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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) The Florida Court Educational Council shall establish
standards for instruction of circuit and county court judges who



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11 have responsibility for domestic violence cases, and the council
12 shall provide such instruction on a periodic and timely basis.

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

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

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

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

26 Section 2. Section 39.01304, Florida Statutes, is created
27 to read:

28 39.01304 Early childhood court programs.-

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

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

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

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



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

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

48 (2) The Office of State Courts Administrator shall contract
49 for an evaluation of the early childhood programs to ensure the
50 quality, accountability, and fidelity of the programs' evidence-
51 based treatment. The Office of State Courts Administrator may
52 provide, or contract for the provision of, training and
53 technical assistance related to program services, consultation
54 and guidance for difficult cases, and ongoing training for court
55 teams.

56 Section 3. Subsection (1) of section 39.0138, Florida
57 Statutes, is amended to read

58 39.0138 Criminal history and other records checks; limit on
59 placement of a child.—

60 (1) The department shall conduct a records check through
61 the State Automated Child Welfare Information System (SACWIS)
62 and a local and statewide criminal history records check on all
63 persons, including parents, being considered by the department
64 for placement of a child under this chapter, including all
65 nonrelative placement decisions, and all members of the
66 household, 12 years of age and older, of the person being
67 considered. For purposes of this section, a criminal history
68 records check may include, but is not limited to, submission of



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69 fingerprints to the Department of Law Enforcement for processing
70 and forwarding to the Federal Bureau of Investigation for state
71 and national criminal history information, and local criminal
72 records checks through local law enforcement agencies of all
73 household members 18 years of age and older and other visitors
74 to the home. Background screenings must be completed within 14
75 business days after the department receives the criminal history
76 results, unless additional information regarding the criminal
77 history is required to complete processing. An out-of-state
78 criminal history records check must be initiated for any person
79 18 years of age or older who resided in another state if that
80 state allows the release of such records. The department shall
81 establish by rule standards for evaluating any information
82 contained in the automated system relating to a person who must
83 be screened for purposes of making a placement decision.

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

86 39.301 Initiation of protective investigations.-

87 (1) (a) Upon receiving a report of known or suspected child
88 abuse, abandonment, or neglect, or that a child is in need of
89 supervision and care and has no parent, legal custodian, or
90 responsible adult relative immediately known and available to
91 provide supervision and care, the central abuse hotline shall
92 determine if the report requires an immediate onsite protective
93 investigation. For reports requiring an immediate onsite
94 protective investigation, the central abuse hotline shall
95 immediately notify the department's designated district staff
96 responsible for protective investigations to ensure that an
97 onsite investigation is promptly initiated. For reports not



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98 requiring an immediate onsite protective investigation, the
99 central abuse hotline shall notify the department's designated
100 district staff responsible for protective investigations in
101 sufficient time to allow for an investigation. At the time of
102 notification, the central abuse hotline shall also provide
103 information to district staff on any previous report concerning
104 a subject of the present report or any pertinent information
105 relative to the present report or any noted earlier reports.

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

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

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



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127 making the report should be contacted before the face-to-face
128 interviews with the child and family members.

129 2. Conduct face-to-face interviews with the child; other
130 siblings, if any; and the parents, legal custodians, or
131 caregivers.

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

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

147 5. Complete assessment of immediate child safety for each
148 child based on available records, interviews, and observations
149 with all persons named in subparagraph 2. and appropriate
150 collateral contacts, which may include other professionals. The
151 department's child protection investigators are hereby
152 designated a criminal justice agency for the purpose of
153 accessing criminal justice information to be used for enforcing
154 this state's laws concerning the crimes of child abuse,
155 abandonment, and neglect. This information shall be used solely



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156 for purposes supporting the detection, apprehension,
157 prosecution, pretrial release, posttrial release, or
158 rehabilitation of criminal offenders or persons accused of the
159 crimes of child abuse, abandonment, or neglect and may not be
160 further disseminated or used for any other purpose.

161 6. Document the present and impending dangers to each child
162 based on the identification of inadequate protective capacity
163 through utilization of a standardized safety assessment
164 instrument. If present or impending danger is identified, the
165 child protective investigator must implement a safety plan or
166 take the child into custody. If present danger is identified and
167 the child is not removed, the child protective investigator
168 shall create and implement a safety plan before leaving the home
169 or the location where there is present danger. If impending
170 danger is identified, the child protective investigator shall
171 create and implement a safety plan as soon as necessary to
172 protect the safety of the child. The child protective
173 investigator may modify the safety plan if he or she identifies
174 additional impending danger.

175 a. If the child protective investigator implements a safety
176 plan, the plan must be specific, sufficient, feasible, and
177 sustainable in response to the realities of the present or
178 impending danger. A safety plan may be an in-home plan or an
179 out-of-home plan, or a combination of both. A safety plan may
180 include tasks or responsibilities for a parent, caregiver, or
181 legal custodian. However, a safety plan may not rely on
182 promissory commitments by the parent, caregiver, or legal
183 custodian who is currently not able to protect the child or on
184 services that are not available or will not result in the safety



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185 of the child. A safety plan may not be implemented if for any
186 reason the parents, guardian, or legal custodian lacks the
187 capacity or ability to comply with the plan. If the department
188 is not able to develop a plan that is specific, sufficient,
189 feasible, and sustainable, the department shall file a shelter
190 petition. A child protective investigator shall implement
191 separate safety plans for the perpetrator of domestic violence,
192 if the investigator, using reasonable efforts, can locate the
193 perpetrator to implement a safety plan, and for the parent who
194 is a victim of domestic violence as defined in s. 741.28.

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

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



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

- 222 (I) The parent or legal custodian is of young age;
- 223 (II) The parent or legal custodian, or an adult currently
224 living in or frequently visiting the home, has a history of
225 substance abuse, mental illness, or domestic violence;
- 226 (III) The parent or legal custodian, or an adult currently
227 living in or frequently visiting the home, has been previously
228 found to have physically or sexually abused a child;
- 229 (IV) The parent or legal custodian or an adult currently
230 living in or frequently visiting the home has been the subject
231 of multiple allegations by reputable reports of abuse or
232 neglect;
- 233 (V) The child is physically or developmentally disabled; or
- 234 (VI) The child is 3 years of age or younger.

235 c. The child protective investigator shall monitor the
236 implementation of the plan to ensure the child's safety until
237 the case is transferred to the lead agency at which time the
238 lead agency shall monitor the implementation.

239 d. The department may file a petition for shelter or
240 dependency without a new child protective investigation or the
241 concurrence of the child protective investigator if the child is
242 unsafe but for the use of a safety plan and the parent or



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243 caregiver has not sufficiently increased protective capacities
244 within 90 days after the transfer of the safety plan to the lead
245 agency.

246 Section 5. Subsection (1) of section 39.522, Florida
247 Statutes, is amended, and subsection (4) is added to that
248 section, to read:

249 39.522 Postdisposition change of custody.—The court may
250 change the temporary legal custody or the conditions of
251 protective supervision at a postdisposition hearing, without the
252 necessity of another adjudicatory hearing.

