

1 A bill to be entitled
2 An act relating to child welfare; amending s. 25.385,
3 F.S.; requiring the Florida Court Educational Council
4 to establish certain standards for instruction of
5 circuit and county court judges for dependency cases;
6 requiring the council to provide such instruction on a
7 periodic and timely basis; creating s. 39.01304, F.S.;
8 authorizing circuit courts to create early childhood
9 court programs; providing requirements for such
10 programs; requiring the Office of the State Courts
11 Administrator to contract to evaluate the early
12 childhood court programs; authorizing the Office of
13 the State Courts Administrator to provide, or contract
14 for the provision of, certain training and assistance;
15 amending s. 39.0138, F.S.; requiring the Department of
16 Children and Families to complete certain records
17 checks within a specified timeframe; amending s.
18 39.301, F.S.; requiring the department to notify the
19 court of certain reports; authorizing the department
20 to file specified petitions under certain
21 circumstances; amending s. 39.522, F.S.; requiring the
22 court to consider specified factors when making
23 certain determinations; requiring a child's case plan
24 to be amended if the court changes the permanency
25 goal; amending s. 39.6011, F.S.; revising and

26 providing requirements for case plan descriptions;
27 amending s. 39.701, F.S.; requiring the court to
28 retain jurisdiction over a child under certain
29 circumstances; requiring specified parties to disclose
30 certain information to the court; providing for
31 certain caregiver recommendations to the court;
32 requiring the court and citizen review panel to
33 determine whether certain parties have developed a
34 productive relationship; amending s. 63.092, F.S.;
35 requiring that certain preliminary home studies be
36 completed within a specified timeframe; creating s.
37 63.093, F.S.; providing requirements and processes for
38 the adoption of children from the child welfare
39 system; providing applicability; creating s. 409.1415,
40 F.S.; providing legislative findings and intent;
41 requiring the department and community-based care lead
42 agencies to develop and support relationships between
43 caregivers and birth or legal parents of certain
44 children; providing responsibilities for caregivers,
45 birth or legal parents, the department, and community-
46 based care lead agency staff; requiring employees of
47 residential group homes to meet specified
48 requirements; requiring the department to adopt rules;
49 amending s. 409.145, F.S.; removing certain
50 responsibilities of caregivers, the department,

51 community-based care lead agency staff, and other
52 agency staff; removing requirements relating to
53 transitions, information sharing, and certain
54 caregivers; amending s. 409.175, F.S.; revising
55 requirements for the licensure of family foster homes;
56 requiring certain entities to complete a licensing
57 study within a specified timeframe; requiring the
58 department to issue determinations for family foster
59 home licenses within a specified timeframe; providing
60 an exception; amending s. 409.988, F.S.; authorizing a
61 lead agency to provide more than 35 percent of all
62 child welfare services under certain conditions;
63 requiring a specified local community alliance, or
64 specified representatives in certain circumstances, to
65 review and recommend approval or denial of the lead
66 agency's request for a specified exemption; amending
67 ss. 39.302, 39.6225, 393.065, and 409.1451, F.S.;
68 conforming cross-references to changes made by the
69 act; providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Section 25.385, Florida Statutes, is amended to
74 read:

75 25.385 Standards for instruction of circuit and county

76 | court judges ~~in handling domestic violence cases.~~

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

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

82 | ~~(a) the term "domestic violence" has the meaning set forth~~
83 | ~~in s. 741.28.~~

84 | ~~(b) "Family or household member" has the meaning set forth~~
85 | ~~in s. 741.28.~~

86 | (2) The Florida Court Educational Council shall establish
87 | standards for instruction of circuit and county court judges who
88 | have responsibility for dependency cases regarding the benefits
89 | of a secure attachment with a primary caregiver, the importance
90 | of a stable placement, and the impact of trauma on child
91 | development. The council shall provide such instruction to the
92 | circuit and county court judges handling dependency cases on a
93 | periodic and timely basis.

94 | Section 2. Section 39.01304, Florida Statutes, is created
95 | to read:

96 | 39.01304 Early childhood court programs.-

97 | (1) A circuit court may create an early childhood court
98 | program to serve the needs of infants and toddlers in dependency
99 | court. If a circuit court creates an early childhood court
100 | program, it may consider all of the following factors:

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

103 (b) A multidisciplinary team made up of key community
104 stakeholders to work with the court to restructure the way the
105 community responds to the needs of abused or neglected children.

106 (c) A community coordinator to facilitate services and
107 resources for families, serve as a liaison between a
108 multidisciplinary team and the judiciary, and manage data
109 collection for program evaluation and accountability. Subject to
110 appropriation, the Office of the State Courts Administrator may
111 coordinate with each participating circuit court to fill a
112 community coordinator position for the circuit's early childhood
113 court program.

114 (d) A continuum of mental health services that includes
115 those that support the parent-child relationship and are
116 appropriate for the children and family served.

117 (2) The Office of the State Courts Administrator shall
118 contract for an evaluation of the early childhood court programs
119 to ensure the quality, accountability, and fidelity of the
120 programs' evidence-based treatment. The Office of the State
121 Courts Administrator may provide, or contract for the provision
122 of, training and technical assistance related to program
123 services, consultation and guidance for difficult cases, and
124 ongoing training for court teams.

125 Section 3. Subsection (1) of section 39.0138, Florida

126 Statutes, is amended to read:

127 39.0138 Criminal history and other records checks; limit
128 on placement of a child.—

129 (1) The department shall conduct a records check through
130 the State Automated Child Welfare Information System (SACWIS)
131 and a local and statewide criminal history records check on all
132 persons, including parents, being considered by the department
133 for placement of a child under this chapter, including all
134 nonrelative placement decisions, and all members of the
135 household, 12 years of age and older, of the person being
136 considered. For purposes of this section, a criminal history
137 records check may include, but is not limited to, submission of
138 fingerprints to the Department of Law Enforcement for processing
139 and forwarding to the Federal Bureau of Investigation for state
140 and national criminal history information, and local criminal
141 records checks through local law enforcement agencies of all
142 household members 18 years of age and older and other visitors
143 to the home. An out-of-state criminal history records check must
144 be initiated for any person 18 years of age or older who resided
145 in another state if that state allows the release of such
146 records. The department must complete the records check within
147 14 business days after receiving a person's criminal history
148 results, unless additional information is required to complete
149 the processing. The department shall establish by rule standards
150 for evaluating any information contained in the automated system

151 relating to a person who must be screened for purposes of making
152 a placement decision.

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

155 39.301 Initiation of protective investigations.—

156 (1) (a) Upon receiving a report of known or suspected child
157 abuse, abandonment, or neglect, or that a child is in need of
158 supervision and care and has no parent, legal custodian, or
159 responsible adult relative immediately known and available to
160 provide supervision and care, the central abuse hotline shall
161 determine if the report requires an immediate onsite protective
162 investigation. For reports requiring an immediate onsite
163 protective investigation, the central abuse hotline shall
164 immediately notify the department's designated district staff
165 responsible for protective investigations to ensure that an
166 onsite investigation is promptly initiated. For reports not
167 requiring an immediate onsite protective investigation, the
168 central abuse hotline shall notify the department's designated
169 district staff responsible for protective investigations in
170 sufficient time to allow for an investigation. At the time of
171 notification, the central abuse hotline shall also provide
172 information to district staff on any previous report concerning
173 a subject of the present report or any pertinent information
174 relative to the present report or any noted earlier reports.

175 (b) The department shall promptly notify the court of any

176 | report to the central abuse hotline that is accepted for a
177 | protective investigation and involves a child over whom the
178 | court has jurisdiction.

