

By the Committee on Children, Families, and Elder Affairs; and
Senators Perry and Hutson

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 25.385,
3 F.S.; requiring the Florida Court Educational Council
4 to establish certain standards for instruction of
5 specified circuit court judges; amending s. 39.205,
6 F.S.; deleting a requirement for the Department of
7 Children and Families to report certain information to
8 the Legislature; amending s. 39.302, F.S.; requiring
9 the department to review certain reports under certain
10 circumstances; amending s. 39.407, F.S.; transferring
11 certain duties to the department from the Agency for
12 Health Care Administration; creating s. 39.5035, F.S.;
13 providing court procedures and requirements relating
14 to deceased parents of a dependent child; providing
15 requirements for petitions for adjudication and
16 permanent commitment for certain children; amending s.
17 39.521, F.S.; deleting provisions relating to
18 protective supervision; deleting provisions relating
19 to the court's authority to enter an order ending its
20 jurisdiction over a child under certain circumstances;
21 amending s. 39.522, F.S.; providing requirements for a
22 modification of placement of a child under the
23 supervision of the department; amending s. 39.6011,
24 F.S.; providing timeframes in which case plans must be
25 filed with the court and be provided to specified
26 parties; creating s. 39.63, F.S.; providing procedures
27 and requirements for closing a case under chapter 39;
28 amending s. 39.806, F.S.; conforming cross-references;
29 amending s. 39.811, F.S.; expanding conditions under

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30 which a court retains jurisdiction; providing when
31 certain decisions relating to adoption are reviewable;
32 amending s. 39.812, F.S.; authorizing the department
33 to take certain actions without a court order;
34 authorizing certain persons to file a petition to
35 adopt a child without the department's consent;
36 providing standing requirements; providing a standard
37 of proof; providing responsibilities of the court in
38 such cases; amending s. 39.820, F.S.; revising the
39 definition of the term "guardian ad litem"; amending
40 s. 63.062, F.S.; requiring the department to consent
41 to certain adoptions; providing exceptions; amending
42 s. 63.082, F.S.; providing construction; amending s.
43 402.302, F.S.; revising definitions; amending s.
44 402.305, F.S.; requiring a certain number of staff
45 persons at child care facilities to be certified in
46 certain safety techniques; requiring child care
47 facilities to provide certain information to parents
48 at the time of initial enrollment and annually
49 thereafter; revising minimum standards for child care
50 facilities, family day care homes, and large family
51 child care homes relating to transportation; requiring
52 child care facilities, family day care homes, and
53 large family child care homes to be approved by the
54 department to transport children in certain
55 situations; amending s. 402.313, F.S.; requiring
56 family day care homes to provide certain information
57 to parents at the time of enrollment and annually
58 thereafter; amending s. 402.3131, F.S.; requiring

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59 large family child care homes to provide certain
60 information to parents at the time of enrollment and
61 annually thereafter; amending s. 409.1451, F.S.;

62 deleting a reporting requirement of the department and
63 the Independent Living Services Advisory Council;

64 providing an effective date.

65

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

67

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

70 25.385 Standards for instruction of circuit and county
71 court judges ~~in handling domestic violence cases.~~

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

76 ~~(2)~~ As used in this section:

77 (a) The term "domestic violence" has the meaning set forth
78 in s. 741.28.

79 (b) "Family or household member" has the meaning set forth
80 in s. 741.28.

81 (2) The Florida Court Educational Council shall establish
82 standards for instruction of circuit court judges who have
83 responsibility for dependency cases. The standards for
84 instruction must be consistent with and reinforce the purposes
85 of chapter 39, with emphasis on ensuring that a permanent
86 placement is achieved as soon as possible and that a child
87 should not remain in foster care for longer than 1 year. This

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88 instruction must be provided on a periodic and timely basis and
89 may be provided by or in consultation with current or retired
90 judges, the Department of Children and Families, or the
91 Statewide Guardian Ad Litem Office established in s. 39.8296.

92 Section 2. Subsection (7) of section 39.205, Florida
93 Statutes, is amended to read:

94 39.205 Penalties relating to reporting of child abuse,
95 abandonment, or neglect.—

96 (7) The department shall establish procedures for
97 determining whether a false report of child abuse, abandonment,
98 or neglect has been made and for submitting all identifying
99 information relating to such a report to the appropriate law
100 enforcement agency and ~~shall report annually to the Legislature~~
101 ~~the number of reports referred.~~

102 Section 3. Subsection (7) of section 39.302, Florida
103 Statutes, is amended to read:

104 39.302 Protective investigations of institutional child
105 abuse, abandonment, or neglect.—

106 (7) When an investigation of institutional abuse, neglect,
107 or abandonment is closed and a person is not identified as a
108 caregiver responsible for the abuse, neglect, or abandonment
109 alleged in the report, the fact that the person is named in some
110 capacity in the report may not be used in any way to adversely
111 affect the interests of that person. This prohibition applies to
112 any use of the information in employment screening, licensing,
113 child placement, adoption, or any other decisions by a private
114 adoption agency or a state agency or its contracted providers.

115 (a) However, if such a person is a licensee of the
116 department and is named in any capacity in a report ~~three or~~

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117 ~~more reports~~ within a 5-year period, the department must ~~may~~
118 review the report ~~those reports~~ and determine whether the
119 information contained in the report ~~reports~~ is relevant for
120 purposes of determining whether the person's license should be
121 renewed or revoked. If the information is relevant to the
122 decision to renew or revoke the license, the department may rely
123 on the information contained in the report in making that
124 decision.

125 (b) Likewise, if a person is employed as a caregiver in a
126 residential group home licensed pursuant to s. 409.175 and is
127 named in any capacity in a report ~~three or more reports~~ within a
128 5-year period, the department must ~~may~~ review the report ~~all~~
129 ~~reports~~ for the purposes of the employment screening as defined
130 in s. 409.175(2)(m) ~~required pursuant to s. 409.145(2)(e)~~.

131 Section 4. Subsection (6) of section 39.407, Florida
132 Statutes, is amended to read:

133 39.407 Medical, psychiatric, and psychological examination
134 and treatment of child; physical, mental, or substance abuse
135 examination of person with or requesting child custody.—

136 (6) Children who are in the legal custody of the department
137 may be placed by the department, without prior approval of the
138 court, in a residential treatment center licensed under s.
139 394.875 or a hospital licensed under chapter 395 for residential
140 mental health treatment only as provided in ~~pursuant to~~ this
141 section or may be placed by the court in accordance with an
142 order of involuntary examination or involuntary placement
143 entered under ~~pursuant to~~ s. 394.463 or s. 394.467. All children
144 placed in a residential treatment program under this subsection
145 must have a guardian ad litem appointed.

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146 (a) As used in this subsection, the term:

147 1. "Residential treatment" means placement for observation,
148 diagnosis, or treatment of an emotional disturbance in a
149 residential treatment center licensed under s. 394.875 or a
150 hospital licensed under chapter 395.