253 (1) (a) At any time before a child is residing in the
254 permanent placement approved at the permanency hearing, a child
255 who has been placed in the child's own home under the protective
256 supervision of an authorized agent of the department, in the
257 home of a relative, in the home of a legal custodian, or in some
258 other place may be brought before the court by the department or
259 by any other interested person, upon the filing of a motion
260 alleging a need for a change in the conditions of protective
261 supervision or the placement. If the parents or other legal
262 custodians deny the need for a change, the court shall hear all
263 parties in person or by counsel, or both. Upon the admission of
264 a need for a change or after such hearing, the court shall enter
265 an order changing the placement, modifying the conditions of
266 protective supervision, or continuing the conditions of
267 protective supervision as ordered. The standard for changing
268 custody of the child shall be the best interests ~~interest~~ of the
269 child. When determining whether a change of legal custody or
270 placement is in ~~applying this standard, the court shall consider~~
271 ~~the continuity of the child's placement in the same out-of-home~~



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272 ~~residence as a factor when determining~~ the best interests of the
273 child, the court shall consider:

274 1. The child's age.

275 2. The physical, mental, and emotional health benefits to
276 the child by remaining in his or her current placement or moving
277 to the proposed placement.

278 3. The stability and longevity of the child's current
279 placement.

280 4. The established bonded relationship between the child
281 and the current or proposed caregiver.

282 5. The reasonable preference of the child, if the court has
283 found that the child is of sufficient intelligence,
284 understanding, and experience to express a preference.

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

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

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

291 9. The impact on visitation with siblings, parents, kin,
292 and any other person important to the child.

293 10. The likelihood of the child attaining permanency in the
294 current or proposed placement.

295 11. The likelihood the child will have to change schools or
296 day care placement, the impact of such change on the child, and
297 the parties' recommendations as to the timing on the change.

298 12. The disruption in medical, mental, dental, or health
299 care or other treatment that will be caused by the move.

300 13. The impact on activities that are important to the



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301 child.

302 14. The likelihood the move will impact on the child's
303 future access to education, Medicaid, and independent living
304 benefits.

305 15. Any other relevant factors.

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

309 (4) (a) The court or any party to the case may file a
310 petition to place a child in out-of-home care after the child
311 was placed in the child's own home with an in-home safety plan
312 or the child was reunified with a parent or caregiver with an
313 in-home safety plan if:

314 1. The child has again been abused, neglected, or abandoned
315 by the parent or caregiver, or is suffering from or is in
316 imminent danger of illness or injury as a result of abuse,
317 neglect, or abandonment that has reoccurred; or

318 2. The parent or caregiver has materially violated a
319 condition of placement imposed by the court, including, but not
320 limited to, not complying with the in-home safety plan or case
321 plan.

322 (b) If a child meets the criteria in paragraph (a) to be
323 removed and placed in out-of-home care, the court must consider,
324 at a minimum, the following in making its determination to
325 remove the child and place the child in out-of-home care:

326 1. The circumstances that caused the child's dependency and
327 other subsequently identified issues.

328 2. The length of time the child has been placed in the home
329 with an in-home safety plan.



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330 3. The parent's or caregiver's current level of protective
331 capacities.

332 4. The level of increase, if any, in the parent's or
333 caregiver's protective capacities since the child's placement in
334 the home based on the length of time the child has been placed
335 in the home.

336 5. The compliance of all parties with any case plan, safety
337 plan or court order.

338 6. The preference of the child.

339 7. The likely placement for the child.

340 8. Whether the child will have to change schools or day
341 care placement. The impact of such change on the child.

342 9. The disruption in medical, mental, dental, health care
343 or other treatment that will be caused by the removal.

344 10. The impact on visitation with siblings, kin and any
345 other person important to the child.

346 11. The impact on activities that are important to the
347 child.

348 (c) The court shall evaluate the child's permanency goal
349 and change the permanency goal as needed if doing so would be in
350 the best interests of the child.

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

353 39.6011 Case plan development.—

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

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

358 (b) The responsibilities of the parents, caregivers and



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359 caseworkers to work together when safe to do so, including:

360 1. How parents and caregivers will work together to
361 successfully to implement the case plan.

362 2. How the case manager will assist the parents and
363 caregivers in developing a productive relationship that includes
364 meaningful communication and mutual support.

365 3. How the parents or caregivers are to notify the court or
366 the case manager if ineffective communication takes place that
367 negatively impacts the child.

368 (c) ~~(b)~~ The responsibility of the case manager to forward a
369 relative's request to receive notification of all proceedings
370 and hearings submitted under ~~pursuant to~~ s. 39.301(14) (b) to the
371 attorney for the department.

372 (d) ~~(e)~~ The minimum number of face-to-face meetings to be
373 held each month between the parents and the case worker
374 ~~department's family services counselors~~ to review the progress
375 of the plan and services to the child, to eliminate barriers to
376 progress, and to resolve conflicts or disagreements between
377 parents and caregivers, service providers, or any other
378 professional assisting the parents in the completion of the case
379 plan.; ~~and~~

380 (e) ~~(d)~~ The parent's responsibility for financial support of
381 the child, including, but not limited to, health insurance and
382 child support. The case plan must list the costs associated with
383 any services or treatment that the parent and child are expected
384 to receive which are the financial responsibility of the parent.
385 The determination of child support and other financial support
386 shall be made independently of any determination of indigency
387 under s. 39.013.



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

391 39.701 Judicial review.—

392 (1) GENERAL PROVISIONS.—

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

401 2. Notwithstanding subparagraph 1., the court must retain
402 jurisdiction over a child if the child is placed in the home
403 with a parent or caregiver with an in-home safety plan and such
404 safety plan remains necessary for the child to reside safely in
405 the home.

406 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
407 AGE.—

408 (a) *Social study report for judicial review.*—Before every
409 judicial review hearing or citizen review panel hearing, the
410 social service agency shall make an investigation and social
411 study concerning all pertinent details relating to the child and
412 shall furnish to the court or citizen review panel a written
413 report that includes, but is not limited to:

414 1. A description of the type of placement the child is in
415 at the time of the hearing, including the safety of the child
416 and the continuing necessity for and appropriateness of the



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417 placement.

418 2. Documentation of the diligent efforts made by all
419 parties to the case plan to comply with each applicable
420 provision of the plan.

421 3. The amount of fees assessed and collected during the
422 period of time being reported.

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

426 5. A statement that either:

427 a. The parent, though able to do so, did not comply
428 substantially with the case plan, and the agency
429 recommendations;

430 b. The parent did substantially comply with the case plan;
431 or

432 c. The parent has partially complied with the case plan,
433 with a summary of additional progress needed and the agency
434 recommendations.

435 6. A statement from the foster parent or caregiver ~~legal~~
436 ~~custodian~~ providing any material evidence concerning the well-
437 being of the child, the impact of any services provided to the
438 child, the working relationship between the parents and
439 caregivers, and the return of the child to the parent or
440 parents.

441 7. A statement concerning the frequency, duration, and
442 results of the parent-child visitation, if any, and the agency
443 and caregiver recommendations for an expansion or restriction of
444 future visitation.

445 8. The number of times a child has been removed from his or



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446 her home and placed elsewhere, the number and types of
447 placements that have occurred, and the reason for the changes in
448 placement.

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

452 10. If the child has reached 13 years of age but is not yet
453 18 years of age, a statement from the caregiver on the progress
454 the child has made in acquiring independent living skills.

455 11. Copies of all medical, psychological, and educational
456 records that support the terms of the case plan and that have
457 been produced concerning the parents or any caregiver since the
458 last judicial review hearing.