179 | (9) (a) For each report received from the central abuse
180 | hotline and accepted for investigation, the department or the
181 | sheriff providing child protective investigative services under
182 | s. 39.3065, shall perform the following child protective
183 | investigation activities to determine child safety:

184 | 1. Conduct a review of all relevant, available information
185 | specific to the child and family and alleged maltreatment;
186 | family child welfare history; local, state, and federal criminal
187 | records checks; and requests for law enforcement assistance
188 | provided by the abuse hotline. Based on a review of available
189 | information, including the allegations in the current report, a
190 | determination shall be made as to whether immediate consultation
191 | should occur with law enforcement, the Child Protection Team, a
192 | domestic violence shelter or advocate, or a substance abuse or
193 | mental health professional. Such consultations should include
194 | discussion as to whether a joint response is necessary and
195 | feasible. A determination shall be made as to whether the person
196 | making the report should be contacted before the face-to-face
197 | interviews with the child and family members.

198 | 2. Conduct face-to-face interviews with the child; other
199 | siblings, if any; and the parents, legal custodians, or
200 | caregivers.

201 3. Assess the child's residence, including a determination
202 of the composition of the family and household, including the
203 name, address, date of birth, social security number, sex, and
204 race of each child named in the report; any siblings or other
205 children in the same household or in the care of the same
206 adults; the parents, legal custodians, or caregivers; and any
207 other adults in the same household.

208 4. Determine whether there is any indication that any
209 child in the family or household has been abused, abandoned, or
210 neglected; the nature and extent of present or prior injuries,
211 abuse, or neglect, and any evidence thereof; and a determination
212 as to the person or persons apparently responsible for the
213 abuse, abandonment, or neglect, including the name, address,
214 date of birth, social security number, sex, and race of each
215 such person.

216 5. Complete assessment of immediate child safety for each
217 child based on available records, interviews, and observations
218 with all persons named in subparagraph 2. and appropriate
219 collateral contacts, which may include other professionals. The
220 department's child protection investigators are hereby
221 designated a criminal justice agency for the purpose of
222 accessing criminal justice information to be used for enforcing
223 this state's laws concerning the crimes of child abuse,
224 abandonment, and neglect. This information shall be used solely
225 for purposes supporting the detection, apprehension,

226 prosecution, pretrial release, posttrial release, or
227 rehabilitation of criminal offenders or persons accused of the
228 crimes of child abuse, abandonment, or neglect and may not be
229 further disseminated or used for any other purpose.

230 6. Document the present and impending dangers to each
231 child based on the identification of inadequate protective
232 capacity through utilization of a standardized safety assessment
233 instrument. If present or impending danger is identified, the
234 child protective investigator must implement a safety plan or
235 take the child into custody. If present danger is identified and
236 the child is not removed, the child protective investigator
237 shall create and implement a safety plan before leaving the home
238 or the location where there is present danger. If impending
239 danger is identified, the child protective investigator shall
240 create and implement a safety plan as soon as necessary to
241 protect the safety of the child. The child protective
242 investigator may modify the safety plan if he or she identifies
243 additional impending danger.

244 a. If the child protective investigator implements a
245 safety plan, the plan must be specific, sufficient, feasible,
246 and sustainable in response to the realities of the present or
247 impending danger. A safety plan may be an in-home plan or an
248 out-of-home plan, or a combination of both. A safety plan may
249 include tasks or responsibilities for a parent, caregiver, or
250 legal custodian. However, a safety plan may not rely on

251 promissory commitments by the parent, caregiver, or legal
252 custodian who is currently not able to protect the child or on
253 services that are not available or will not result in the safety
254 of the child. A safety plan may not be implemented if for any
255 reason the parents, guardian, or legal custodian lacks the
256 capacity or ability to comply with the plan. If the department
257 is not able to develop a plan that is specific, sufficient,
258 feasible, and sustainable, the department shall file a shelter
259 petition. A child protective investigator shall implement
260 separate safety plans for the perpetrator of domestic violence,
261 if the investigator, using reasonable efforts, can locate the
262 perpetrator to implement a safety plan, and for the parent who
263 is a victim of domestic violence as defined in s. 741.28.
264 Reasonable efforts to locate a perpetrator include, but are not
265 limited to, a diligent search pursuant to the same requirements
266 as in s. 39.503. If the perpetrator of domestic violence is not
267 the parent, guardian, or legal custodian of any child in the
268 home and if the department does not intend to file a shelter
269 petition or dependency petition that will assert allegations
270 against the perpetrator as a parent of a child in the home, the
271 child protective investigator shall seek issuance of an
272 injunction authorized by s. 39.504 to implement a safety plan
273 for the perpetrator and impose any other conditions to protect
274 the child. The safety plan for the parent who is a victim of
275 domestic violence may not be shared with the perpetrator. If any

276 party to a safety plan fails to comply with the safety plan
277 resulting in the child being unsafe, the department shall file a
278 shelter petition.

279 b. The child protective investigator shall collaborate
280 with the community-based care lead agency in the development of
281 the safety plan as necessary to ensure that the safety plan is
282 specific, sufficient, feasible, and sustainable. The child
283 protective investigator shall identify services necessary for
284 the successful implementation of the safety plan. The child
285 protective investigator and the community-based care lead agency
286 shall mobilize service resources to assist all parties in
287 complying with the safety plan. The community-based care lead
288 agency shall prioritize safety plan services to families who
289 have multiple risk factors, including, but not limited to, two
290 or more of the following:

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

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

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

298 (IV) The parent or legal custodian or an adult currently
299 living in or frequently visiting the home has been the subject
300 of multiple allegations by reputable reports of abuse or

301 neglect;

302 (V) The child is physically or developmentally disabled;

303 or

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

305 c. The child protective investigator shall monitor the
 306 implementation of the plan to ensure the child's safety until
 307 the case is transferred to the lead agency at which time the
 308 lead agency shall monitor the implementation.

309 d. The department may file a petition for shelter or
 310 dependency without a new child protective investigation or the
 311 concurrence of the child protective investigator if the child is
 312 unsafe but for the use of a safety plan and the parent or
 313 caregiver has not sufficiently increased protective capacities
 314 within 90 days after the transfer of the safety plan to the lead
 315 agency.

316 Section 5. Subsection (1) of section 39.522, Florida
 317 Statutes, is amended, and subsection (4) is added to that
 318 section, to read:

319 39.522 Postdisposition change of custody.—The court may
 320 change the temporary legal custody or the conditions of
 321 protective supervision at a postdisposition hearing, without the
 322 necessity of another adjudicatory hearing.

323 (1) (a) At any time before a child is residing in the
 324 permanent placement approved at the permanency hearing, a child
 325 who has been placed in the child's own home under the protective

326 supervision of an authorized agent of the department, in the
327 home of a relative, in the home of a legal custodian, or in some
328 other place may be brought before the court by the department or
329 by any other interested person, upon the filing of a motion
330 alleging a need for a change in the conditions of protective
331 supervision or the placement. If the parents or other legal
332 custodians deny the need for a change, the court shall hear all
333 parties in person or by counsel, or both. Upon the admission of
334 a need for a change or after such hearing, the court shall enter
335 an order changing the placement, modifying the conditions of
336 protective supervision, or continuing the conditions of
337 protective supervision as ordered. The standard for changing
338 custody of the child shall be the best interests ~~interest~~ of the
339 child. When determining whether a change of legal custody or
340 placement is in ~~applying this standard, the court shall consider~~
341 ~~the continuity of the child's placement in the same out-of-home~~
342 ~~residence as a factor when determining~~ the best interests of the
343 child, the court shall consider:

344 1. The child's age.

345 2. The physical, mental, and emotional health benefits to
346 the child by remaining in his or her current placement or moving
347 to the proposed placement.