151 2. "Least restrictive alternative" means the treatment and
152 conditions of treatment that, separately and in combination, are
153 no more intrusive or restrictive of freedom than reasonably
154 necessary to achieve a substantial therapeutic benefit or to
155 protect the child or adolescent or others from physical injury.

156 3. "Suitable for residential treatment" or "suitability"
157 means a determination concerning a child or adolescent with an
158 emotional disturbance as defined in s. 394.492(5) or a serious
159 emotional disturbance as defined in s. 394.492(6) that each of
160 the following criteria is met:

161 a. The child requires residential treatment.

162 b. The child is in need of a residential treatment program
163 and is expected to benefit from mental health treatment.

164 c. An appropriate, less restrictive alternative to
165 residential treatment is unavailable.

166 (b) Whenever the department believes that a child in its
167 legal custody is emotionally disturbed and may need residential
168 treatment, an examination and suitability assessment must be
169 conducted by a qualified evaluator who is appointed by the
170 department ~~Agency for Health Care Administration~~. This
171 suitability assessment must be completed before the placement of
172 the child in a residential treatment center for emotionally
173 disturbed children and adolescents or a hospital. The qualified
174 evaluator must be a psychiatrist or a psychologist licensed in

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175 Florida who has at least 3 years of experience in the diagnosis
176 and treatment of serious emotional disturbances in children and
177 adolescents and who has no actual or perceived conflict of
178 interest with any inpatient facility or residential treatment
179 center or program.

180 (c) Before a child is admitted under this subsection, the
181 child shall be assessed for suitability for residential
182 treatment by a qualified evaluator who has conducted a personal
183 examination and assessment of the child and has made written
184 findings that:

185 1. The child appears to have an emotional disturbance
186 serious enough to require residential treatment and is
187 reasonably likely to benefit from the treatment.

188 2. The child has been provided with a clinically
189 appropriate explanation of the nature and purpose of the
190 treatment.

191 3. All available modalities of treatment less restrictive
192 than residential treatment have been considered, and a less
193 restrictive alternative that would offer comparable benefits to
194 the child is unavailable.

195

196 A copy of the written findings of the evaluation and suitability
197 assessment must be provided to the department, to the guardian
198 ad litem, and, if the child is a member of a Medicaid managed
199 care plan, to the plan that is financially responsible for the
200 child's care in residential treatment, all of whom must be
201 provided with the opportunity to discuss the findings with the
202 evaluator.

203 (d) Immediately upon placing a child in a residential

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204 treatment program under this section, the department must notify
205 the guardian ad litem and the court having jurisdiction over the
206 child and must provide the guardian ad litem and the court with
207 a copy of the assessment by the qualified evaluator.

208 (e) Within 10 days after the admission of a child to a
209 residential treatment program, the director of the residential
210 treatment program or the director's designee must ensure that an
211 individualized plan of treatment has been prepared by the
212 program and has been explained to the child, to the department,
213 and to the guardian ad litem, and submitted to the department.
214 The child must be involved in the preparation of the plan to the
215 maximum feasible extent consistent with his or her ability to
216 understand and participate, and the guardian ad litem and the
217 child's foster parents must be involved to the maximum extent
218 consistent with the child's treatment needs. The plan must
219 include a preliminary plan for residential treatment and
220 aftercare upon completion of residential treatment. The plan
221 must include specific behavioral and emotional goals against
222 which the success of the residential treatment may be measured.
223 A copy of the plan must be provided to the child, to the
224 guardian ad litem, and to the department.

225 (f) Within 30 days after admission, the residential
226 treatment program must review the appropriateness and
227 suitability of the child's placement in the program. The
228 residential treatment program must determine whether the child
229 is receiving benefit toward the treatment goals and whether the
230 child could be treated in a less restrictive treatment program.
231 The residential treatment program shall prepare a written report
232 of its findings and submit the report to the guardian ad litem

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233 and to the department. The department must submit the report to
234 the court. The report must include a discharge plan for the
235 child. The residential treatment program must continue to
236 evaluate the child's treatment progress every 30 days thereafter
237 and must include its findings in a written report submitted to
238 the department. The department may not reimburse a facility
239 until the facility has submitted every written report that is
240 due.

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

245 2. The court must conduct a hearing to review the status of
246 the child's residential treatment plan no later than 60 days
247 after the child's admission to the residential treatment
248 program. An independent review of the child's progress toward
249 achieving the goals and objectives of the treatment plan must be
250 completed by a qualified evaluator and submitted to the court
251 before its 60-day review.

252 3. For any child in residential treatment at the time a
253 judicial review is held pursuant to s. 39.701, the child's
254 continued placement in residential treatment must be a subject
255 of the judicial review.

256 4. If at any time the court determines that the child is
257 not suitable for continued residential treatment, the court
258 shall order the department to place the child in the least
259 restrictive setting that is best suited to meet his or her
260 needs.

261 (h) After the initial 60-day review, the court must conduct

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262 a review of the child's residential treatment plan every 90
263 days.

264 (i) The department must adopt rules for implementing
265 timeframes for the completion of suitability assessments by
266 qualified evaluators and a procedure that includes timeframes
267 for completing the 60-day independent review by the qualified
268 evaluators of the child's progress toward achieving the goals
269 and objectives of the treatment plan which review must be
270 submitted to the court. The Agency for Health Care
271 Administration must adopt rules for the registration of
272 qualified evaluators, the procedure for selecting the evaluators
273 to conduct the reviews required under this section, and a
274 reasonable, cost-efficient fee schedule for qualified
275 evaluators.

276 Section 5. Section 39.5035, Florida Statutes, is created to
277 read:

278 39.5035 Deceased parents; special procedures.—

279 (1) (a) 1. If both parents of a child are deceased and a
280 legal custodian has not been appointed for the child through a
281 probate or guardianship proceeding, then an attorney for the
282 department or any other person, who has knowledge of the facts
283 whether alleged or is informed of the alleged facts and believes
284 them to be true, may initiate a proceeding by filing a petition
285 for adjudication and permanent commitment.

286 2. If a child has been placed in shelter status by order of
287 the court but has not yet been adjudicated, a petition for
288 adjudication and permanent commitment must be filed within 21
289 days after the shelter hearing. In all other cases, the petition
290 must be filed within a reasonable time after the date the child

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291 was referred to protective investigation or after the petitioner
292 first becomes aware of the facts that support the petition for
293 adjudication and permanent commitment.

294 (b) If both parents or the last living parent dies after a
295 child has already been adjudicated dependent, an attorney for
296 the department or any other person who has knowledge of the
297 facts alleged or is informed of the alleged facts and believes
298 them to be true may file a petition for permanent commitment.

299 (2) The petition:

300 (a) Must be in writing, identify the alleged deceased
301 parents, and provide facts that establish that both parents of
302 the child are deceased and that a legal custodian has not been
303 appointed for the child through a probate or guardianship
304 proceeding.

305 (b) Must be signed by the petitioner under oath stating the
306 petitioner's good faith in filing the petition.

