place of a
1267 negotiated room and board rate.

1268 6. A young adult is eligible to receive financial
1269 assistance during the months when he or she is enrolled in a
1270 postsecondary educational institution.

1271 Section 18. This act shall take effect July 1, 2020.

1272 -----

1273 **T I T L E A M E N D M E N T**

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1274 Remove everything before the enacting clause and insert:
1275 An act relating to child welfare; amending s. 25.385, F.S.;
1276 requiring the Florida Court Educational Council to establish
1277 certain standards for instruction of circuit and county court
1278 judges for dependency cases; requiring the council to provide
1279 such instruction on a periodic and timely basis; creating s.
1280 39.01304, F.S.; authorizing circuit courts to create early
1281 childhood court programs; requiring the Office of State Courts
1282 Administrator to contract with certain university-based centers
1283 to evaluate the early childhood court program; amending s.
1284 39.0138, F.S.; requiring the department to complete background
1285 screenings within a specified timeframe; amending s. 39.301,
1286 F.S.; requiring the department to notify the court of certain
1287 reports; authorizing the department to file specified petitions
1288 under certain circumstances; amending s. 39.522, F.S.; requiring
1289 the court to consider specified factors when making certain
1290 determinations; requiring a child's case plan to be amended if
1291 the court changes the permanency goal; amending s. 39.6011,
1292 F.S.; revising and providing requirements for case plan
1293 descriptions; amending s. 39.701, F.S.; requiring the court to
1294 retain jurisdiction over a child under certain circumstances;
1295 requiring specified parties to disclose certain information to
1296 the court; providing for certain caregiver recommendations to
1297 the court; requiring the court and citizen review panel to
1298 determine whether certain parties have developed a productive

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

Amendment No. 1

1299 relationship; amending s. 63.092, F.S.; providing a deadline
1300 for completion of a preliminary home study; creating s. 63.093,
1301 F.S.; providing requirements and processes for the adoption of
1302 children from the child welfare system; creating s. 409.1415,
1303 F.S.; providing legislative findings and intent; requiring the
1304 department and community-based care lead agencies to develop and
1305 support relationships between caregivers and parents of
1306 children; providing responsibilities for caregivers, birth or
1307 legal parents, the department, and community-based care lead
1308 agency; requiring caregivers employed by residential group homes
1309 to meet specified requirements; requiring the department to
1310 adopt rules; amending s. 409.145, F.S.; removing certain
1311 responsibilities of caregivers, the department, community-based
1312 care lead agency staff, and other agency staff; removing
1313 requirements relating to transitions, information sharing, and
1314 certain caregivers; amending s. 409.175, F.S.; revising
1315 requirements for the licensure of family foster homes; requiring
1316 the department to issue determinations for family foster home
1317 licenses within a specified time frame; providing an exception;
1318 amending s. 409.988, F.S.; authorizing a lead agency to provide
1319 more than 35 percent of all child welfare services under certain
1320 conditions; requiring a specified local community alliance, or
1321 specified representatives in certain circumstances, to review
1322 and recommend approval or denial of the lead agency's request
1323 for a specified exemption; amending ss. 39.302, 39.6225,

939449 - h1105-strikeall.docx

Published On: 2/17/2020 8:03:24 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1105 (2020)

Amendment No. 1

1324 | 393.065, and 409.1451, F.S.; conforming cross-references to
1325 | changes made by the act; providing an effective date.