348 3. The stability and longevity of the child's current
349 placement.

350 4. The established bonded relationship between the child

351 and the current or proposed caregiver.

352 5. The reasonable preference of the child, if the court
353 has found that the child is of sufficient intelligence,
354 understanding, and experience to express a preference.

355 6. The recommendation of the child's current caregiver.

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

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

361 9. The likelihood of the child attaining permanency in the
362 current or proposed placement.

363 10. Any other relevant factors.

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

367 (4) In cases in which the issue before the court is
368 whether to place a child in out-of-home care after the child was
369 placed in the child's own home with an in-home safety plan or
370 the child was reunified with a parent or caregiver with an in-
371 home safety plan, the court must consider, at a minimum, the
372 following factors in making its determination whether to place
373 the child in out-of-home care:

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

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

378 (c) The parent's or caregiver's current level of
 379 protective capacities.

380 (d) The level of increase, if any, in the parent's or
 381 caregiver's protective capacities since the child's placement in
 382 the home based on the length of time the child has been placed
 383 in the home.

384
 385 The court shall additionally evaluate the child's permanency
 386 goal and change the permanency goal as needed if doing so would
 387 be in the best interests of the child. If the court changes the
 388 permanency goal, the case plan must be amended pursuant to s.
 389 39.6013(5).

390 Section 6. Subsections (5) and (9) of section 39.6011,
 391 Florida Statutes, are amended to read:

392 39.6011 Case plan development.—

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

394 (a) The role of the foster parents or caregivers ~~legal~~
 395 ~~eustodians~~ when developing the services that are to be provided
 396 to the child, foster parents, or caregivers. ~~legal eustodians;~~

397 (b) The responsibility of the parents and caregivers to
 398 work together when it is safe to do so, which includes:

399 1. How the parents and caregivers will work together to
 400 successfully implement the case plan.

401 2. How the case manager will assist the parents and
402 caregivers in developing a productive relationship that includes
403 meaningful communication and mutual support.

404 3. How the parents and caregivers may notify the court or
405 the case manager if ineffective communication takes place that
406 negatively impacts the child.

407 (c) ~~(b)~~ The responsibility of the case manager to forward a
408 relative's request to receive notification of all proceedings
409 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the
410 attorney for the department. †

411 (d) ~~(e)~~ The minimum number of face-to-face meetings to be
412 held each month between the parents and the case managers
413 ~~department's family services counselors~~ to review the progress
414 of the plan and the services provided to the child, to eliminate
415 barriers to progress, and to resolve conflicts or disagreements
416 between parents and caregivers, service providers, or any other
417 professionals assisting the parents in the completion of the
418 case plan. ~~†~~ and

419 (e) ~~(d)~~ The parent's responsibility for financial support
420 of the child, including, but not limited to, health insurance
421 and child support. The case plan must list the costs associated
422 with any services or treatment that the parent and child are
423 expected to receive which are the financial responsibility of
424 the parent. The determination of child support and other
425 financial support shall be made independently of any

426 determination of indigency under s. 39.013.

427 (9) The case plan must describe a process for making
 428 available to all physical custodians and case managers ~~family~~
 429 ~~services counselors~~ the information required by s. 39.6012(2)
 430 and for ensuring that this information follows the child until
 431 permanency has been achieved.

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

435 39.701 Judicial review.—

436 (1) GENERAL PROVISIONS.—

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

445 2. Notwithstanding subparagraph 1., the court must retain
 446 jurisdiction over a child if the child is placed in the home
 447 with a parent or caregiver with an in-home safety plan and such
 448 safety plan remains necessary for the child to reside safely in
 449 the home.

450 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF

451 AGE.—

452 (a) Social study report for judicial review.—Before every
453 judicial review hearing or citizen review panel hearing, the
454 social service agency shall make an investigation and social
455 study concerning all pertinent details relating to the child and
456 shall furnish to the court or citizen review panel a written
457 report that includes, but is not limited to:

458 1. A description of the type of placement the child is in
459 at the time of the hearing, including the safety of the child
460 and the continuing necessity for and appropriateness of the
461 placement.

462 2. Documentation of the diligent efforts made by all
463 parties to the case plan to comply with each applicable
464 provision of the plan.

465 3. The amount of fees assessed and collected during the
466 period of time being reported.

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

470 5. A statement that either:

471 a. The parent, though able to do so, did not comply
472 substantially with the case plan, and the agency
473 recommendations;

474 b. The parent did substantially comply with the case plan;
475 or

476 c. The parent has partially complied with the case plan,
477 with a summary of additional progress needed and the agency
478 recommendations.

479 6. A statement from the foster parent or caregiver ~~legal~~
480 ~~eustodian~~ providing any material evidence concerning the well-
481 being of the child, the impact of any services provided to the
482 child, the working relationship between the parents and
483 caregivers, and the return of the child to the ~~parent or~~
484 parents.

485 7. A statement concerning the frequency, duration, and
486 results of the parent-child visitation, if any, and the agency
487 and caregiver recommendations for an expansion or restriction of
488 future visitation.

489 8. The number of times a child has been removed from his
490 or her home and placed elsewhere, the number and types of
491 placements that have occurred, and the reason for the changes in
492 placement.

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

496 10. If the child has reached 13 years of age but is not
497 yet 18 years of age, a statement from the caregiver on the
498 progress the child has made in acquiring independent living
499 skills.

500 11. Copies of all medical, psychological, and educational

501 records that support the terms of the case plan and that have
502 been produced concerning the parents or any caregiver since the
503 last judicial review hearing.

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

506 (c) Review determinations.—The court and any citizen
507 review panel shall take into consideration the information
508 contained in the social services study and investigation and all
509 medical, psychological, and educational records that support the
510 terms of the case plan; testimony by the social services agency,
511 the parent, the foster parent or caregiver ~~legal custodian~~, the
512 guardian ad litem or surrogate parent for educational
513 decisionmaking if one has been appointed for the child, and any
514 other person deemed appropriate; and any relevant and material
515 evidence submitted to the court, including written and oral
516 reports to the extent of their probative value. These reports
517 and evidence may be received by the court in its effort to
518 determine the action to be taken with regard to the child and
519 may be relied upon to the extent of their probative value, even
520 though not competent in an adjudicatory hearing. In its
521 deliberations, the court and any citizen review panel shall seek
522 to determine:

523 1. If the parent was advised of the right to receive
524 assistance from any person or social service agency in the
525 preparation of the case plan.

526 2. If the parent has been advised of the right to have
527 counsel present at the judicial review or citizen review
528 hearings. If not so advised, the court or citizen review panel
529 shall advise the parent of such right.

530 3. If a guardian ad litem needs to be appointed for the
531 child in a case in which a guardian ad litem has not previously
532 been appointed or if there is a need to continue a guardian ad
533 litem in a case in which a guardian ad litem has been appointed.

534 4. Who holds the rights to make educational decisions for
535 the child. If appropriate, the court may refer the child to the
536 district school superintendent for appointment of a surrogate
537 parent or may itself appoint a surrogate parent under the
538 Individuals with Disabilities Education Act and s. 39.0016.

539 5. The compliance or lack of compliance of all parties
540 with applicable items of the case plan, including the parents'
541 compliance with child support orders.

542 6. The compliance or lack of compliance with a visitation
543 contract between the parent and the social service agency for
544 contact with the child, including the frequency, duration, and
545 results of the parent-child visitation and the reason for any
546 noncompliance.

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

551 8. The compliance or lack of compliance of the parent in
552 meeting specified financial obligations pertaining to the care
553 of the child, including the reason for failure to comply, if
554 applicable.