307 (3) When a petition for adjudication and permanent
308 commitment or a petition for permanent commitment has been
309 filed, the clerk of court shall set the case before the court
310 for an adjudicatory hearing. The adjudicatory hearing must be
311 held as soon as practicable after the petition is filed, but no
312 later than 30 days after the filing date.

313 (4) Notice of the date, time, and place of the adjudicatory
314 hearing and a copy of the petition must be served on the
315 following persons:

316 (a) Any person who has physical custody of the child.

317 (b) A living relative of each parent of the child, unless a
318 living relative cannot be found after a diligent search and
319 inquiry.

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320 (c) The guardian ad litem for the child or the
321 representative of the guardian ad litem program, if the program
322 has been appointed.

323 (5) Adjudicatory hearings shall be conducted by the judge
324 without a jury, applying the rules of evidence in use in civil
325 cases and adjourning the hearings from time to time as
326 necessary. At the hearing, the judge must determine whether the
327 petitioner has established by clear and convincing evidence that
328 both parents of the child are deceased and that a legal
329 custodian has not been appointed for the child through a probate
330 or guardianship proceeding. A certified copy of the death
331 certificate for each parent is sufficient evidence of proof of
332 the parents' deaths.

333 (6) Within 30 days after an adjudicatory hearing on a
334 petition for adjudication and permanent commitment:

335 (a) If the court finds that the petitioner has met the
336 clear and convincing standard, the court shall enter a written
337 order adjudicating the child dependent and permanently
338 committing the child to the custody of the department for the
339 purpose of adoption. A disposition hearing shall be scheduled no
340 later than 30 days after the entry of the order, in which the
341 department shall provide a case plan that identifies the
342 permanency goal for the child to the court. Reasonable efforts
343 must be made to place the child in a timely manner in accordance
344 with the permanency plan and to complete all steps necessary to
345 finalize the permanent placement of the child. Thereafter, until
346 the adoption of the child is finalized or the child reaches the
347 age of 18 years, whichever occurs first, the court shall hold
348 hearings every 6 months to review the progress being made toward

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349 permanency for the child.

350 (b) If the court finds that clear and convincing evidence
351 does not establish that both parents of a child are deceased and
352 that a legal custodian has not been appointed for the child
353 through a probate or guardianship proceeding, but that a
354 preponderance of the evidence establishes that the child does
355 not have a parent or legal custodian capable of providing
356 supervision or care, the court shall enter a written order
357 adjudicating the child dependent. A disposition hearing shall be
358 scheduled no later than 30 days after the entry of the order as
359 provided in s. 39.521.

360 (c) If the court finds that clear and convincing evidence
361 does not establish that both parents of a child are deceased and
362 that a legal custodian has not been appointed for the child
363 through a probate or guardianship proceeding and that a
364 preponderance of the evidence does not establish that the child
365 does not have a parent or legal custodian capable of providing
366 supervision or care, the court shall enter a written order so
367 finding and dismissing the petition.

368 (7) Within 30 days after an adjudicatory hearing on a
369 petition for permanent commitment:

370 (a) If the court finds that the petitioner has met the
371 clear and convincing standard, the court shall enter a written
372 order permanently committing the child to the custody of the
373 department for purposes of adoption. A disposition hearing shall
374 be scheduled no later than 30 days after the entry of the order,
375 in which the department shall provide an amended case plan that
376 identifies the permanency goal for the child to the court.
377 Reasonable efforts must be made to place the child in a timely

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378 manner in accordance with the permanency plan and to complete
379 all steps necessary to finalize the permanent placement of the
380 child. Thereafter, until the adoption of the child is finalized
381 or the child reaches the age of 18 years, whichever occurs
382 first, the court shall hold hearings every 6 months to review
383 the progress being made toward permanency for the child.

384 (b) If the court finds that clear and convincing evidence
385 does not establish that both parents of a child are deceased and
386 that a legal custodian has not been appointed for the child
387 through a probate or guardianship proceeding, the court shall
388 enter a written order denying the petition. The order has no
389 effect on the child's prior adjudication. The order does not bar
390 the petitioner from filing a subsequent petition for permanent
391 commitment based on newly discovered evidence that establishes
392 that both parents of a child are deceased and that a legal
393 custodian has not been appointed for the child through a probate
394 or guardianship proceeding.

395 Section 6. Paragraph (c) of subsection (1) and subsections
396 (3) and (7) of section 39.521, Florida Statutes, are amended to
397 read:

398 39.521 Disposition hearings; powers of disposition.—

399 (1) A disposition hearing shall be conducted by the court,
400 if the court finds that the facts alleged in the petition for
401 dependency were proven in the adjudicatory hearing, or if the
402 parents or legal custodians have consented to the finding of
403 dependency or admitted the allegations in the petition, have
404 failed to appear for the arraignment hearing after proper
405 notice, or have not been located despite a diligent search
406 having been conducted.

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407 (c) When any child is adjudicated by a court to be
408 dependent, the court having jurisdiction of the child has the
409 power by order to:

410 1. Require the parent and, when appropriate, the legal
411 guardian or the child to participate in treatment and services
412 identified as necessary. The court may require the person who
413 has custody or who is requesting custody of the child to submit
414 to a mental health or substance abuse disorder assessment or
415 evaluation. The order may be made only upon good cause shown and
416 pursuant to notice and procedural requirements provided under
417 the Florida Rules of Juvenile Procedure. The mental health
418 assessment or evaluation must be administered by a qualified
419 professional as defined in s. 39.01, and the substance abuse
420 assessment or evaluation must be administered by a qualified
421 professional as defined in s. 397.311. The court may also
422 require such person to participate in and comply with treatment
423 and services identified as necessary, including, when
424 appropriate and available, participation in and compliance with
425 a mental health court program established under chapter 394 or a
426 treatment-based drug court program established under s. 397.334.
427 Adjudication of a child as dependent based upon evidence of harm
428 as defined in s. 39.01(35)(g) demonstrates good cause, and the
429 court shall require the parent whose actions caused the harm to
430 submit to a substance abuse disorder assessment or evaluation
431 and to participate and comply with treatment and services
432 identified in the assessment or evaluation as being necessary.
433 In addition to supervision by the department, the court,
434 including the mental health court program or the treatment-based
435 drug court program, may oversee the progress and compliance with

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436 treatment by a person who has custody or is requesting custody
437 of the child. The court may impose appropriate available
438 sanctions for noncompliance upon a person who has custody or is
439 requesting custody of the child or make a finding of
440 noncompliance for consideration in determining whether an
441 alternative placement of the child is in the child's best
442 interests. Any order entered under this subparagraph may be made
443 only upon good cause shown. This subparagraph does not authorize
444 placement of a child with a person seeking custody of the child,
445 other than the child's parent or legal custodian, who requires
446 mental health or substance abuse disorder treatment.

447 2. Require, if the court deems necessary, the parties to
448 participate in dependency mediation.