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

461 (c) *Review determinations.*—The court and any citizen review
462 panel shall take into consideration the information contained in
463 the social services study and investigation and all medical,
464 psychological, and educational records that support the terms of
465 the case plan; testimony by the social services agency, the
466 parent, the foster parent or caregiver ~~legal custodian~~, the
467 guardian ad litem or surrogate parent for educational
468 decisionmaking if one has been appointed for the child, and any
469 other person deemed appropriate; and any relevant and material
470 evidence submitted to the court, including written and oral
471 reports to the extent of their probative value. These reports
472 and evidence may be received by the court in its effort to
473 determine the action to be taken with regard to the child and
474 may be relied upon to the extent of their probative value, even



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475 though not competent in an adjudicatory hearing. In its
476 deliberations, the court and any citizen review panel shall seek
477 to determine:

478 1. If the parent was advised of the right to receive
479 assistance from any person or social service agency in the
480 preparation of the case plan.

481 2. If the parent has been advised of the right to have
482 counsel present at the judicial review or citizen review
483 hearings. If not so advised, the court or citizen review panel
484 shall advise the parent of such right.

485 3. If a guardian ad litem needs to be appointed for the
486 child in a case in which a guardian ad litem has not previously
487 been appointed or if there is a need to continue a guardian ad
488 litem in a case in which a guardian ad litem has been appointed.

489 4. Who holds the rights to make educational decisions for
490 the child. If appropriate, the court may refer the child to the
491 district school superintendent for appointment of a surrogate
492 parent or may itself appoint a surrogate parent under the
493 Individuals with Disabilities Education Act and s. 39.0016.

494 5. The compliance or lack of compliance of all parties with
495 applicable items of the case plan, including the parents'
496 compliance with child support orders.

497 6. The compliance or lack of compliance with a visitation
498 contract between the parent and the social service agency for
499 contact with the child, including the frequency, duration, and
500 results of the parent-child visitation and the reason for any
501 noncompliance.

502 7. The frequency, kind, and duration of contacts among
503 siblings who have been separated during placement, as well as



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504 any efforts undertaken to reunite separated siblings if doing so
505 is in the best interests ~~interest~~ of the child.

506 8. The compliance or lack of compliance of the parent in
507 meeting specified financial obligations pertaining to the care
508 of the child, including the reason for failure to comply, if
509 applicable.

510 9. Whether the child is receiving safe and proper care
511 according to s. 39.6012, including, but not limited to, the
512 appropriateness of the child's current placement, including
513 whether the child is in a setting that is as family-like and as
514 close to the parent's home as possible, consistent with the
515 child's best interests and special needs, and including
516 maintaining stability in the child's educational placement, as
517 documented by assurances from the community-based care lead
518 agency ~~provider~~ that:

519 a. The placement of the child takes into account the
520 appropriateness of the current educational setting and the
521 proximity to the school in which the child is enrolled at the
522 time of placement.

523 b. The community-based care lead agency has coordinated
524 with appropriate local educational agencies to ensure that the
525 child remains in the school in which the child is enrolled at
526 the time of placement.

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

529 11. When appropriate, the basis for the unwillingness or
530 inability of the parent to become a party to a case plan. The
531 court and the citizen review panel shall determine if the
532 efforts of the social service agency to secure party



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533 participation in a case plan were sufficient.

534 12. For a child who has reached 13 years of age but is not
535 yet 18 years of age, the adequacy of the child's preparation for
536 adulthood and independent living. For a child who is 15 years of
537 age or older, the court shall determine if appropriate steps are
538 being taken for the child to obtain a driver license or
539 learner's driver license.

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

542 14. If the parents and caregivers have developed a
543 productive relationship that includes meaningful communication
544 and mutual support.

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

547 63.092 Report to the court of intended placement by an
548 adoption entity; at-risk placement; preliminary study.—

549 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
550 intended adoptive home, a preliminary home study must be
551 performed by a licensed child-placing agency, a child-caring
552 agency registered under s. 409.176, a licensed professional, or
553 an agency described in s. 61.20(2), unless the adoptee is an
554 adult or the petitioner is a stepparent or a relative. If the
555 adoptee is an adult or the petitioner is a stepparent or a
556 relative, a preliminary home study may be required by the court
557 for good cause shown. The department is required to perform the
558 preliminary home study only if there is no licensed child-
559 placing agency, child-caring agency registered under s. 409.176,
560 licensed professional, or agency described in s. 61.20(2), in
561 the county where the prospective adoptive parents reside. The



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562 preliminary home study must be made to determine the suitability
563 of the intended adoptive parents and may be completed prior to
564 identification of a prospective adoptive minor. Preliminary home
565 studies initiated for identified prospective adoptive minors
566 that are in the custody of the department must be completed
567 within 30 days of initiation. A favorable preliminary home study
568 is valid for 1 year after the date of its completion. Upon its
569 completion, a signed copy of the home study must be provided to
570 the intended adoptive parents who were the subject of the home
571 study. A minor may not be placed in an intended adoptive home
572 before a favorable preliminary home study is completed unless
573 the adoptive home is also a licensed foster home under s.
574 409.175. The preliminary home study must include, at a minimum:
575 (a) An interview with the intended adoptive parents;
576 (b) Records checks of the department's central abuse
577 registry, which the department shall provide to the entity
578 conducting the preliminary home study, and criminal records
579 correspondence checks under s. 39.0138 through the Department of
580 Law Enforcement on the intended adoptive parents;
581 (c) An assessment of the physical environment of the home;
582 (d) A determination of the financial security of the
583 intended adoptive parents;
584 (e) Documentation of counseling and education of the
585 intended adoptive parents on adoptive parenting, as determined
586 by the entity conducting the preliminary home study. The
587 training specified in s. 409.175(14) shall only be required for
588 persons who adopt children from the department;
589 (f) Documentation that information on adoption and the
590 adoption process has been provided to the intended adoptive



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591 parents;

592 (g) Documentation that information on support services
593 available in the community has been provided to the intended
594 adoptive parents; and

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

597

598 If the preliminary home study is favorable, a minor may be
599 placed in the home pending entry of the judgment of adoption. A
600 minor may not be placed in the home if the preliminary home
601 study is unfavorable. If the preliminary home study is
602 unfavorable, the adoption entity may, within 20 days after
603 receipt of a copy of the written recommendation, petition the
604 court to determine the suitability of the intended adoptive
605 home. A determination as to suitability under this subsection
606 does not act as a presumption of suitability at the final
607 hearing. In determining the suitability of the intended adoptive
608 home, the court must consider the totality of the circumstances
609 in the home. A minor may not be placed in a home in which there
610 resides any person determined by the court to be a sexual
611 predator as defined in s. 775.21 or to have been convicted of an
612 offense listed in s. 63.089(4)(b)2.

613 Section 9. Section 63.093, Florida Statutes, is created to
614 read:

615 63.093 Adoption of a child from the child welfare system.-
616 The adoption of a child from Florida's foster care system is a
617 process that typically includes an orientation session, an in-
618 depth training program to help prospective parents determine if
619 adoption is right for the family, a home study, and a background



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620 check. Once the process has been completed, prospective parents
621 are ready to be matched with a child available for adoption.