555 9. Whether the child is receiving safe and proper care
556 according to s. 39.6012, including, but not limited to, the
557 appropriateness of the child's current placement, including
558 whether the child is in a setting that is as family-like and as
559 close to the parent's home as possible, consistent with the
560 child's best interests and special needs, and including
561 maintaining stability in the child's educational placement, as
562 documented by assurances from the community-based care lead
563 agency ~~provider~~ that:

564 a. The placement of the child takes into account the
565 appropriateness of the current educational setting and the
566 proximity to the school in which the child is enrolled at the
567 time of placement.

568 b. The community-based care lead agency has coordinated
569 with appropriate local educational agencies to ensure that the
570 child remains in the school in which the child is enrolled at
571 the time of placement.

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

574 11. When appropriate, the basis for the unwillingness or
575 inability of the parent to become a party to a case plan. The

576 court and the citizen review panel shall determine if the
577 efforts of the social service agency to secure party
578 participation in a case plan were sufficient.

579 12. For a child who has reached 13 years of age but is not
580 yet 18 years of age, the adequacy of the child's preparation for
581 adulthood and independent living. For a child who is 15 years of
582 age or older, the court shall determine if appropriate steps are
583 being taken for the child to obtain a driver license or
584 learner's driver license.

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

587 14. If the parents and caregivers have developed a
588 productive relationship that includes meaningful communication
589 and mutual support.

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

592 63.092 Report to the court of intended placement by an
593 adoption entity; at-risk placement; preliminary study.—

594 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
595 the intended adoptive home, a preliminary home study must be
596 performed by a licensed child-placing agency, a child-caring
597 agency registered under s. 409.176, a licensed professional, or
598 an agency described in s. 61.20(2), unless the adoptee is an
599 adult or the petitioner is a stepparent or a relative. If the
600 adoptee is an adult or the petitioner is a stepparent or a

601 relative, a preliminary home study may be required by the court
602 for good cause shown. The department is required to perform the
603 preliminary home study only if there is no licensed child-
604 placing agency, child-caring agency registered under s. 409.176,
605 licensed professional, or agency described in s. 61.20(2), in
606 the county where the prospective adoptive parents reside. The
607 preliminary home study must be made to determine the suitability
608 of the intended adoptive parents and may be completed before
609 ~~prior to~~ identification of a prospective adoptive minor. If the
610 identified prospective adoptive minor is in the custody of the
611 department, a preliminary home study must be completed within 30
612 days after it is initiated. A favorable preliminary home study
613 is valid for 1 year after the date of its completion. Upon its
614 completion, a signed copy of the home study must be provided to
615 the intended adoptive parents who were the subject of the home
616 study. A minor may not be placed in an intended adoptive home
617 before a favorable preliminary home study is completed unless
618 the adoptive home is also a licensed foster home under s.
619 409.175. The preliminary home study must include, at a minimum:
620 (a) An interview with the intended adoptive parents.~~†~~
621 (b) Records checks of the department's central abuse
622 registry, which the department shall provide to the entity
623 conducting the preliminary home study, and criminal records
624 correspondence checks under s. 39.0138 through the Department of
625 Law Enforcement on the intended adoptive parents.~~†~~

626 (c) An assessment of the physical environment of the
 627 home.~~†~~

628 (d) A determination of the financial security of the
 629 intended adoptive parents.†

630 (e) Documentation of counseling and education of the
 631 intended adoptive parents on adoptive parenting, as determined
 632 by the entity conducting the preliminary home study. The
 633 training specified in s. 409.175(14) shall only be required for
 634 persons who adopt children from the department.†

635 (f) Documentation that information on adoption and the
 636 adoption process has been provided to the intended adoptive
 637 parents.†

638 (g) Documentation that information on support services
 639 available in the community has been provided to the intended
 640 adoptive parents.~~†~~~~and~~

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

643
 644 If the preliminary home study is favorable, a minor may be
 645 placed in the home pending entry of the judgment of adoption. A
 646 minor may not be placed in the home if the preliminary home
 647 study is unfavorable. If the preliminary home study is
 648 unfavorable, the adoption entity may, within 20 days after
 649 receipt of a copy of the written recommendation, petition the
 650 court to determine the suitability of the intended adoptive

651 home. A determination as to suitability under this subsection
652 does not act as a presumption of suitability at the final
653 hearing. In determining the suitability of the intended adoptive
654 home, the court must consider the totality of the circumstances
655 in the home. A minor may not be placed in a home in which there
656 resides any person determined by the court to be a sexual
657 predator as defined in s. 775.21 or to have been convicted of an
658 offense listed in s. 63.089(4)(b)2.

659 Section 9. Section 63.093, Florida Statutes, is created to
660 read:

661 63.093 Adoption of children from the child welfare
662 system.—

663 (1) The department or community-based care lead agency as
664 defined in s. 409.986(3), or its subcontracted agency, must
665 respond to an initial inquiry from a prospective adoptive parent
666 within 7 business days after receipt of the inquiry. The
667 response must inform the prospective adoptive parent of the
668 adoption process and the requirements for adopting a child from
669 the child welfare system.

670 (2) The department or community-based care lead agency, or
671 its subcontracted agency, must refer a prospective adoptive
672 parent who is interested in adopting a child in the custody of
673 the department to a department-approved adoptive parent training
674 program. A prospective adoptive parent must successfully
675 complete the training program, unless the prospective adoptive

676 parent is a licensed foster parent or a relative or nonrelative
677 caregiver who has:

678 (a) Attended the training program within the last 5 years;
679 or

680 (b) Had the child who is available for adoption placed in
681 their home for 6 months or longer and has been determined to
682 understand the challenges and parenting skills needed to
683 successfully parent the child who is available for adoption.

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

686 (4) Before a child is placed in an adoptive home, the
687 community-based care lead agency or its subcontracted agency
688 must complete an adoptive home study of a prospective adoptive
689 parent that includes observation, screening, and evaluation of
690 the child and the prospective adoptive parent. An adoptive home
691 study is valid for 12 months after the date on which the study
692 was approved. In addition, the community-based care lead agency
693 or its subcontracted agency must complete a preparation process,
694 as established by department rule, with the prospective adoptive
695 parent.

696 (5) At the conclusion of the adoptive home study and
697 preparation process, a decision shall be made about the
698 prospective adoptive parent's appropriateness to adopt. This
699 decision shall be reflected in the final recommendation included
700 in the adoptive home study. If the recommendation is for

701 approval, the adoptive parent application file must be submitted
702 to the community-based care lead agency or its subcontracted
703 agency for approval. The community-based care lead agency or its
704 subcontracted agency must approve or deny the home study within
705 14 business days after receipt of the recommendation.

706
707 Notwithstanding subsections (1) and (2), this section does not
708 apply to a child adopted through the process provided in s.
709 63.082(6).

710 Section 10. Section 409.1415, Florida Statutes, is created
711 to read:

712 409.1415 Parenting partnerships for children in out-of-
713 home care.-

714 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

719 (b) The Legislature further finds that the most successful
720 caregivers understand that their role goes beyond supporting the
721 children in their care to supporting the children's families, as
722 a whole, and that children and their families benefit when
723 caregivers and birth or legal parents are supported by an agency
724 culture that encourages a meaningful partnership between them
725 and provides quality support.

726 (c) Therefore, in keeping with national trends, it is the
727 intent of the Legislature to bring caregivers and birth or legal
728 parents together in order to build strong relationships that
729 lead to more successful reunifications and more stability for
730 children being fostered in out-of-home care.