449 3. Require placement of the child either under the
450 protective supervision of an authorized agent of the department
451 in the home of one or both of the child's parents or in the home
452 of a relative of the child or another adult approved by the
453 court, or in the custody of the department. ~~Protective~~
454 ~~supervision continues until the court terminates it or until the~~
455 ~~child reaches the age of 18, whichever date is first. Protective~~
456 ~~supervision shall be terminated by the court whenever the court~~
457 ~~determines that permanency has been achieved for the child,~~
458 ~~whether with a parent, another relative, or a legal custodian,~~
459 ~~and that protective supervision is no longer needed. The~~
460 ~~termination of supervision may be with or without retaining~~
461 ~~jurisdiction, at the court's discretion, and shall in either~~
462 ~~ease be considered a permanency option for the child. The order~~
463 ~~terminating supervision by the department must set forth the~~
464 ~~powers of the custodian of the child and include the powers~~

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465 ~~ordinarily granted to a guardian of the person of a minor unless~~
466 ~~otherwise specified. Upon the court's termination of supervision~~
467 ~~by the department, further judicial reviews are not required if~~
468 ~~permanency has been established for the child.~~

469 4. Determine whether the child has a strong attachment to
470 the prospective permanent guardian and whether such guardian has
471 a strong commitment to permanently caring for the child.

472 (3) When any child is adjudicated by a court to be
473 dependent, the court shall determine the appropriate placement
474 for the child as follows:

475 (a) If the court determines that the child can safely
476 remain in the home with the parent with whom the child was
477 residing at the time the events or conditions arose that brought
478 the child within the jurisdiction of the court and that
479 remaining in this home is in the best interest of the child,
480 then the court shall order conditions under which the child may
481 remain or return to the home and that this placement be under
482 the protective supervision of the department for not less than 6
483 months.

484 (b) If there is a parent with whom the child was not
485 residing at the time the events or conditions arose that brought
486 the child within the jurisdiction of the court who desires to
487 assume custody of the child, the court shall place the child
488 with that parent upon completion of a home study, unless the
489 court finds that such placement would endanger the safety, well-
490 being, or physical, mental, or emotional health of the child.
491 Any party with knowledge of the facts may present to the court
492 evidence regarding whether the placement will endanger the
493 safety, well-being, or physical, mental, or emotional health of

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494 the child. If the court places the child with such parent, it
495 may do either of the following:

496 1. Order that the parent assume sole custodial
497 responsibilities for the child. The court may also provide for
498 reasonable visitation by the noncustodial parent. The court may
499 then terminate its jurisdiction over the child.

500 2. Order that the parent assume custody subject to the
501 jurisdiction of the circuit court hearing dependency matters.
502 The court may order that reunification services be provided to
503 the parent from whom the child has been removed, that services
504 be provided solely to the parent who is assuming physical
505 custody in order to allow that parent to retain later custody
506 without court jurisdiction, or that services be provided to both
507 parents, in which case the court shall determine at every review
508 hearing which parent, if either, shall have custody of the
509 child. The standard for changing custody of the child from one
510 parent to another or to a relative or another adult approved by
511 the court shall be the best interest of the child.

512 (c) If no fit parent is willing or available to assume care
513 and custody of the child, place the child in the temporary legal
514 custody of an adult relative, the adoptive parent of the child's
515 sibling, or another adult approved by the court who is willing
516 to care for the child, under the protective supervision of the
517 department. The department must supervise this placement until
518 the child reaches permanency status in this home, and in no case
519 for a period of less than 6 months. Permanency in a relative
520 placement shall be by adoption, long-term custody, or
521 guardianship.

522 (d) If the child cannot be safely placed in a nonlicensed

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523 placement, the court shall commit the child to the temporary
524 legal custody of the department. Such commitment invests in the
525 department all rights and responsibilities of a legal custodian.
526 The department may ~~shall~~ not return any child to the physical
527 care and custody of the person from whom the child was removed,
528 except for court-approved visitation periods, without the
529 approval of the court. Any order for visitation or other contact
530 must conform to the provisions of s. 39.0139. The term of such
531 commitment continues until terminated by the court or until the
532 child reaches the age of 18. After the child is committed to the
533 temporary legal custody of the department, all further
534 proceedings under this section are governed by this chapter.

535
536 ~~Protective supervision continues until the court terminates it~~
537 ~~or until the child reaches the age of 18, whichever date is~~
538 ~~first. Protective supervision shall be terminated by the court~~
539 ~~whenever the court determines that permanency has been achieved~~
540 ~~for the child, whether with a parent, another relative, or a~~
541 ~~legal custodian, and that protective supervision is no longer~~
542 ~~needed. The termination of supervision may be with or without~~
543 ~~retaining jurisdiction, at the court's discretion, and shall in~~
544 ~~either case be considered a permanency option for the child. The~~
545 ~~order terminating supervision by the department shall set forth~~
546 ~~the powers of the custodian of the child and shall include the~~
547 ~~powers ordinarily granted to a guardian of the person of a minor~~
548 ~~unless otherwise specified. Upon the court's termination of~~
549 ~~supervision by the department, no further judicial reviews are~~
550 ~~required, so long as permanency has been established for the~~
551 ~~child.~~

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552 ~~(7) The court may enter an order ending its jurisdiction~~
553 ~~over a child when a child has been returned to the parents,~~
554 ~~provided the court shall not terminate its jurisdiction or the~~
555 ~~department's supervision over the child until 6 months after the~~
556 ~~child's return. The department shall supervise the placement of~~
557 ~~the child after reunification for at least 6 months with each~~
558 ~~parent or legal custodian from whom the child was removed. The~~
559 ~~court shall determine whether its jurisdiction should be~~
560 ~~continued or terminated in such a case based on a report of the~~
561 ~~department or agency or the child's guardian ad litem, and any~~
562 ~~other relevant factors; if its jurisdiction is to be terminated,~~
563 ~~the court shall enter an order to that effect.~~

564 Section 7. Section 39.522, Florida Statutes, is amended to
565 read:

566 39.522 Postdisposition change of custody.—The court may
567 change the temporary legal custody or the conditions of
568 protective supervision at a postdisposition hearing, without the
569 necessity of another adjudicatory hearing. If a child has been
570 returned to the parent and is under protective supervision by
571 the department and the child is later removed again from the
572 parent's custody, any modifications of placement shall be done
573 under this section.

574 (1) At any time, an authorized agent of the department or a
575 law enforcement officer may remove a child from a court-ordered
576 placement and take the child into custody if the child's current
577 caregiver requests immediate removal of the child from the home
578 or if there is probable cause as required in s. 39.401(1)(b).
579 The department shall file a motion to modify placement within 1
580 business day after the child is taken into custody. Unless all

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581 parties agree to the change of placement, the court must set a
582 hearing within 24 hours after the filing of the motion. At the
583 hearing, the court shall determine whether the department has
584 established probable cause to support the immediate removal of
585 the child from his or her current placement. The court may base
586 its determination on a sworn petition, testimony, or an
587 affidavit and may hear all relevant and material evidence,
588 including oral or written reports, to the extent of its
589 probative value even though it would not be competent evidence
590 at an adjudicatory hearing. If the court finds that probable
591 cause is not established to support the removal of the child
592 from the placement, the court shall order that the child be
593 returned to his or her current placement. If the caregiver
594 admits to a need for a change of placement or probable cause is
595 established to support the removal, the court shall enter an
596 order changing the placement of the child. If the child is not
597 placed in foster care, then the new placement for the child must
598 meet the home study criteria in chapter 39. If the child's
599 placement is modified based on a probable cause finding, the
600 court must conduct a subsequent evidentiary hearing, unless
601 waived by all parties, on the motion to determine whether the
602 department has established by a preponderance of the evidence
603 that maintaining the new placement of the child is in the best
604 interest of the child. The court shall consider the continuity
605 of the child's placement in the same out-of-home residence as a
606 factor when determining the best interests of the child.