622 (1) The prospective adoptive parents' initial inquiry to
623 the department or to the community-based care lead agency or
624 subcontractor staff, whether written or verbal, must receive a
625 written response or a telephone call from the department or
626 agency or subcontractor staff, as applicable, within 7 business
627 days after receipt of the inquiry. Prospective adoptive parents
628 who indicate an interest in adopting children in the custody of
629 the department must be referred by the department or agency or
630 subcontractor staff to a department-approved adoptive parent
631 training program as prescribed in rule.

632 (2) An application to adopt must be made on the "Adoptive
633 Home Application" published by the department.

634 (3) An adoptive home study that includes observation,
635 screening, and evaluation of the child and adoptive applicants
636 must be completed by a staff person with the community-based
637 care lead agency, the subcontractor agency, or another licensed
638 child-placing agency prior to the adoptive placement of the
639 child. The purpose of this evaluation is to select families who
640 will be able to meet the physical, emotional, social,
641 educational, and financial needs of a child, while safeguarding
642 the child from further loss and separation from siblings and
643 significant adults. The adoptive home study is valid for 12
644 months from the approval date.

645 (4) In addition to other required documentation, an
646 adoptive parent application file must include the adoptive home
647 study and verification that all background screening
648 requirements have been met.



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649 (5) The department-approved adoptive parent training must
650 be provided to and successfully completed by all prospective
651 adoptive parents except licensed foster parents and relative and
652 nonrelative caregivers who previously attended the training
653 within the last 5 years, as prescribed in rule, or have the
654 child currently placed in their home for 6 months or longer, and
655 been determined to understand the challenges and parenting
656 skills needed to successfully parent the children available for
657 adoption from foster care.

658 (6) At the conclusion of the preparation and study process,
659 the counselor and supervisor shall make a decision about the
660 family's appropriateness to adopt. The decision to approve or
661 not to approve will be reflected in the final recommendation
662 included in the home study. If the recommendation is for
663 approval, the adoptive parent application file must be submitted
664 to the community-based lead agency or subcontractor agency for
665 approval, which must be made within 14 business days.

666
667 With the exception of subsection (1), the provisions of this
668 section do not apply to children adopted through the process
669 provided for in s. 63.082(6). The intent of the language is to
670 not include private adoptions and interventions.

671 Section 10. Section 409.1415, Florida Statutes, is created
672 to read:

673 409.1415 Parenting partnerships for children in out-of-home
674 care.—

675 (1) LEGISLATIVE FINDINGS AND INTENT.—

676 (a) The Legislature finds that reunification is the most
677 common outcome for children in out-of-home care and that



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678 caregivers are one of the most important resources to help
679 children reunify with their families.

680 (b) The Legislature further finds that the most successful
681 caregivers understand that their role goes beyond supporting the
682 children in their care to supporting the children's families, as
683 a whole, and that children and their families benefit when
684 caregivers and birth parents are supported by an agency culture
685 that encourages a meaningful partnership between them and
686 provides quality support.

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

692 (2) PARENTING PARTNERSHIPS.—

693 (a) General provisions.—In order to ensure that children in
694 out-of-home care achieve legal permanency as soon as possible,
695 to reduce the likelihood that they will re-enter care or that
696 other children in the family are abused or neglected or enter
697 out-of-home care, and to ensure that families are fully prepared
698 to resume custody of their children, the department and
699 community-based care lead agencies shall develop and support
700 relationships between caregivers and the legal parents of
701 children in out-of-home care to the extent that it is safe and
702 in the child's best interest, by:

703 1. Facilitating telephone communication between the
704 caregiver and the birth or legal parent as soon as possible
705 after the child is placed in the home.

706 2. Facilitating and attending an in-person meeting between



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707 the caregiver and the birth or legal parent as soon as possible
708 after placement.

709 3. Developing and supporting a plan for birth or legal
710 parents to participate in medical appointments, educational and
711 extracurricular activities, and other events involving the
712 child.

713 4. Facilitating participation by the caregiver in
714 visitation between the birth parent and the child.

715 5. Involving the caregiver in planning meetings with the
716 birth parent.

717 6. Developing and implementing effective transition plans
718 for the child's return home or placement in any other living
719 environment.

720 7. Supporting continued contact between the caregiver and
721 the child after the child returns home or moves to another
722 permanent living arrangement.

723 (b) Responsibilities.-To ensure that a child in out-of-home
724 care receives support for healthy development which gives him or
725 her the best possible opportunity for success, caregivers, birth
726 parents, the department, community-based care lead agency staff,
727 and other agency staff, as applicable, shall work cooperatively
728 in a respectful partnership by adhering to the following
729 requirements:

730 1. All members of the partnership must interact and
731 communicate professionally with one another, must share all
732 relevant information promptly, and must respect the
733 confidentiality of all information related to a child and his or
734 her family.

735 2. Caregivers, the family, the child if appropriate, the



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736 department, community-based care lead agency staff, and other
737 agency staff must participate in developing a case plan for the
738 child and family, and all members of the team must work together
739 to implement the plan. Caregivers must participate in all team
740 meetings or court hearings related to the child's care and
741 future plans. The department, community-based care lead agency
742 staff, and other agency staff must support and facilitate
743 caregiver participation through timely notification of such
744 meetings and hearings and an inclusive process, and by providing
745 alternative methods for participation for caregivers who cannot
746 be physically present at a meeting or hearing.

747 3. Excellent parenting is a reasonable expectation of
748 caregivers. Caregivers must provide, and the department,
749 community-based care lead agency staff, and other agency staff
750 must support, excellent parenting. As used in this subparagraph,
751 the term "excellent parenting" means a loving commitment to the
752 child and the child's safety and well-being; appropriate
753 supervision and positive methods of discipline; encouragement of
754 the child's strengths; respect for the child's individuality and
755 likes and dislikes; providing opportunities for the child to
756 develop interests and skills; being aware of the impact of
757 trauma on behavior; facilitating equal participation of the
758 child in family life; involving the child within his or her
759 community; and a commitment to enable the child to lead a normal
760 life.

761 4. Children in out-of-home care may be placed only with a
762 caregiver who has the ability to care for the child; is willing
763 to accept responsibility for providing care; and is willing and
764 able to learn about and be respectful of the child's culture,



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765 religion, and ethnicity, his or her special physical or
766 psychological needs, any circumstances unique to the child, and
767 family relationships. The department, the community-based care
768 lead agency, and other agencies must provide a caregiver with
769 all available information necessary to assist the caregiver in
770 determining whether he or she is able to appropriately care for
771 a particular child.

772 5. A caregiver must have access to and take advantage of
773 all training that he or she needs to improve his or her skills
774 in parenting a child who has experienced trauma due to neglect,
775 abuse, or separation from home; to meet the child's special
776 needs; and to work effectively with child welfare agencies, the
777 courts, the schools, and other community and governmental
778 agencies.

779 6. The department, community-based care lead agency staff,
780 and other agency staff must provide caregivers with the services
781 and support they need to enable them to provide quality care for
782 the child.

783 7. Once a caregiver accepts the responsibility of caring
784 for a child, the child may be removed from that caregiver only
785 if the caregiver is clearly unable to care for him or her safely
786 or legally, when the child and his or her biological family are
787 reunified, when the child is being placed in a legally permanent
788 home in accordance with a case plan or court order, or when the
789 removal is demonstrably in the best interests of the child.