731 (2) PARENTING PARTNERSHIPS.—

732 (a) In order to ensure that children in out-of-home care
733 achieve legal permanency as soon as possible, to reduce the
734 likelihood that they will reenter care or that other children in
735 the family are abused or neglected or enter out-of-home care,
736 and to ensure that families are fully prepared to resume custody
737 of their children, the department and community-based care lead
738 agencies shall develop and support relationships between
739 caregivers and birth or legal parents of children in out-of-home
740 care, to the extent that it is safe and in the child's best
741 interest, by:

742 1. Facilitating telephone communication between the
743 caregiver and the birth or legal parent as soon as possible
744 after the child is placed in the home of the caregiver.

745 2. Facilitating and attending an in-person meeting between
746 the caregiver and the birth or legal parent as soon as possible
747 after the child is placed in the home of the caregiver.

748 3. Developing and supporting a plan for the birth or legal
749 parent to participate in medical appointments, educational and

750 extracurricular activities, and other events involving the
751 child.

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

754 5. Involving the caregiver in planning meetings with the
755 birth or legal parent.

756 6. Developing and implementing effective transition plans
757 for the child's return home or placement in any other living
758 environment.

759 7. Supporting continued contact between the caregiver and
760 the child after the child returns home or moves to another
761 permanent living arrangement.

762 (b) To ensure that a child in out-of-home care receives
763 support for healthy development which gives the child the best
764 possible opportunity for success, caregivers, birth or legal
765 parents, the department, and the community-based care lead
766 agency shall work cooperatively in a respectful partnership by
767 adhering to the following requirements:

768 1. All members of the partnership must interact and
769 communicate professionally with one another, must share all
770 relevant information promptly, and must respect the
771 confidentiality of all information related to the child and his
772 or her family.

773 2. The caregiver, the birth or legal parent, the child, if
774 appropriate, the department, and the community-based care lead

775 agency must participate in developing a case plan for the child
776 and the birth or legal parent. All members of the team must work
777 together to implement the case plan. The caregiver must have the
778 opportunity to participate in all team meetings or court
779 hearings related to the child's care and future plans. The
780 department and community-based care lead agency must support and
781 facilitate caregiver participation through timely notification
782 of such meetings and hearings and provide alternative methods
783 for participation for a caregiver who cannot be physically
784 present at a meeting or hearing.

785 3. A caregiver must strive to provide, and the department
786 and community-based care lead agency must support, excellent
787 parenting, which includes:

788 a. A loving commitment to the child and the child's safety
789 and well-being.

790 b. Appropriate supervision and positive methods of
791 discipline.

792 c. Encouragement of the child's strengths.

793 d. Respect for the child's individuality and likes and
794 dislikes.

795 e. Providing opportunities to develop the child's
796 interests and skills.

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

798 g. Facilitating equal participation of the child in family
799 life.

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

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

802 4. A child in out-of-home care must be placed with a
803 caregiver who has the ability to care for the child, is willing
804 to accept responsibility for providing care, and is willing and
805 able to learn about and be respectful of the child's culture,
806 religion, and ethnicity; special physical or psychological
807 needs; circumstances unique to the child; and family
808 relationships. The department, the community-based care lead
809 agency, and other agencies must provide a caregiver with all
810 available information necessary to assist the caregiver in
811 determining whether he or she is able to appropriately care for
812 a particular child.

813 5. A caregiver must have access to and take advantage of
814 all training that he or she needs to improve his or her skills
815 in parenting a child who has experienced trauma due to neglect,
816 abuse, or separation from home; to meet the child's special
817 needs; and to work effectively with child welfare agencies, the
818 courts, the schools, and other community and governmental
819 agencies.

820 6. The department and community-based care lead agency
821 must provide a caregiver with the services and support they need
822 to enable them to provide quality care for the child.

823 7. Once a caregiver accepts the responsibility of caring
824 for a child, the child may be removed from the home of the
825 caregiver only if:

826 a. The caregiver is clearly unable to safely or legally
827 care for the child;

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

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

831 d. The removal is demonstrably in the best interests of
832 the child.

833 8. If a child must leave the caregiver's home for one of
834 the reasons stated in subparagraph 7., and in the absence of an
835 unforeseeable emergency, the transition must be accomplished
836 according to a plan that involves cooperation and sharing of
837 information among all persons involved, respects the child's
838 developmental stage and psychological needs, ensures the child
839 has all of his or her belongings, allows for a gradual
840 transition from the caregiver's home, and, if possible, allows
841 for continued contact with the caregiver after the child leaves.

842 9. When the case plan for a child includes reunification,
843 the caregiver, the department, and the community-based care lead
844 agency must work together to assist the birth or legal parent in
845 improving his or her ability to care for and protect the child
846 and to provide continuity for the child.

847 10. A caregiver must respect and support the child's ties
848 to his or her birth or legal family, including parents,
849 siblings, and extended family members, and must assist the child
850 in maintaining allowable visitation and other forms of
851 communication. The department and community-based care lead
852 agency must provide a caregiver with the information, guidance,
853 training, and support necessary for fulfilling this
854 responsibility.

855 11. A caregiver must work in partnership with the
856 department and community-based care lead agency to obtain and
857 maintain records that are important to the child's well-being
858 including, but not limited to, child resource records, medical
859 records, school records, photographs, and records of special
860 events and achievements.

861 12. A caregiver must advocate for a child in his or her
862 care with the child welfare system, the court, and community
863 agencies, including schools, child care providers, health and
864 mental health providers, and employers. The department and
865 community-based care lead agency must support a caregiver in
866 advocating for a child and may not retaliate against the
867 caregiver as a result of this advocacy.

868 13. A caregiver must be as fully involved in the child's
869 medical, psychological, and dental care as he or she would be
870 for his or her biological child. The department and community-
871 based care lead agency must support and facilitate such

872 participation. The caregiver, the department, and the community-
873 based care lead agency must share information with each other
874 about the child's health and well-being.

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

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

883 16. The case manager and case manager supervisor must
884 mediate disagreements that occur between a caregiver and the
885 birth or legal parent.

886 (c) An employee of a residential group home must meet the
887 background screening requirements under s. 39.0138 and the level
888 2 screening standards for screening under chapter 435. An
889 employee of a residential group home who works directly with a
890 child as a caregiver must meet, at a minimum, the same
891 education, training, background, and other screening
892 requirements as caregivers in family foster homes licensed as
893 level II under s. 409.175(5).

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

896 Section 11. Section 409.145, Florida Statutes, is amended

897 to read:

898 409.145 Care of children; ~~quality parenting~~; "reasonable
899 and prudent parent" standard.—The child welfare system of the
900 department shall operate as a coordinated community-based system
901 of care which empowers all caregivers for children in foster
902 care to provide quality parenting, including approving or
903 disapproving a child's participation in activities based on the
904 caregiver's assessment using the "reasonable and prudent parent"
905 standard.

906 (1) SYSTEM OF CARE.—The department shall develop,
907 implement, and administer a coordinated community-based system
908 of care for children who are found to be dependent and their
909 families. This system of care must be directed toward the
910 following goals:

911 (a) Prevention of separation of children from their
912 families.

913 (b) Intervention to allow children to remain safely in
914 their own homes.

915 (c) Reunification of families who have had children
916 removed from their care.

917 (d) Safety for children who are separated from their
918 families by providing alternative emergency or longer-term
919 parenting arrangements.

920 (e) Focus on the well-being of children through emphasis
921 on maintaining educational stability and providing timely health

922 care.

923 (f) Permanency for children for whom reunification with
924 their families is not possible or is not in the best interest of
925 the child.

926 (g) The transition to independence and self-sufficiency
927 for older children who remain in foster care through
928 adolescence.