607 (2)~~(1)~~ At any time before a child is residing in the
608 permanent placement approved at the permanency hearing, a child
609 who has been placed in the child's own home under the protective

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610 supervision of an authorized agent of the department, in the
611 home of a relative, in the home of a legal custodian, or in some
612 other place may be brought before the court by the department or
613 by any other party ~~interested person~~, upon the filing of a
614 petition ~~motion~~ alleging a need for a change in the conditions
615 of protective supervision or the placement. If the parents or
616 other legal custodians deny the need for a change, the court
617 shall hear all parties in person or by counsel, or both. Upon
618 the admission of a need for a change or after such hearing, the
619 court shall enter an order changing the placement, modifying the
620 conditions of protective supervision, or continuing the
621 conditions of protective supervision as ordered. The standard
622 for changing custody of the child is determined by a
623 preponderance of the evidence that establishes that a change is
624 in ~~shall be~~ the best interest of the child. When applying this
625 standard, the court shall consider the continuity of the child's
626 placement in the same out-of-home residence as a factor when
627 determining the best interests of the child. If the child is not
628 placed in foster care, then the new placement for the child must
629 meet the home study criteria and court approval under ~~pursuant~~
630 ~~to~~ this chapter.

631 (3) ~~(2)~~ In cases where the issue before the court is whether
632 a child should be reunited with a parent, the court shall review
633 the conditions for return and determine whether the
634 circumstances that caused the out-of-home placement and issues
635 subsequently identified have been remedied to the extent that
636 the return of the child to the home with an in-home safety plan
637 prepared or approved by the department will not be detrimental
638 to the child's safety, well-being, and physical, mental, and

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639 emotional health.

640 ~~(4)(3)~~ In cases where the issue before the court is whether
641 a child who is placed in the custody of a parent should be
642 reunited with the other parent upon a finding that the
643 circumstances that caused the out-of-home placement and issues
644 subsequently identified have been remedied to the extent that
645 the return of the child to the home of the other parent with an
646 in-home safety plan prepared or approved by the department will
647 not be detrimental to the child, the standard shall be that the
648 safety, well-being, and physical, mental, and emotional health
649 of the child would not be endangered by reunification and that
650 reunification would be in the best interest of the child.

651 Section 8. Subsection (8) of section 39.6011, Florida
652 Statutes, is amended to read:

653 39.6011 Case plan development.—

654 (8) The case plan must be filed with the court and copies
655 provided to all parties, including the child if appropriate: ~~7~~
656 ~~not less than 3 business days before the disposition hearing.~~

657 (a) Not less than 72 hours before the disposition hearing,
658 if the disposition hearing occurs on or after the 60th day after
659 the date the child was placed in out-of-home care; or

660 (b) Not less than 72 hours before the case plan acceptance
661 hearing, if the disposition hearing occurs before the 60th day
662 after the date the child was placed in out-of-home care and a
663 case plan has not been submitted under this subsection, or if
664 the court does not approve the case plan at the disposition
665 hearing.

666 Section 9. Section 39.63, Florida Statutes, is created to
667 read:

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668 39.63 Case closure.—Unless s. 39.6251 applies, the court
669 shall close the judicial case for all proceedings under this
670 chapter by terminating protective supervision and its
671 jurisdiction as provided in this section.

672 (1) If a child is placed under the protective supervision
673 of the department, the protective supervision continues until
674 such supervision is terminated by the court or until the child
675 reaches the age of 18, whichever occurs first. The court shall
676 terminate protective supervision when it determines that
677 permanency has been achieved for the child and supervision is no
678 longer needed. If the court adopts a permanency goal of
679 reunification with a parent or legal custodian from whom the
680 child was initially removed, the court must retain jurisdiction
681 and the department must supervise the placement for a minimum of
682 6 months after reunification. The court shall determine whether
683 its jurisdiction should be continued or terminated based on a
684 report of the department or the child's guardian ad litem. The
685 termination of supervision may be with or without retaining
686 jurisdiction, at the court's discretion.

687 (2) The order terminating protective supervision must set
688 forth the powers of the legal custodian of the child and include
689 the powers originally granted to a guardian of the person of a
690 minor unless otherwise specified.

691 (3) Upon the court's termination of supervision by the
692 department, further judicial reviews are not required.

693 (4) The court must enter a written order terminating its
694 jurisdiction over a child when the child is returned to his or
695 her parent. However, the court must retain jurisdiction over the
696 child for a minimum of 6 months after reunification and may not

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697 terminate its jurisdiction until the court determines that
698 protective supervision is no longer needed.

699 (5) If a child was not removed from the home, the court
700 must enter a written order terminating its jurisdiction over the
701 child when the court determines that permanency has been
702 achieved.

703 (6) If a child is placed in the custody of a parent and the
704 court determines that reasonable efforts to reunify the child
705 with the other parent are not required, the court may, at any
706 time, order that the custodial parent assume sole custodial
707 responsibilities for the child, provide for reasonable
708 visitation by the noncustodial parent, and terminate its
709 jurisdiction over the child. If the court previously approved a
710 case plan that requires services to be provided to the
711 noncustodial parent, the court may not terminate its
712 jurisdiction before the case plan expires unless the court finds
713 by a preponderance of the evidence that it is not likely that
714 the child will be reunified with the noncustodial parent within
715 12 months after the child was removed from the home.

716 (7) When a child has been adopted under a chapter 63
717 proceeding, the court must enter a written order terminating its
718 jurisdiction over the child in the chapter 39 proceeding.