790 8. If a child must leave the caregiver's home for one of
791 the reasons stated in subparagraph 7., and in the absence of an
792 unforeseeable emergency, the transition must be accomplished
793 according to a plan that involves cooperation and sharing of



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794 information among all persons involved, respects the child's
795 developmental stage and psychological needs, ensures the child
796 has all of his or her belongings, allows for a gradual
797 transition from the caregiver's home, and, if possible, allows
798 for continued contact with the caregiver after the child leaves.

799 9. When the plan for a child includes reunification,
800 caregivers and agency staff must work together to assist the
801 biological parents in improving their ability to care for and
802 protect their children and to provide continuity for the child.

803 10. A caregiver must respect and support the child's ties
804 to his or her biological family, including parents, siblings,
805 and extended family members, and must assist the child in
806 visitation and other forms of communication. The department,
807 community-based care lead agency staff, and other agency staff
808 must provide caregivers with the information, guidance,
809 training, and support necessary for fulfilling this
810 responsibility.

811 11. A caregiver must work in partnership with the
812 department, community-based care lead agency staff, and other
813 agency staff to obtain and maintain records that are important
814 to the child's well-being including, but not limited to, child
815 resource records, medical records, school records, photographs,
816 and records of special events and achievements.

817 12. A caregiver must effectively advocate for a child in
818 his or her care with the child welfare system, the court, and
819 community agencies, including schools, child care providers,
820 health and mental health providers, and employers. The
821 department, community-based care lead agency staff, and other
822 agency staff must support a caregiver in effectively advocating



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823 for a child and may not retaliate against the caregiver as a
824 result of this advocacy.

825 13. A caregiver must be as fully involved in the child's
826 medical, psychological, and dental care as he or she would be
827 for his or her biological child. Agency staff must support and
828 facilitate such participation. Caregivers, the department,
829 community-based care lead agency staff, and other agency staff
830 must share information with each other about the child's health
831 and well-being.

832 14. A caregiver must support a child's school success,
833 including, when possible, maintaining school stability by
834 participating in school activities and meetings, including
835 individual education plan meetings; assisting with school
836 assignments; supporting tutoring programs; meeting with teachers
837 and working with an educational surrogate, if one has been
838 appointed; and encouraging the child's participation in
839 extracurricular activities. Agency staff must facilitate this
840 participation and must be kept informed of the child's progress
841 and needs.

842 15. Caregivers must ensure that the child in the
843 caregiver's care who is between 13 and 17 years of age learns
844 and masters independent living skills and is aware of the
845 requirements and benefits of the Road-to-Independence Program.

846 16. Caseworkers and caseworker supervisors must mediate
847 disagreements that occur between caregivers and birth parents.

848 (c) Residential group homes.—All employees, including
849 persons who do not work directly with children, of a residential
850 group home must meet the background screening requirements under
851 s. 39.0138 and the level 2 standards for screening under chapter



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852 435. All employees in residential group homes working directly
853 with children as caregivers must meet, at a minimum, the same
854 education and, training, and background and other screening
855 requirements as level 2 licensed foster parents.

856 (3) RULEMAKING.—The department shall adopt by rule
857 procedures to administer this section.

858 Section 11. Section 409.145, Florida Statutes, is amended
859 to read:

860 409.145 Care of children; ~~quality parenting~~; “reasonable
861 and prudent parent” standard.—The child welfare system of the
862 department shall operate as a coordinated community-based system
863 of care which empowers all caregivers for children in foster
864 care to provide quality parenting, including approving or
865 disapproving a child’s participation in activities based on the
866 caregiver’s assessment using the “reasonable and prudent parent”
867 standard.

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

873 (a) Prevention of separation of children from their
874 families.

875 (b) Intervention to allow children to remain safely in
876 their own homes.

877 (c) Reunification of families who have had children removed
878 from their care.

879 (d) Safety for children who are separated from their
880 families by providing alternative emergency or longer-term



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881 parenting arrangements.

882 (e) Focus on the well-being of children through emphasis on
883 maintaining educational stability and providing timely health
884 care.

885 (f) Permanency for children for whom reunification with
886 their families is not possible or is not in the best interest of
887 the child.

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

890 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
891 ~~placed only with a caregiver who has the ability to care for the~~
892 ~~child, is willing to accept responsibility for providing care,~~
893 ~~and is willing and able to learn about and be respectful of the~~
894 ~~child's culture, religion and ethnicity, special physical or~~
895 ~~psychological needs, any circumstances unique to the child, and~~
896 ~~family relationships. The department, the community-based care~~
897 ~~lead agency, and other agencies shall provide such caregiver~~
898 ~~with all available information necessary to assist the caregiver~~
899 ~~in determining whether he or she is able to appropriately care~~
900 ~~for a particular child.~~

901 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
902 ~~shall:~~

903 ~~1. Participate in developing the case plan for the child~~
904 ~~and his or her family and work with others involved in his or~~
905 ~~her care to implement this plan. This participation includes the~~
906 ~~caregiver's involvement in all team meetings or court hearings~~
907 ~~related to the child's care.~~

908 ~~2. Complete all training needed to improve skills in~~
909 ~~parenting a child who has experienced trauma due to neglect,~~



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910 ~~abuse, or separation from home, to meet the child's special~~
911 ~~needs, and to work effectively with child welfare agencies, the~~
912 ~~court, the schools, and other community and governmental~~
913 ~~agencies.~~

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

917 ~~4. Effectively advocate for the child in the caregiver's~~
918 ~~care with the child welfare system, the court, and community~~
919 ~~agencies, including the school, child care, health and mental~~
920 ~~health providers, and employers.~~

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

924 ~~6. Support the child's educational success by participating~~
925 ~~in activities and meetings associated with the child's school or~~
926 ~~other educational setting, including Individual Education Plan~~
927 ~~meetings and meetings with an educational surrogate if one has~~
928 ~~been appointed, assisting with assignments, supporting tutoring~~
929 ~~programs, and encouraging the child's participation in~~
930 ~~extracurricular activities.~~

931 ~~a. Maintaining educational stability for a child while in~~
932 ~~out-of-home care by allowing the child to remain in the school~~
933 ~~or educational setting that he or she attended before entry into~~
934 ~~out-of-home care is the first priority, unless not in the best~~
935 ~~interest of the child.~~

936 ~~b. If it is not in the best interest of the child to remain~~
937 ~~in his or her school or educational setting upon entry into out-~~
938 ~~of-home care, the caregiver must work with the case manager,~~



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939 ~~guardian ad litem, teachers and guidance counselors, and~~
940 ~~educational surrogate if one has been appointed to determine the~~
941 ~~best educational setting for the child. Such setting may include~~
942 ~~a public school that is not the school of origin, a private~~
943 ~~school pursuant to s. 1002.42, a virtual instruction program~~
944 ~~pursuant to s. 1002.45, or a home education program pursuant to~~
945 ~~s. 1002.41.~~

946 ~~7. Work in partnership with other stakeholders to obtain~~
947 ~~and maintain records that are important to the child's well-~~
948 ~~being, including child resource records, medical records, school~~
949 ~~records, photographs, and records of special events and~~
950 ~~achievements.~~

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

954 ~~9. Ensure that the child in the caregiver's care is aware~~
955 ~~of the requirements and benefits of the Road-to-Independence~~
956 ~~Program.~~