929 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
930 ~~placed only with a caregiver who has the ability to care for the~~
931 ~~child, is willing to accept responsibility for providing care,~~
932 ~~and is willing and able to learn about and be respectful of the~~
933 ~~child's culture, religion and ethnicity, special physical or~~
934 ~~psychological needs, any circumstances unique to the child, and~~
935 ~~family relationships. The department, the community-based care~~
936 ~~lead agency, and other agencies shall provide such caregiver~~
937 ~~with all available information necessary to assist the caregiver~~
938 ~~in determining whether he or she is able to appropriately care~~
939 ~~for a particular child.~~

940 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
941 ~~shall:~~

942 ~~1. Participate in developing the case plan for the child~~
943 ~~and his or her family and work with others involved in his or~~
944 ~~her care to implement this plan. This participation includes the~~
945 ~~caregiver's involvement in all team meetings or court hearings~~
946 ~~related to the child's care.~~

947 ~~2. Complete all training needed to improve skills in~~
948 ~~parenting a child who has experienced trauma due to neglect,~~
949 ~~abuse, or separation from home, to meet the child's special~~
950 ~~needs, and to work effectively with child welfare agencies, the~~
951 ~~court, the schools, and other community and governmental~~
952 ~~agencies.~~

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

956 ~~4. Effectively advocate for the child in the caregiver's~~
957 ~~care with the child welfare system, the court, and community~~
958 ~~agencies, including the school, child care, health and mental~~
959 ~~health providers, and employers.~~

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

963 ~~6. Support the child's educational success by~~
964 ~~participating in activities and meetings associated with the~~
965 ~~child's school or other educational setting, including~~
966 ~~Individual Education Plan meetings and meetings with an~~
967 ~~educational surrogate if one has been appointed, assisting with~~
968 ~~assignments, supporting tutoring programs, and encouraging the~~
969 ~~child's participation in extracurricular activities.~~

970 ~~a. Maintaining educational stability for a child while in~~
971 ~~out-of-home care by allowing the child to remain in the school~~

972 ~~or educational setting that he or she attended before entry into~~
973 ~~out-of-home care is the first priority, unless not in the best~~
974 ~~interest of the child.~~

975 ~~b. If it is not in the best interest of the child to~~
976 ~~remain in his or her school or educational setting upon entry~~
977 ~~into out-of-home care, the caregiver must work with the case~~
978 ~~manager, guardian ad litem, teachers and guidance counselors,~~
979 ~~and educational surrogate if one has been appointed to determine~~
980 ~~the best educational setting for the child. Such setting may~~
981 ~~include a public school that is not the school of origin, a~~
982 ~~private school pursuant to s. 1002.42, a virtual instruction~~
983 ~~program pursuant to s. 1002.45, or a home education program~~
984 ~~pursuant to s. 1002.41.~~

985 ~~7. Work in partnership with other stakeholders to obtain~~
986 ~~and maintain records that are important to the child's well-~~
987 ~~being, including child resource records, medical records, school~~
988 ~~records, photographs, and records of special events and~~
989 ~~achievements.~~

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

993 ~~9. Ensure that the child in the caregiver's care is aware~~
994 ~~of the requirements and benefits of the Road to Independence~~
995 ~~Program.~~

996 ~~10. Work to enable the child in the caregiver's care to~~

997 ~~establish and maintain naturally occurring mentoring~~
998 ~~relationships.~~

999 ~~(b) Roles and responsibilities of the department, the~~
1000 ~~community-based care lead agency, and other agency staff. The~~
1001 ~~department, the community-based care lead agency, and other~~
1002 ~~agency staff shall:~~

1003 ~~1. Include a caregiver in the development and~~
1004 ~~implementation of the case plan for the child and his or her~~
1005 ~~family. The caregiver shall be authorized to participate in all~~
1006 ~~team meetings or court hearings related to the child's care and~~
1007 ~~future plans. The caregiver's participation shall be facilitated~~
1008 ~~through timely notification, an inclusive process, and~~
1009 ~~alternative methods for participation for a caregiver who cannot~~
1010 ~~be physically present.~~

1011 ~~2. Develop and make available to the caregiver the~~
1012 ~~information, services, training, and support that the caregiver~~
1013 ~~needs to improve his or her skills in parenting children who~~
1014 ~~have experienced trauma due to neglect, abuse, or separation~~
1015 ~~from home, to meet these children's special needs, and to~~
1016 ~~advocate effectively with child welfare agencies, the courts,~~
1017 ~~schools, and other community and governmental agencies.~~

1018 ~~3. Provide the caregiver with all information related to~~
1019 ~~services and other benefits that are available to the child.~~

1020 ~~4. Show no prejudice against a caregiver who desires to~~
1021 ~~educate at home a child placed in his or her home through the~~

1022 ~~child welfare system.~~

1023 ~~(c) Transitions.~~

1024 ~~1. Once a caregiver accepts the responsibility of caring~~
1025 ~~for a child, the child will be removed from the home of that~~
1026 ~~caregiver only if:~~

1027 ~~a. The caregiver is clearly unable to safely or legally~~
1028 ~~care for the child;~~

1029 ~~b. The child and his or her biological family are~~
1030 ~~reunified;~~

1031 ~~c. The child is being placed in a legally permanent home~~
1032 ~~pursuant to the case plan or a court order; or~~

1033 ~~d. The removal is demonstrably in the child's best~~
1034 ~~interest.~~

1035 ~~2. In the absence of an emergency, if a child leaves the~~
1036 ~~caregiver's home for a reason provided under subparagraph 1.,~~
1037 ~~the transition must be accomplished according to a plan that~~
1038 ~~involves cooperation and sharing of information among all~~
1039 ~~persons involved, respects the child's developmental stage and~~
1040 ~~psychological needs, ensures the child has all of his or her~~
1041 ~~belongings, allows for a gradual transition from the caregiver's~~
1042 ~~home and, if possible, for continued contact with the caregiver~~
1043 ~~after the child leaves.~~

1044 ~~(d) Information sharing. Whenever a foster home or~~
1045 ~~residential group home assumes responsibility for the care of a~~
1046 ~~child, the department and any additional providers shall make~~

1047 ~~available to the caregiver as soon as is practicable all~~
1048 ~~relevant information concerning the child. Records and~~
1049 ~~information that are required to be shared with caregivers~~
1050 ~~include, but are not limited to:~~

- 1051 ~~1. Medical, dental, psychological, psychiatric, and~~
1052 ~~behavioral history, as well as ongoing evaluation or treatment~~
1053 ~~needs;~~
- 1054 ~~2. School records;~~
- 1055 ~~3. Copies of his or her birth certificate and, if~~
1056 ~~appropriate, immigration status documents;~~
- 1057 ~~4. Consents signed by parents;~~
- 1058 ~~5. Comprehensive behavioral assessments and other social~~
1059 ~~assessments;~~
- 1060 ~~6. Court orders;~~
- 1061 ~~7. Visitation and case plans;~~
- 1062 ~~8. Guardian ad litem reports;~~
- 1063 ~~9. Staffing forms; and~~
- 1064 ~~10. Judicial or citizen review panel reports and~~
1065 ~~attachments filed with the court, except confidential medical,~~
1066 ~~psychiatric, and psychological information regarding any party~~
1067 ~~or participant other than the child.~~

1068 ~~(c) Caregivers employed by residential group homes. All~~
1069 ~~caregivers in residential group homes shall meet the same~~
1070 ~~education, training, and background and other screening~~
1071 ~~requirements as foster parents.~~

1072 (2)~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.—

1073 (a) Definitions.—As used in this subsection, the term:

1074 1. "Age-appropriate" means an activity or item that is

1075 generally accepted as suitable for a child of the same

1076 chronological age or level of maturity. Age appropriateness is

1077 based on the development of cognitive, emotional, physical, and

1078 behavioral capacity which is typical for an age or age group.

