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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2020	.	
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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 (d) ~~(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  
1090 Monthly Foster Care Rate

1091 0-5 Years	6-12 Years	13-21 Years
Age	Age	Age
\$457.95	\$469.68	\$549.74

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.