957 ~~10. Work to enable the child in the caregiver's care to~~
958 ~~establish and maintain naturally occurring mentoring~~
959 ~~relationships.~~

960 ~~(b) Roles and responsibilities of the department, the~~
961 ~~community-based care lead agency, and other agency staff. The~~
962 ~~department, the community-based care lead agency, and other~~
963 ~~agency staff shall:~~

964 ~~1. Include a caregiver in the development and~~
965 ~~implementation of the case plan for the child and his or her~~
966 ~~family. The caregiver shall be authorized to participate in all~~
967 ~~team meetings or court hearings related to the child's care and~~



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968 ~~future plans. The caregiver's participation shall be facilitated~~
969 ~~through timely notification, an inclusive process, and~~
970 ~~alternative methods for participation for a caregiver who cannot~~
971 ~~be physically present.~~

972 ~~2. Develop and make available to the caregiver the~~
973 ~~information, services, training, and support that the caregiver~~
974 ~~needs to improve his or her skills in parenting children who~~
975 ~~have experienced trauma due to neglect, abuse, or separation~~
976 ~~from home, to meet these children's special needs, and to~~
977 ~~advocate effectively with child welfare agencies, the courts,~~
978 ~~schools, and other community and governmental agencies.~~

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

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

984 ~~(c) Transitions.—~~

985 ~~1. Once a caregiver accepts the responsibility of caring~~
986 ~~for a child, the child will be removed from the home of that~~
987 ~~caregiver only if:~~

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

990 ~~b. The child and his or her biological family are~~
991 ~~reunified;~~

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

994 ~~d. The removal is demonstrably in the child's best~~
995 ~~interest.~~

996 ~~2. In the absence of an emergency, if a child leaves the~~



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997 ~~caregiver's home for a reason provided under subparagraph 1.,~~
998 ~~the transition must be accomplished according to a plan that~~
999 ~~involves cooperation and sharing of information among all~~
1000 ~~persons involved, respects the child's developmental stage and~~
1001 ~~psychological needs, ensures the child has all of his or her~~
1002 ~~belongings, allows for a gradual transition from the caregiver's~~
1003 ~~home and, if possible, for continued contact with the caregiver~~
1004 ~~after the child leaves.~~

1005 ~~(d) Information sharing. Whenever a foster home or~~
1006 ~~residential group home assumes responsibility for the care of a~~
1007 ~~child, the department and any additional providers shall make~~
1008 ~~available to the caregiver as soon as is practicable all~~
1009 ~~relevant information concerning the child. Records and~~
1010 ~~information that are required to be shared with caregivers~~
1011 ~~include, but are not limited to:~~

1012 ~~1. Medical, dental, psychological, psychiatric, and~~
1013 ~~behavioral history, as well as ongoing evaluation or treatment~~
1014 ~~needs;~~

1015 ~~2. School records;~~

1016 ~~3. Copies of his or her birth certificate and, if~~
1017 ~~appropriate, immigration status documents;~~

1018 ~~4. Consents signed by parents;~~

1019 ~~5. Comprehensive behavioral assessments and other social~~
1020 ~~assessments;~~

1021 ~~6. Court orders;~~

1022 ~~7. Visitation and case plans;~~

1023 ~~8. Guardian ad litem reports;~~

1024 ~~9. Staffing forms; and~~

1025 ~~10. Judicial or citizen review panel reports and~~



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1026 ~~attachments filed with the court, except confidential medical,~~
1027 ~~psychiatric, and psychological information regarding any party~~
1028 ~~or participant other than the child.~~

1029 ~~(e) Caregivers employed by residential group homes. All~~
1030 ~~caregivers in residential group homes shall meet the same~~
1031 ~~education, training, and background and other screening~~
1032 ~~requirements as foster parents.~~

1033 (2) ~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.—

1034 (a) *Definitions.*—As used in this subsection, the term:

1035 1. "Age-appropriate" means an activity or item that is
1036 generally accepted as suitable for a child of the same
1037 chronological age or level of maturity. Age appropriateness is
1038 based on the development of cognitive, emotional, physical, and
1039 behavioral capacity which is typical for an age or age group.

1040 2. "Caregiver" means a person with whom the child is placed
1041 in out-of-home care, or a designated official for a group care
1042 facility licensed by the department under s. 409.175.

1043 3. "Reasonable and prudent parent" standard means the
1044 standard of care used by a caregiver in determining whether to
1045 allow a child in his or her care to participate in
1046 extracurricular, enrichment, and social activities. This
1047 standard is characterized by careful and thoughtful parental
1048 decisionmaking that is intended to maintain a child's health,
1049 safety, and best interest while encouraging the child's
1050 emotional and developmental growth.

1051 (b) *Application of standard of care.*—

1052 1. Every child who comes into out-of-home care pursuant to
1053 this chapter is entitled to participate in age-appropriate
1054 extracurricular, enrichment, and social activities.



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1055 2. Each caregiver shall use the reasonable and prudent
1056 parent standard in determining whether to give permission for a
1057 child living in out-of-home care to participate in
1058 extracurricular, enrichment, or social activities. When using
1059 the reasonable and prudent parent standard, the caregiver must
1060 consider:

1061 a. The child's age, maturity, and developmental level to
1062 maintain the overall health and safety of the child.

1063 b. The potential risk factors and the appropriateness of
1064 the extracurricular, enrichment, or social activity.

1065 c. The best interest of the child, based on information
1066 known by the caregiver.

1067 d. The importance of encouraging the child's emotional and
1068 developmental growth.

1069 e. The importance of providing the child with the most
1070 family-like living experience possible.

1071 f. The behavioral history of the child and the child's
1072 ability to safely participate in the proposed activity.

1073 (c) *Verification of services delivered.*—The department and
1074 each community-based care lead agency shall verify that private
1075 agencies providing out-of-home care services to dependent
1076 children have policies in place which are consistent with this
1077 section and that these agencies promote and protect the ability
1078 of dependent children to participate in age-appropriate
1079 extracurricular, enrichment, and social activities.

1080 (d) *Limitation of liability.*—A caregiver is not liable for
1081 harm caused to a child who participates in an activity approved
1082 by the caregiver, provided that the caregiver has acted in
1083 accordance with the reasonable and prudent parent standard. This



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1084 paragraph may not be interpreted as removing or limiting any
1085 existing liability protection afforded by law.

1086 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1087 (a) Effective July 1, 2018, room and board rates shall be
1088 paid to foster parents as follows:

1089

Monthly Foster Care Rate

1090

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

1091

1092

1093

1094 (b) Each January, foster parents shall receive an annual
1095 cost of living increase. The department shall calculate the new
1096 room and board rate increase equal to the percentage change in
1097 the Consumer Price Index for All Urban Consumers, U.S. City
1098 Average, All Items, not seasonally adjusted, or successor
1099 reports, for the preceding December compared to the prior
1100 December as initially reported by the United States Department
1101 of Labor, Bureau of Labor Statistics. The department shall make
1102 available the adjusted room and board rates annually.

1103 (c) Effective July 1, 2019, foster parents of level I
1104 family foster homes, as defined in s. 409.175(5) (a) shall
1105 receive a room and board rate of \$333.

1106 (d) Effective July 1, 2019, the foster care room and board
1107 rate for level II family foster homes as defined in s.