1079 2. "Caregiver" means a person with whom the child is

1080 placed in out-of-home care, or a designated official for a group

1081 care facility licensed by the department under s. 409.175.

1082 3. "Reasonable and prudent parent" standard means the

1083 standard of care used by a caregiver in determining whether to

1084 allow a child in his or her care to participate in

1085 extracurricular, enrichment, and social activities. This

1086 standard is characterized by careful and thoughtful parental

1087 decisionmaking that is intended to maintain a child's health,

1088 safety, and best interest while encouraging the child's

1089 emotional and developmental growth.

1090 (b) Application of standard of care.—

1091 1. Every child who comes into out-of-home care pursuant to

1092 this chapter is entitled to participate in age-appropriate

1093 extracurricular, enrichment, and social activities.

1094 2. Each caregiver shall use the reasonable and prudent

1095 parent standard in determining whether to give permission for a

1096 child living in out-of-home care to participate in

1097 extracurricular, enrichment, or social activities. When using
 1098 the reasonable and prudent parent standard, the caregiver must
 1099 consider:

1100 a. The child's age, maturity, and developmental level to
 1101 maintain the overall health and safety of the child.

1102 b. The potential risk factors and the appropriateness of
 1103 the extracurricular, enrichment, or social activity.

1104 c. The best interest of the child, based on information
 1105 known by the caregiver.

1106 d. The importance of encouraging the child's emotional and
 1107 developmental growth.

1108 e. The importance of providing the child with the most
 1109 family-like living experience possible.

1110 f. The behavioral history of the child and the child's
 1111 ability to safely participate in the proposed activity.

1112 (c) Verification of services delivered.—The department and
 1113 each community-based care lead agency shall verify that private
 1114 agencies providing out-of-home care services to dependent
 1115 children have policies in place which are consistent with this
 1116 section and that these agencies promote and protect the ability
 1117 of dependent children to participate in age-appropriate
 1118 extracurricular, enrichment, and social activities.

1119 (d) Limitation of liability.—A caregiver is not liable for
 1120 harm caused to a child who participates in an activity approved
 1121 by the caregiver, provided that the caregiver has acted in

1122 accordance with the reasonable and prudent parent standard. This
 1123 paragraph may not be interpreted as removing or limiting any
 1124 existing liability protection afforded by law.

1125 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1126 (a) Effective July 1, 2018, room and board rates shall be
 1127 paid to foster parents as follows:

1128 Monthly Foster Care Rate

1129

0-5 Years	6-12 Years	13-21 Years
Age	Age	Age
\$457.95	\$469.68	\$549.74

1130

1131

1132 (b) Each January, foster parents shall receive an annual
 1133 cost of living increase. The department shall calculate the new
 1134 room and board rate increase equal to the percentage change in
 1135 the Consumer Price Index for All Urban Consumers, U.S. City
 1136 Average, All Items, not seasonally adjusted, or successor
 1137 reports, for the preceding December compared to the prior
 1138 December as initially reported by the United States Department
 1139 of Labor, Bureau of Labor Statistics. The department shall make
 1140 available the adjusted room and board rates annually.

1141 (c) Effective July 1, 2019, foster parents of level I
 1142 family foster homes, as defined in s. 409.175(5) (a) shall

1143 receive a room and board rate of \$333.

1144 (d) Effective July 1, 2019, the foster care room and board
1145 rate for level II family foster homes as defined in s.
1146 409.175(5) (a) shall be the same as the new rate established for
1147 family foster homes as of January 1, 2019.

1148 (e) Effective January 1, 2020, paragraph (b) shall only
1149 apply to level II through level V family foster homes, as
1150 defined in s. 409.175(5) (a).

1151 (f) The amount of the monthly foster care room and board
1152 rate may be increased upon agreement among the department, the
1153 community-based care lead agency, and the foster parent.

1154 (g) From July 1, 2018, through June 30, 2019, community-
1155 based care lead agencies providing care under contract with the
1156 department shall pay a supplemental room and board payment to
1157 foster care parents of all family foster homes, on a per-child
1158 basis, for providing independent life skills and normalcy
1159 supports to children who are 13 through 17 years of age placed
1160 in their care. The supplemental payment shall be paid monthly to
1161 the foster care parents in addition to the current monthly room
1162 and board rate payment. The supplemental monthly payment shall
1163 be based on 10 percent of the monthly room and board rate for
1164 children 13 through 21 years of age as provided under this
1165 section and adjusted annually. Effective July 1, 2019, such
1166 supplemental payments shall only be paid to foster parents of
1167 level II through level V family foster homes.

1168 ~~(4)-(5)~~ RULEMAKING.—The department shall adopt by rule
1169 procedures to administer this section.

1170 Section 12. Paragraphs (d) through (k) of subsection (6)
1171 of section 409.175, Florida Statutes, are redesignated as
1172 paragraphs (e) through (l), respectively, paragraph (b) and
1173 present paragraphs (h) and (i) of that subsection are amended,
1174 and a new paragraph (d) is added to that subsection, to read:

1175 409.175 Licensure of family foster homes, residential
1176 child-caring agencies, and child-placing agencies; public
1177 records exemption.—

1178 (6)

1179 (b) The department shall prescribe by rule the various
1180 roles of entities involved in the application process. Upon
1181 application for licensure, the department shall conduct a
1182 licensing study based on its licensing rules; shall inspect the
1183 home or the agency and the records, including financial records,
1184 of the applicant or agency; and shall interview the applicant.
1185 The department may authorize a licensed child-placing agency to
1186 conduct the licensing study of a family foster home to be used
1187 exclusively by that agency and to verify to the department that
1188 the home meets the licensing requirements established by the
1189 department. The department or authorized licensed child-placing
1190 agency must complete the licensing study of a family foster home
1191 within 30 days after initiation of the study. The department
1192 shall post on its website a list of the agencies authorized to

1193 | conduct such studies. Upon certification ~~by a licensed child-~~
1194 | ~~placing agency~~ that a family foster home meets the licensing
1195 | requirements and upon receipt of a letter from a community-based
1196 | care lead agency in the service area where the home will be
1197 | licensed which indicates that the family foster home meets the
1198 | criteria established by the lead agency, the department shall
1199 | issue the license. A letter from the lead agency is not required
1200 | if the lead agency where the proposed home is located is
1201 | directly supervising foster homes in the same service area.

1202 | (d) The department shall approve or deny an application
1203 | for licensure within 10 business days after receipt of a
1204 | completed family foster home application and other required
1205 | documentation as prescribed by rule. The department shall
1206 | approve or deny an application for licensure no later than 100
1207 | calendar days after the orientation required under subsection
1208 | (14). The department may exceed 100 calendar days to approve or
1209 | deny an application for licensure if additional certifications
1210 | are required under paragraph (5) (a).

1211 | (i) ~~(h)~~ Upon determination that the applicant meets the
1212 | state minimum licensing requirements and has obtained a letter
1213 | from a community-based care lead agency which indicates that the
1214 | family foster home meets the criteria established by the lead
1215 | agency, the department shall issue a license without charge to a
1216 | specific person or agency at a specific location. A license may
1217 | be issued if all the screening materials have been timely

1218 submitted; however, a license may not be issued or renewed if
1219 any person at the home or agency has failed the required
1220 screening. The license is nontransferable. A copy of the license
1221 shall be displayed in a conspicuous place. Except as provided in
1222 paragraph (k) ~~(j)~~, the license is valid for 1 year from the date
1223 of issuance, unless the license is suspended or revoked by the
1224 department or is voluntarily surrendered by the licensee. The
1225 license is the property of the department.