719 Section 10. Paragraph (e) of subsection (1) and subsection
720 (2) of section 39.806, Florida Statutes, are amended to read:

721 39.806 Grounds for termination of parental rights.—

722 (1) Grounds for the termination of parental rights may be
723 established under any of the following circumstances:

724 (e) When a child has been adjudicated dependent, a case
725 plan has been filed with the court, and:

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726 1. The child continues to be abused, neglected, or
727 abandoned by the parent or parents. The failure of the parent or
728 parents to substantially comply with the case plan for a period
729 of 12 months after an adjudication of the child as a dependent
730 child or the child's placement into shelter care, whichever
731 occurs first, constitutes evidence of continuing abuse, neglect,
732 or abandonment unless the failure to substantially comply with
733 the case plan was due to the parent's lack of financial
734 resources or to the failure of the department to make reasonable
735 efforts to reunify the parent and child. The 12-month period
736 begins to run only after the child's placement into shelter care
737 or the entry of a disposition order placing the custody of the
738 child with the department or a person other than the parent and
739 the court's approval of a case plan having the goal of
740 reunification with the parent, whichever occurs first; ~~or~~

741 2. The parent or parents have materially breached the case
742 plan by their action or inaction. Time is of the essence for
743 permanency of children in the dependency system. In order to
744 prove the parent or parents have materially breached the case
745 plan, the court must find by clear and convincing evidence that
746 the parent or parents are unlikely or unable to substantially
747 comply with the case plan before time to comply with the case
748 plan expires; or-

749 3. The child has been in care for any 12 of the last 22
750 months and the parents have not substantially complied with the
751 case plan so as to permit reunification under s. 39.522(3) ~~s.~~
752 ~~39.522(2)~~ unless the failure to substantially comply with the
753 case plan was due to the parent's lack of financial resources or
754 to the failure of the department to make reasonable efforts to

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755 reunify the parent and child.

756 (2) Reasonable efforts to preserve and reunify families are
757 not required if a court of competent jurisdiction has determined
758 that any of the events described in paragraphs (1)(b)-(d) or
759 paragraphs (1)(f)-(n) ~~(1)(f)-(m)~~ have occurred.

760 Section 11. Subsection (9) of section 39.811, Florida
761 Statutes, is amended to read:

762 39.811 Powers of disposition; order of disposition.—

763 (9) After termination of parental rights or a written order
764 of permanent commitment entered under s. 39.5035, the court
765 shall retain jurisdiction over any child for whom custody is
766 given to a social service agency until the child is adopted. The
767 court shall review the status of the child's placement and the
768 progress being made toward permanent adoptive placement. As part
769 of this continuing jurisdiction, for good cause shown by the
770 guardian ad litem for the child, the court may review the
771 appropriateness of the adoptive placement of the child. The
772 department's decision to deny an application to adopt a child
773 who is under the court's jurisdiction is reviewable only through
774 a motion to file a chapter 63 petition as provided in s.
775 39.812(4), and is not subject to chapter 120.

776 Section 12. Subsections (1), (4), and (5) of section
777 39.812, Florida Statutes, are amended to read:

778 39.812 Postdisposition relief; petition for adoption.—

779 (1) If the department is given custody of a child for
780 subsequent adoption in accordance with this chapter, the
781 department may place the child with an agency as defined in s.
782 63.032, with a child-caring agency registered under s. 409.176,
783 or in a family home for prospective subsequent adoption without

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784 the need for a court order unless otherwise required under this
785 section. The department may allow prospective adoptive parents
786 to visit with a child in the department's custody without a
787 court order to determine whether the adoptive placement would be
788 appropriate. The department may thereafter become a party to any
789 proceeding for the legal adoption of the child and appear in any
790 court where the adoption proceeding is pending and consent to
791 the adoption, and that consent alone shall in all cases be
792 sufficient.

793 (4) The court shall retain jurisdiction over any child
794 placed in the custody of the department until the case is closed
795 as provided in s. 39.63 ~~the child is adopted~~. After custody of a
796 child for subsequent adoption has been given to the department,
797 the court has jurisdiction for the purpose of reviewing the
798 status of the child and the progress being made toward permanent
799 adoptive placement. As part of this continuing jurisdiction, for
800 good cause shown by the guardian ad litem for the child, the
801 court may review the appropriateness of the adoptive placement
802 of the child.

803 (a) If the department has denied a person's application to
804 adopt a child, the denied applicant may file a motion with the
805 court within 30 days after the issuance of the written
806 notification of denial to allow him or her to file a chapter 63
807 petition to adopt a child without the department's consent. The
808 denied applicant must allege in its motion that the department
809 unreasonably withheld its consent to the adoption. The court, as
810 part of its continuing jurisdiction, may review and rule on the
811 motion.

812 1. The denied applicant only has standing in the chapter 39

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813 proceeding to file the motion in paragraph (a) and to present
814 evidence in support of the motion at a hearing, which must be
815 held within 30 days after the filing of the motion.

816 2. At the hearing on the motion, the court may only
817 consider whether the department's review of the application was
818 consistent with its policies and made in an expeditious manner.
819 The standard of review by the court is whether the department's
820 denial of the application is an abuse of discretion. The court
821 may not compare the denied applicant against another applicant
822 to determine which placement is in the best interests of the
823 child.

824 3. If the denied applicant establishes by a preponderance
825 of the evidence that the department unreasonably withheld its
826 consent, the court shall enter an order authorizing the denied
827 applicant to file a petition to adopt the child under chapter 63
828 without the department's consent.

829 4. If the denied applicant does not prove by a
830 preponderance of the evidence that the department unreasonably
831 withheld its consent, the court shall enter an order so finding
832 and dismiss the motion.

833 5. The standing of the denied applicant in the chapter 39
834 proceeding is terminated upon entry of the court's order.

835 (b) When a licensed foster parent or court-ordered
836 custodian has applied to adopt a child who has resided with the
837 foster parent or custodian for at least 6 months and who has
838 previously been permanently committed to the legal custody of
839 the department and the department does not grant the application
840 to adopt, the department may not, in the absence of a prior
841 court order authorizing it to do so, remove the child from the

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842 foster home or custodian, except when:

843 1.~~(a)~~ There is probable cause to believe that the child is
844 at imminent risk of abuse or neglect;

845 2.~~(b)~~ Thirty days have expired following written notice to
846 the foster parent or custodian of the denial of the application
847 to adopt, within which period no formal challenge of the
848 department's decision has been filed; ~~or~~

849 3.~~(c)~~ The foster parent or custodian agrees to the child's
850 removal; or.

851 4. The department has selected another prospective adoptive
852 parent to adopt the child and either the foster parent or
853 custodian has not filed a motion with the court to allow him or
854 her to file a chapter 63 petition to adopt a child without the
855 department's consent, as provided under paragraph (a), or the
856 court has denied such a motion.

857 (5) The petition for adoption must be filed in the division
858 of the circuit court which entered the judgment terminating
859 parental rights, unless a motion for change of venue is granted
860 under ~~pursuant to~~ s. 47.122. A copy of the consent executed by
861 the department must be attached to the petition, unless such
862 consent is waived under subsection (4) ~~pursuant to s. 63.062(7)~~.
863 The petition must be accompanied by a statement, signed by the
864 prospective adoptive parents, acknowledging receipt of all
865 information required to be disclosed under s. 63.085 and a form
866 provided by the department which details the social and medical
867 history of the child and each parent and includes the social
868 security number and date of birth for each parent, if such
869 information is available or readily obtainable. The prospective
870 adoptive parents may not file a petition for adoption until the

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871 judgment terminating parental rights becomes final. An adoption
872 proceeding under this subsection is governed by chapter 63.