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1108 409.175(5)(a) shall be the same as the new rate established for
1109 family foster homes as of January 1, 2019.

1110 (e) Effective January 1, 2020, paragraph (b) shall only
1111 apply to level II through level V family foster homes, as
1112 defined in s. 409.175(5)(a).

1113 (f) The amount of the monthly foster care room and board
1114 rate may be increased upon agreement among the department, the
1115 community-based care lead agency, and the foster parent.

1116 (g) From July 1, 2018, through June 30, 2019, community-
1117 based care lead agencies providing care under contract with the
1118 department shall pay a supplemental room and board payment to
1119 foster care parents of all family foster homes, on a per-child
1120 basis, for providing independent life skills and normalcy
1121 supports to children who are 13 through 17 years of age placed
1122 in their care. The supplemental payment shall be paid monthly to
1123 the foster care parents in addition to the current monthly room
1124 and board rate payment. The supplemental monthly payment shall
1125 be based on 10 percent of the monthly room and board rate for
1126 children 13 through 21 years of age as provided under this
1127 section and adjusted annually. Effective July 1, 2019, such
1128 supplemental payments shall only be paid to foster parents of
1129 level II through level V family foster homes.

1130 (4)~~(5)~~ RULEMAKING.—The department shall adopt by rule
1131 procedures to administer this section.

1132 Section 12. Paragraph (b) of subsection (6) of section
1133 409.175, Florida Statutes, is amended, and paragraph (1) is
1134 added to that subsection, to read:

1135 409.175 Licensure of family foster homes, residential
1136 child-caring agencies, and child-placing agencies; public



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1137 records exemption.-

1138 (6)

1139 (b) Upon application for licensure, the department shall
1140 conduct a licensing study based on its licensing rules; shall
1141 inspect the home or the agency and the records, including
1142 financial records, of the applicant or agency; and shall
1143 interview the applicant. The department may authorize a licensed
1144 child-placing agency to conduct the licensing study of a family
1145 foster home to be used exclusively by that agency and to verify
1146 to the department that the home meets the licensing requirements
1147 established by the department. A licensing study of a family
1148 foster home must be completed by the department or an authorized
1149 licensed child-placing agency within 30 days of initiation. The
1150 department shall post on its website a list of the agencies
1151 authorized to conduct such studies.

1152 1. The complete application file shall be submitted in
1153 accordance with the traditional or attestation model for
1154 licensure as prescribed in rule. In addition to other required
1155 documentation, a traditional licensing application file must
1156 include a completed licensing study and verification of
1157 background screening requirements.

1158 2. The department regional licensing authority shall ensure
1159 that the licensing application file is complete and that all
1160 licensing requirements are met for the issuance of the license.
1161 If the child-placing agency is contracted with a community-based
1162 care lead agency, the licensing application file must contain
1163 documentation of a review by the community-based care lead
1164 agency and the regional licensing authority and a recommendation
1165 for approval or denial by the community-based care lead agency



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1166 ~~Upon certification by a licensed child placing agency that a~~
1167 ~~family foster home meets the licensing requirements and upon~~
1168 ~~receipt of a letter from a community-based care lead agency in~~
1169 ~~the service area where the home will be licensed which indicates~~
1170 ~~that the family foster home meets the criteria established by~~
1171 ~~the lead agency, the department shall issue the license. A~~
1172 ~~letter from the lead agency is not required if the lead agency~~
1173 ~~where the proposed home is located is directly supervising~~
1174 ~~foster homes in the same service area.~~

1175 3. An application file must be approved or denied within 10
1176 business days after receipt by the regional licensing authority.
1177 If the application file is approved, a license must be issued to
1178 the applicant. The must shall include the name and address of
1179 the caregiver, the name of the supervising agency, the licensed
1180 capacity, and the dates for which the license is valid. The
1181 department regional managing director or designee within upper
1182 level management shall sign the license. Any limitations must be
1183 displayed on the license.

1184 4. The regional licensing authority shall provide a copy of
1185 the license to the community-based care lead agency or
1186 supervising agency. The community-based care lead agency or
1187 supervising agency shall ensure that the license is sent to the
1188 foster parent.

1189 (1) The department shall approve or deny a license within
1190 10 business days after receipt of a complete family foster home
1191 application and other required documentation as prescribed in
1192 rule. The department shall approve or deny a complete
1193 application no later than 100 calendar days after the
1194 orientation required by s. 409.175(14). The department may



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1195 exceed 100 calendar days to approve or deny a license if
1196 additional certifications are required by s. 409.175(5)(a).

1197 Section 13. Paragraph (j) of subsection (1) of section
1198 409.988, Florida Statutes, is amended to read:

1199 409.988 Lead agency duties; general provisions.-

1200 (1) DUTIES.-A lead agency:

1201 (j) May subcontract for the provision of services required
1202 by the contract with the lead agency and the department;
1203 however, the subcontracts must specify how the provider will
1204 contribute to the lead agency meeting the performance standards
1205 established pursuant to the child welfare results-oriented
1206 accountability system required by s. 409.997. The lead agency
1207 shall directly provide no more than 35 percent of all child
1208 welfare services provided unless it can demonstrate a need,
1209 within the lead agency's geographic service area, to exceed this
1210 threshold. The local community alliance in the geographic
1211 service area in which the lead agency is seeking to exceed the
1212 threshold shall review the lead agency's justification for need
1213 and recommend to the department whether the department should
1214 approve or deny the lead agency's request for an exemption from
1215 the services threshold. If there is not a community alliance
1216 operating in the geographic service area in which the lead
1217 agency is seeking to exceed the threshold, such review and
1218 recommendation shall be made by representatives of local
1219 stakeholders, including at least one representative from each of
1220 the following:

- 1221 1. The department.
1222 2. The county government.
1223 3. The school district.



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1224 4. The county United Way.
1225 5. The county sheriff's office.
1226 6. The circuit court corresponding to the county.
1227 7. The county children's board, if one exists.
1228 Section 14. Paragraph (b) of subsection (7) of section
1229 39.302, Florida Statutes, is amended to read:
1230 39.302 Protective investigations of institutional child
1231 abuse, abandonment, or neglect.—
1232 (7) When an investigation of institutional abuse, neglect,
1233 or abandonment is closed and a person is not identified as a
1234 caregiver responsible for the abuse, neglect, or abandonment
1235 alleged in the report, the fact that the person is named in some
1236 capacity in the report may not be used in any way to adversely
1237 affect the interests of that person. This prohibition applies to
1238 any use of the information in employment screening, licensing,
1239 child placement, adoption, or any other decisions by a private
1240 adoption agency or a state agency or its contracted providers.
1241 (b) Likewise, if a person is employed as a caregiver in a
1242 residential group home licensed pursuant to s. 409.175 and is
1243 named in any capacity in three or more reports within a 5-year
1244 period, the department may review all reports for the purposes
1245 of the employment screening required pursuant to s.
1246 409.1415(2)(c) ~~s. 409.145(2)(e)~~.
1247 Section 15. Paragraph (d) of subsection (5) of section
1248 39.6225, Florida Statutes, is amended to read:
1249 39.6225 Guardianship Assistance Program.—
1250 (5) A guardian with an application approved pursuant to
1251 subsection (2) who is caring for a child placed with the
1252 guardian by the court pursuant to this part may receive



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1253 guardianship assistance payments based on the following
1254 criteria:

1255 (d) The department shall provide guardianship assistance
1256 payments in the amount of \$4,000 annually, paid on a monthly
1257 basis, or in an amount other than \$4,000 annually as determined
1258 by the guardian and the department and memorialized in a written
1259 agreement between the guardian and the department. The agreement
1260 shall take into consideration the circumstances of the guardian
1261 and the needs of the child. Changes may not be made without the
1262 concurrence of the guardian. However, in no case shall the
1263 amount of the monthly payment exceed the foster care maintenance
1264 payment that would have been paid during the same period if the
1265 child had been in licensed care at his or her designated level
1266 of care at the rate established in s. 409.145(3) ~~s. 409.145(4)~~.