1226 (j) ~~(i)~~ The issuance of a license to operate a family
1227 foster home or agency does not require a lead agency to place a
1228 child with the home or agency. A license issued for the
1229 operation of a family foster home or agency, unless sooner
1230 suspended, revoked, or voluntarily returned, will expire
1231 automatically 1 year from the date of issuance except as
1232 provided in paragraph (k) ~~(j)~~. Ninety days prior to the
1233 expiration date, an application for renewal shall be submitted
1234 to the department by a licensee who wishes to have the license
1235 renewed. A license shall be renewed upon the filing of an
1236 application on forms furnished by the department if the
1237 applicant has first met the requirements established under this
1238 section and the rules promulgated hereunder.

1239 Section 13. Paragraph (j) of subsection (1) of section
1240 409.988, Florida Statutes, is amended to read:

1241 409.988 Lead agency duties; general provisions.—

1242 (1) DUTIES.—A lead agency:

1243 (j) May subcontract for the provision of services required
1244 by the contract with the lead agency and the department;
1245 however, the subcontracts must specify how the provider will
1246 contribute to the lead agency meeting the performance standards
1247 established pursuant to the child welfare results-oriented
1248 accountability system required by s. 409.997. The lead agency
1249 shall directly provide no more than 35 percent of all child
1250 welfare services provided unless it can demonstrate a need,
1251 within the lead agency's geographic service area, to exceed this
1252 threshold. The local community alliance in the geographic
1253 service area in which the lead agency is seeking to exceed the
1254 threshold shall review the lead agency's justification for need
1255 and recommend to the department whether the department should
1256 approve or deny the lead agency's request for an exemption from
1257 the services threshold. If there is not a community alliance
1258 operating in the geographic service area in which the lead
1259 agency is seeking to exceed the threshold, such review and
1260 recommendation shall be made by representatives of local
1261 stakeholders, including at least one representative from each of
1262 the following:

- 1263 1. The department.
- 1264 2. The county government.
- 1265 3. The school district.
- 1266 4. The county United Way.
- 1267 5. The county sheriff's office.

1268 | 6. The circuit court corresponding to the county.

1269 | 7. The county children's board, if one exists.

1270 | Section 14. Paragraph (b) of subsection (7) of section
1271 | 39.302, Florida Statutes, is amended to read:

1272 | 39.302 Protective investigations of institutional child
1273 | abuse, abandonment, or neglect.—

1274 | (7) When an investigation of institutional abuse, neglect,
1275 | or abandonment is closed and a person is not identified as a
1276 | caregiver responsible for the abuse, neglect, or abandonment
1277 | alleged in the report, the fact that the person is named in some
1278 | capacity in the report may not be used in any way to adversely
1279 | affect the interests of that person. This prohibition applies to
1280 | any use of the information in employment screening, licensing,
1281 | child placement, adoption, or any other decisions by a private
1282 | adoption agency or a state agency or its contracted providers.

1283 | (b) Likewise, if a person is employed as a caregiver in a
1284 | residential group home licensed under ~~pursuant to~~ s. 409.175 and
1285 | is named in any capacity in three or more reports within a 5-
1286 | year period, the department may review all reports for the
1287 | purposes of the employment screening required under s.
1288 | 409.1415(2)(c) ~~pursuant to s. 409.145(2)(c)~~.

1289 | Section 15. Paragraph (d) of subsection (5) of section
1290 | 39.6225, Florida Statutes, is amended to read:

1291 | 39.6225 Guardianship Assistance Program.—

1292 | (5) A guardian with an application approved pursuant to

1293 subsection (2) who is caring for a child placed with the
1294 guardian by the court pursuant to this part may receive
1295 guardianship assistance payments based on the following
1296 criteria:

1297 (d) The department shall provide guardianship assistance
1298 payments in the amount of \$4,000 annually, paid on a monthly
1299 basis, or in an amount other than \$4,000 annually as determined
1300 by the guardian and the department and memorialized in a written
1301 agreement between the guardian and the department. The agreement
1302 shall take into consideration the circumstances of the guardian
1303 and the needs of the child. Changes may not be made without the
1304 concurrence of the guardian. However, ~~in no case shall~~ the
1305 amount of the monthly payment may not exceed the foster care
1306 maintenance payment that would have been paid during the same
1307 period if the child had been in licensed care at his or her
1308 designated level of care at the rate established in s.
1309 409.145(3) ~~s. 409.145(4)~~.

1310 Section 16. Paragraph (b) of subsection (5) of section
1311 393.065, Florida Statutes, is amended to read:

1312 393.065 Application and eligibility determination.—

1313 (5) The agency shall assign and provide priority to
1314 clients waiting for waiver services in the following order:

1315 (b) Category 2, which includes individuals on the waiting
1316 list who are:

1317 1. From the child welfare system with an open case in the

1318 Department of Children and Families' statewide automated child
 1319 welfare information system and who are either:

1320 a. Transitioning out of the child welfare system at the
 1321 finalization of an adoption, a reunification with family
 1322 members, a permanent placement with a relative, or a
 1323 guardianship with a nonrelative; or

1324 b. At least 18 years but not yet 22 years of age and who
 1325 need both waiver services and extended foster care services; or

1326 2. At least 18 years but not yet 22 years of age and who
 1327 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
 1328 extended foster care system.

1329
 1330 For individuals who are at least 18 years but not yet 22 years
 1331 of age and who are eligible under sub-subparagraph 1.b., the
 1332 agency shall provide waiver services, including residential
 1333 habilitation, and the community-based care lead agency shall
 1334 fund room and board at the rate established in s. 409.145(3) ~~s.~~
 1335 ~~409.145(4)~~ and provide case management and related services as
 1336 defined in s. 409.986(3)(e). Individuals may receive both waiver
 1337 services and services under s. 39.6251. Services may not
 1338 duplicate services available through the Medicaid state plan.

1339
 1340 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
 1341 waiting list of clients placed in the order of the date that the
 1342 client is determined eligible for waiver services.

1343 Section 17. Paragraph (b) of subsection (2) of section
 1344 409.1451, Florida Statutes, is amended to read:

1345 409.1451 The Road-to-Independence Program.—

1346 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1347 (b) The amount of the financial assistance shall be as
 1348 follows:

1349 1. For a young adult who does not remain in foster care
 1350 and is attending a postsecondary school as provided in s.
 1351 1009.533, the amount is \$1,256 monthly.

1352 2. For a young adult who remains in foster care, is
 1353 attending a postsecondary school, as provided in s. 1009.533,
 1354 and continues to reside in a licensed foster home, the amount is
 1355 the established room and board rate for foster parents. This
 1356 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
 1357 ~~409.145(4)~~.

1358 3. For a young adult who remains in foster care, but
 1359 temporarily resides away from a licensed foster home for
 1360 purposes of attending a postsecondary school as provided in s.
 1361 1009.533, the amount is \$1,256 monthly. This takes the place of
 1362 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1363 4. For a young adult who remains in foster care, is
 1364 attending a postsecondary school as provided in s. 1009.533, and
 1365 continues to reside in a licensed group home, the amount is
 1366 negotiated between the community-based care lead agency and the
 1367 licensed group home provider.

1368 5. For a young adult who remains in foster care, but
1369 temporarily resides away from a licensed group home for purposes
1370 of attending a postsecondary school as provided in s. 1009.533,
1371 the amount is \$1,256 monthly. This takes the place of a
1372 negotiated room and board rate.

1373 6. A young adult is eligible to receive financial
1374 assistance during the months when he or she is enrolled in a
1375 postsecondary educational institution.

1376 Section 18. This act shall take effect July 1, 2020.