873 Section 13. Section 39.820, Florida Statutes, is amended to
874 read:

875 39.820 Definitions.—As used in this chapter part, the term:

876 (1) "Guardian ad litem" as referred to in any civil or
877 criminal proceeding includes the following: The Statewide
878 Guardian Ad Litem Office, which includes circuit a certified
879 guardian ad litem programs; program, a duly certified volunteer,
880 a staff member, a staff attorney, a contract attorney, or
881 ~~certified~~ a pro bono attorney working on behalf of a guardian ad
882 litem ~~or the program; staff members of a program office~~; a
883 court-appointed attorney; or a responsible adult who is
884 appointed by the court to represent the best interests of a
885 child in a proceeding as provided for by law, including, but not
886 limited to, this chapter, who is a party to any judicial
887 proceeding as a representative of the child, and who serves
888 until discharged by the court.

889 (2) "Guardian advocate" means a person appointed by the
890 court to act on behalf of a drug dependent newborn pursuant to
891 the provisions of this part.

892 Section 14. Subsection (7) of section 63.062, Florida
893 Statutes, is amended to read:

894 63.062 Persons required to consent to adoption; affidavit
895 of nonpaternity; waiver of venue.—

896 (7) If parental rights to the minor have previously been
897 terminated, the adoption entity with which the minor has been
898 placed for subsequent adoption may provide consent to the
899 adoption. In such case, no other consent is required. If the

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900 minor has been permanently committed to the department for
901 subsequent adoption, the department must consent to the adoption
902 or, in the alternative, the court order entered under s.
903 39.812(4) finding that the department ~~The consent of the~~
904 ~~department shall be waived upon a determination by the court~~
905 ~~that such consent is being unreasonably withheld~~ its consent
906 must be attached to the petition to adopt, and if the petitioner
907 must file ~~has filed with the court~~ a favorable preliminary
908 adoptive home study as required under s. 63.092.

909 Section 15. Paragraph (b) of subsection (6) of section
910 63.082, Florida Statutes, is amended to read:

911 63.082 Execution of consent to adoption or affidavit of
912 nonpaternity; family social and medical history; revocation of
913 consent.-

914 (6)

915 (b) Upon execution of the consent of the parent, the
916 adoption entity must ~~shall~~ be permitted to intervene in the
917 dependency case as a party in interest and must provide the
918 court that acquired jurisdiction over the minor, pursuant to the
919 shelter order or dependency petition filed by the department, a
920 copy of the preliminary home study of the prospective adoptive
921 parents and any other evidence of the suitability of the
922 placement. The preliminary home study must be maintained with
923 strictest confidentiality within the dependency court file and
924 the department's file. A preliminary home study must be provided
925 to the court in all cases in which an adoption entity has
926 intervened ~~under pursuant to~~ this section. The exemption in s.
927 63.092(3) from the home study for a stepparent or relative does
928 not apply if a minor is under the supervision of the department

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929 or is otherwise subject to the jurisdiction of the dependency
930 court as a result of the filing of a shelter petition,
931 dependency petition, or termination of parental rights petition
932 under chapter 39. Unless the court has concerns regarding the
933 qualifications of the home study provider, or concerns that the
934 home study may not be adequate to determine the best interests
935 of the child, the home study provided by the adoption entity is
936 ~~shall be deemed to be~~ sufficient and no additional home study
937 needs to be performed by the department.

938 Section 16. Subsections (8) and (9) of section 402.302,
939 Florida Statutes, are amended to read:

940 402.302 Definitions.—As used in this chapter, the term:

941 (8) "Family day care home" means an occupied primary
942 residence leased or owned by the operator in which child care is
943 regularly provided for children from at least two unrelated
944 families and which receives a payment, fee, or grant for any of
945 the children receiving care, whether or not operated for profit.
946 Household children under 13 years of age, when on the premises
947 of the family day care home or on a field trip with children
948 enrolled in child care, must ~~shall~~ be included in the overall
949 capacity of the licensed home. A family day care home is ~~shall~~
950 ~~be~~ allowed to provide care for one of the following groups of
951 children, which shall include household children under 13 years
952 of age:

953 (a) A maximum of four children from birth to 12 months of
954 age.

955 (b) A maximum of three children from birth to 12 months of
956 age, and other children, for a maximum total of six children.

957 (c) A maximum of six preschool children if all are older

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958 than 12 months of age.

959 (d) A maximum of 10 children if no more than 5 are
960 preschool age and, of those 5, no more than 2 are under 12
961 months of age.

962 (9) "Household children" means children who are related by
963 blood, marriage, or legal adoption to, or who are the legal
964 wards of, the family day care home operator, the large family
965 child care home operator, or an adult household member who
966 permanently or temporarily resides in the home. Supervision of
967 the operator's household children shall be left to the
968 discretion of the operator unless those children receive
969 subsidized child care through the school readiness program under
970 ~~pursuant to~~ s. 1002.92 to be in the home.

971 Section 17. Paragraph (a) of subsection (7), paragraphs (b)
972 and (c) of subsection (9), and subsection (10) of section
973 402.305, Florida Statutes, are amended to read:

974 402.305 Licensing standards; child care facilities.-

975 (7) SANITATION AND SAFETY.-

976 (a) Minimum standards shall include requirements for
977 sanitary and safety conditions, first aid treatment, emergency
978 procedures, and pediatric cardiopulmonary resuscitation. The
979 minimum standards shall require that at least one staff person
980 trained and certified in cardiopulmonary resuscitation, as
981 evidenced by current documentation of course completion, must be
982 present at all times that children are present.

983 (9) ADMISSIONS AND RECORDKEEPING.-

984 (b) At the time of initial enrollment and annually
985 thereafter ~~During the months of August and September of each~~
986 ~~year~~, each child care facility shall provide parents of children

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987 enrolled in the facility detailed information regarding the
988 causes, symptoms, and transmission of the influenza virus in an
989 effort to educate those parents regarding the importance of
990 immunizing their children against influenza as recommended by
991 the Advisory Committee on Immunization Practices of the Centers
992 for Disease Control and Prevention.

993 (c) At the time of initial enrollment and annually
994 thereafter ~~During the months of April and September of each~~
995 ~~year~~, at a minimum, each facility shall provide parents of
996 children enrolled in the facility information regarding the
997 potential for a distracted adult to fail to drop off a child at
998 the facility and instead leave the child in the adult's vehicle
999 upon arrival at the adult's destination. The child care facility
1000 shall also give parents information about resources with
1001 suggestions to avoid this occurrence. The department shall
1002 develop a flyer or brochure with this information that shall be
1003 posted to the department's website, which child care facilities
1004 may choose to reproduce and provide to parents to satisfy the
1005 requirements of this paragraph.

1006 (10) TRANSPORTATION SAFETY.—

1007 (a) Minimum standards for child care facilities, family day
1008 care homes, and large family child care homes shall include all
1009 of the following:

1010 1. Requirements for child restraints or seat belts in
1011 vehicles used by ~~child care facilities and large family child~~
1012 ~~care homes to transport children.~~

1013 2. Requirements for annual inspections of such ~~the~~
1014 vehicles.