1267 Section 16. Paragraph (b) of subsection (5) of section
1268 393.065, Florida Statutes, is amended to read:

1269 393.065 Application and eligibility determination.—

1270 (5) The agency shall assign and provide priority to clients
1271 waiting for waiver services in the following order:

1272 (b) Category 2, which includes individuals on the waiting
1273 list who are:

1274 1. From the child welfare system with an open case in the
1275 Department of Children and Families' statewide automated child
1276 welfare information system and who are either:

1277 a. Transitioning out of the child welfare system at the
1278 finalization of an adoption, a reunification with family
1279 members, a permanent placement with a relative, or a
1280 guardianship with a nonrelative; or

1281 b. At least 18 years but not yet 22 years of age and who



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1282 need both waiver services and extended foster care services; or
1283 2. At least 18 years but not yet 22 years of age and who
1284 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
1285 extended foster care system.

1286
1287 For individuals who are at least 18 years but not yet 22 years
1288 of age and who are eligible under sub-subparagraph 1.b., the
1289 agency shall provide waiver services, including residential
1290 habilitation, and the community-based care lead agency shall
1291 fund room and board at the rate established in s. 409.145(3) ~~s.~~
1292 ~~409.145(4)~~ and provide case management and related services as
1293 defined in s. 409.986(3)(e). Individuals may receive both waiver
1294 services and services under s. 39.6251. Services may not
1295 duplicate services available through the Medicaid state plan.

1296
1297 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
1298 waiting list of clients placed in the order of the date that the
1299 client is determined eligible for waiver services.

1300 Section 17. Paragraph (b) of subsection (2) of section
1301 409.1451, Florida Statutes, is amended to read:

1302 409.1451 The Road-to-Independence Program.—

1303 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1304 (b) The amount of the financial assistance shall be as
1305 follows:

1306 1. For a young adult who does not remain in foster care and
1307 is attending a postsecondary school as provided in s. 1009.533,
1308 the amount is \$1,256 monthly.

1309 2. For a young adult who remains in foster care, is
1310 attending a postsecondary school, as provided in s. 1009.533,



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1311 and continues to reside in a licensed foster home, the amount is
1312 the established room and board rate for foster parents. This
1313 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
1314 ~~409.145(4)~~.

1315 3. For a young adult who remains in foster care, but
1316 temporarily resides away from a licensed foster home for
1317 purposes of attending a postsecondary school as provided in s.
1318 1009.533, the amount is \$1,256 monthly. This takes the place of
1319 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1320 4. For a young adult who remains in foster care, is
1321 attending a postsecondary school as provided in s. 1009.533, and
1322 continues to reside in a licensed group home, the amount is
1323 negotiated between the community-based care lead agency and the
1324 licensed group home provider.

1325 5. For a young adult who remains in foster care, but
1326 temporarily resides away from a licensed group home for purposes
1327 of attending a postsecondary school as provided in s. 1009.533,
1328 the amount is \$1,256 monthly. This takes the place of a
1329 negotiated room and board rate.

1330 6. A young adult is eligible to receive financial
1331 assistance during the months when he or she is enrolled in a
1332 postsecondary educational institution.

1333 Section 18. For the 2020-2021 fiscal year, the sums of
1334 \$2,198,670 in recurring and \$51,020 in nonrecurring funds from
1335 the General Revenue Fund are appropriated to the State Court
1336 System, and 21 full-time equivalent positions with associated
1337 salary rate of 1,322,144 are authorized for the purposes of
1338 implementing this act.

1339 Section 19. This act shall take effect July 1, 2020.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to child welfare; amending s. 25.385,
F.S.; requiring the Florida Court Educational Council
to establish certain standards for instruction of
circuit and county court judges for dependency cases;
requiring the council to provide such instruction on a
periodic and timely basis; creating s. 39.01304, F.S.;
authorizing circuit courts to create early childhood
court programs; specifying that early childhood court
programs may have certain components; requiring the
Office of State Courts Administrator to contract for
an evaluation; requiring the Office of the State
Courts Administrator to provide or contract for
specified duties; amending s. 39.0138, F.S.; requiring
the department to complete background screenings
within a specified timeframe; providing an exception;
amending s. 39.301, F.S.; requiring the department to
notify the court of certain reports; authorizing the
department to file specified petitions under certain
circumstances; amending s. 39.522, F.S.; requiring the
court to consider specified factors when making a
certain determination; authorizing the court or any
party to the case to file a petition to place a child
in out-of-home care under certain circumstances;



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1369 requiring the court to consider specified factors when
1370 determining whether the child should be placed in out-
1371 of-home care; requiring the court to evaluate and
1372 change a child's permanency goal under certain
1373 circumstances; amending s. 39.6011, F.S.; revising and
1374 providing requirements for case plan descriptions;
1375 amending s. 39.701, F.S.; requiring the court to
1376 retain jurisdiction over a child under certain
1377 circumstances; requiring specified parties to disclose
1378 certain information to the court; providing for
1379 certain caregiver recommendations to the court;
1380 requiring the court and citizen review panel to
1381 determine whether certain parties have developed a
1382 productive relationship; amending s. 63.092, F.S.;
1383 providing a deadline for completion of a preliminary
1384 home study; creating s. 63.093, F.S.; providing
1385 requirements and processes for the adoption of
1386 children from the child welfare system; creating s.
1387 409.1415, F.S.; providing legislative findings and
1388 intent; requiring the department and community-based
1389 care lead agencies to develop and support
1390 relationships between certain foster families and
1391 legal parents of children; providing responsibilities
1392 for foster parents, birth parents, the department,
1393 community-based care lead agency staff, and other
1394 agency staff; defining the term "excellent parenting";
1395 requiring employees of residential group homes to meet
1396 specified requirements; requiring the department to
1397 adopt rules; amending s. 409.145, F.S.; conforming



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1398 provisions to changes made by the act; amending s.
1399 409.175, F.S.; revising requirements for the licensure
1400 of family foster homes; requiring the department to
1401 issue determinations for family foster home licenses
1402 within a specified timeframe; providing an exception;
1403 amending s. 409.988, F.S.; authorizing a lead agency
1404 to provide more than 35 percent of all child welfare
1405 services under certain conditions; requiring a
1406 specified local community alliance, or specified
1407 representatives in certain circumstances, to review
1408 and recommend approval or denial of the lead agency's
1409 request for a specified exemption; amending ss.
1410 39.302, 39.6225, 393.065, and 409.1451, F.S.;
1411 conforming cross-references; providing an
1412 appropriation; providing an effective date.