1015 3. Limitations on the number of children which may be

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1016 transported in such ~~the~~ vehicles.7

1017 4. Procedures to avoid leaving children in vehicles when
1018 transported by the facility, and accountability for children
1019 transported by the child care facility.

1020 (b) Before providing transportation services or reinstating
1021 transportation services after a lapse or discontinuation of
1022 longer than 30 days, a child care facility, family day care
1023 home, or large family child care home must be approved by the
1024 department to transport children. Approval by the department is
1025 based on the provider's demonstration of compliance with all
1026 current rules and standards for transportation.

1027 (c) A child care facility, family day care home, or large
1028 family child care home is not responsible for the safe transport
1029 of children when they are being transported by a parent or
1030 guardian.

1031 Section 18. Subsections (14) and (15) of section 402.313,
1032 Florida Statutes, are amended to read:

1033 402.313 Family day care homes.—

1034 (14) At the time of initial enrollment and annually
1035 thereafter ~~During the months of August and September of each~~
1036 ~~year~~, each family day care home shall provide parents of
1037 children enrolled in the home detailed information regarding the
1038 causes, symptoms, and transmission of the influenza virus in an
1039 effort to educate those parents regarding the importance of
1040 immunizing their children against influenza as recommended by
1041 the Advisory Committee on Immunization Practices of the Centers
1042 for Disease Control and Prevention.

1043 (15) At the time of initial enrollment and annually
1044 thereafter ~~During the months of April and September of each~~

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1045 ~~year~~, at a minimum, each family day care home shall provide
1046 parents of children attending the family day care home
1047 information regarding the potential for a distracted adult to
1048 fail to drop off a child at the family day care home and instead
1049 leave the child in the adult's vehicle upon arrival at the
1050 adult's destination. The family day care home shall also give
1051 parents information about resources with suggestions to avoid
1052 this occurrence. The department shall develop a flyer or
1053 brochure with this information that shall be posted to the
1054 department's website, which family day care homes may choose to
1055 reproduce and provide to parents to satisfy the requirements of
1056 this subsection.

1057 Section 19. Subsections (8), (9), and (10) of section
1058 402.3131, Florida Statutes, are amended to read:

1059 402.3131 Large family child care homes.—

1060 (8) Before ~~Prior to~~ being licensed by the department, large
1061 family child care homes must be approved by the state or local
1062 fire marshal in accordance with standards established for child
1063 care facilities.

1064 (9) At the time of initial enrollment and annually
1065 thereafter ~~During the months of August and September of each~~
1066 ~~year~~, each large family child care home shall provide parents of
1067 children enrolled in the home detailed information regarding the
1068 causes, symptoms, and transmission of the influenza virus in an
1069 effort to educate those parents regarding the importance of
1070 immunizing their children against influenza as recommended by
1071 the Advisory Committee on Immunization Practices of the Centers
1072 for Disease Control and Prevention.

1073 (10) At the time of initial enrollment and annually

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1074 thereafter ~~During the months of April and September of each~~
1075 ~~year,~~ at a minimum, each large family child care home shall
1076 provide parents of children attending the large family child
1077 care home information regarding the potential for a distracted
1078 adult to fail to drop off a child at the large family child care
1079 home and instead leave the child in the adult's vehicle upon
1080 arrival at the adult's destination. The large family child care
1081 home shall also give parents information about resources with
1082 suggestions to avoid this occurrence. The department shall
1083 develop a flyer or brochure with this information that shall be
1084 posted to the department's website, which large family child
1085 care homes may choose to reproduce and provide to parents to
1086 satisfy the requirements of this subsection.

1087 Section 20. Subsection (6) and paragraphs (b) and (e) of
1088 subsection (7) of section 409.1451, Florida Statutes, are
1089 amended to read:

1090 409.1451 The Road-to-Independence Program.—

1091 (6) ACCOUNTABILITY.—The department shall develop outcome
1092 measures for the program and other performance measures ~~in order~~
1093 ~~to maintain oversight of the program. No later than January 31~~
1094 ~~of each year, the department shall prepare a report on the~~
1095 ~~outcome measures and the department's oversight activities and~~
1096 ~~submit the report to the President of the Senate, the Speaker of~~
1097 ~~the House of Representatives, and the committees with~~
1098 ~~jurisdiction over issues relating to children and families in~~
1099 ~~the Senate and the House of Representatives. The report must~~
1100 ~~include:~~

1101 ~~(a) An analysis of performance on the outcome measures~~
1102 ~~developed under this section reported for each community-based~~

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1103 ~~care lead agency and compared with the performance of the~~
1104 ~~department on the same measures.~~

1105 ~~(b) A description of the department's oversight of the~~
1106 ~~program, including, by lead agency, any programmatic or fiscal~~
1107 ~~deficiencies found, corrective actions required, and current~~
1108 ~~status of compliance.~~

1109 ~~(c) Any rules adopted or proposed under this section since~~
1110 ~~the last report. For the purposes of the first report, any rules~~
1111 ~~adopted or proposed under this section must be included.~~

1112 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1113 secretary shall establish the Independent Living Services
1114 Advisory Council for the purpose of reviewing and making
1115 recommendations concerning the implementation and operation of
1116 the provisions of s. 39.6251 and the Road-to-Independence
1117 Program. The advisory council shall function as specified in
1118 this subsection until the Legislature determines that the
1119 advisory council can no longer provide a valuable contribution
1120 to the department's efforts to achieve the goals of the services
1121 designed to enable a young adult to live independently.

1122 ~~(b) The advisory council shall report to the secretary on~~
1123 ~~the status of the implementation of the Road-to-Independence~~
1124 ~~Program, efforts to publicize the availability of the Road-to-~~
1125 ~~Independence Program, the success of the services, problems~~
1126 ~~identified, recommendations for department or legislative~~
1127 ~~action, and the department's implementation of the~~
1128 ~~recommendations contained in the Independent Living Services~~
1129 ~~Integration Workgroup Report submitted to the appropriate~~
1130 ~~substantive committees of the Legislature by December 31, 2013.~~
1131 ~~The department shall submit a report by December 31 of each year~~

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1132 ~~to the Governor, the President of the Senate, and the Speaker of~~
1133 ~~the House of Representatives which includes a summary of the~~
1134 ~~factors reported on by the council and identifies the~~
1135 ~~recommendations of the advisory council and either describes the~~
1136 ~~department's actions to implement the recommendations or~~
1137 ~~provides the department's rationale for not implementing the~~
1138 ~~recommendations.~~

1139 ~~(c) The advisory council report required under paragraph~~
1140 ~~(b) must include an analysis of the system of independent living~~
1141 ~~transition services for young adults who reach 18 years of age~~
1142 ~~while in foster care before completing high school or its~~
1143 ~~equivalent and recommendations for department or legislative~~
1144 ~~action. The council shall assess and report on the most~~
1145 ~~effective method of assisting these young adults to complete~~
1146 ~~high school or its equivalent by examining the practices of~~
1147 ~~other states.~~

1148 Section 21. This act shall take effect October 1, 2020.