

By Senator Hutson

7-01039A-20

20201748\_\_

1                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.01,  
3       F.S.; revising definitions; amending s. 39.0135, F.S.;  
4       requiring that child support payments be deposited  
5       into specified trust funds; amending s. 39.202, F.S.;  
6       authorizing the Agency for Health Care Administration  
7       to access certain records; amending s. 39.407, F.S.;  
8       authorizing the Department of Children and Families to  
9       place children in a specified program without court  
10      approval; defining the term "qualifying assessment"  
11      and revising definitions; providing applicability;  
12      requiring an assessment by a specified professional in  
13      order to be placed in a program; requiring assessment  
14      within a specified timeframe; requiring that an  
15      assessment be provided to certain persons; requiring  
16      the department to submit a specified report to the  
17      court; requiring the court to approve program  
18      placement for a child; authorizing the department to  
19      adopt rules relating to the program; amending s.  
20      39.6011, F.S.; requiring certain documentation in the  
21      case plan when a child is placed in a qualified  
22      residential treatment program; amending s. 39.6221,  
23      F.S.; revising the conditions under which a court  
24      determines permanent guardian placement for a child;  
25      amending s. 39.6251, F.S.; specifying certain  
26      facilities that are not considered a supervised living  
27      arrangement; requiring a supervised living arrangement  
28      to be voluntary; amending s. 61.30, F.S.; providing a  
29      presumption for child support in proceedings under

7-01039A-20

20201748\_\_

30 chapter 39; amending s. 409.145, F.S.; requiring  
31 certain screening requirements for residential group  
32 home employees and caregivers; requiring a written  
33 agreement to modify foster care room and board rates;  
34 providing an exception; repealing s. 409.1676, F.S.,  
35 relating to comprehensive residential group care  
36 services to children who have extraordinary needs;  
37 creating s. 409.16765, F.S.; defining the term  
38 "qualified residential treatment program"; providing  
39 requirements for qualified residential treatment  
40 programs; providing responsibilities for community-  
41 based care lead agencies; providing placement  
42 timeframes for the qualified residential treatment  
43 program; requiring the department to adopt rules;  
44 amending s. 409.1678, F.S.; revising a requirement and  
45 an authorization for safe houses; repealing s.  
46 409.1679, F.S., relating to comprehensive residential  
47 group care requirements and reimbursement; amending s.  
48 409.175, F.S.; revising definitions; amending ss.  
49 39.301, 39.302, 39.402, 39.501, and 39.6013, F.S.;  
50 making technical and conforming changes; providing an  
51 effective date.

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. Subsections (11) and (67) of section 39.01,  
56 Florida Statutes, are amended to read:

57 39.01 Definitions.—When used in this chapter, unless the  
58 context otherwise requires:

7-01039A-20

20201748\_\_

59 (11) "Case plan" means a document, as described in s.  
60 39.6011, prepared by the department with input from all parties.  
61 The case plan follows the child from the provision of preventive  
62 ~~voluntary~~ services through any dependency, foster care, or  
63 termination of parental rights proceeding or related activity or  
64 process.

65 (67) "Preventive services" means social services and other  
66 supportive and rehabilitative services provided, either  
67 voluntarily or by court order, to the parent or legal custodian  
68 of the child and to the child or on behalf of the child for the  
69 purpose of averting the removal of the child from the home or  
70 disruption of a family which will or could result in the  
71 placement of a child in foster care. Social services and other  
72 supportive and rehabilitative services shall promote the child's  
73 developmental needs and need for physical, mental, and emotional  
74 health and a safe, stable, living environment; shall promote  
75 family autonomy; and shall strengthen family life, whenever  
76 possible.

77 Section 2. Section 39.0135, Florida Statutes, is amended to  
78 read:

79 39.0135 Federal Grants and Operations and Maintenance Trust  
80 Funds Fund.—The department shall deposit all child support  
81 payments made to the department, equaling the cost of care,  
82 under pursuant to this chapter into the Federal Grants Trust  
83 Fund for Title IV-E eligible children and the Operations and  
84 Maintenance Trust Fund for children ineligible for Title IV-E.  
85 If the child support payment does not equal the cost of care,  
86 the total amount of the payment shall be deposited into the  
87 appropriate trust fund. The purpose of this funding is to care

7-01039A-20

20201748\_\_

88 for children who are committed to the temporary legal custody of  
89 the department.

90 Section 3. Paragraphs (a) and (h) of subsection (2) of  
91 section 39.202, Florida Statutes, are amended to read:

92 39.202 Confidentiality of reports and records in cases of  
93 child abuse or neglect.—

94 (2) Except as provided in subsection (4), access to such  
95 records, excluding the name of, or other identifying information  
96 with respect to, the reporter which shall be released only as  
97 provided in subsection (5), shall be granted only to the  
98 following persons, officials, and agencies:

99 (a) Employees, authorized agents, or contract providers of  
100 the department, the Department of Health, the Agency for Persons  
101 with Disabilities, the Agency for Health Care Administration,  
102 the Office of Early Learning, or county agencies responsible for  
103 carrying out:

- 104 1. Child or adult protective investigations;
- 105 2. Ongoing child or adult protective services;
- 106 3. Early intervention and prevention services;
- 107 4. Healthy Start services;
- 108 5. Licensure or approval of adoptive homes, foster homes,  
109 child care facilities, facilities licensed under chapters 393  
110 and 394 ~~chapter 393~~, family day care homes, providers who  
111 receive school readiness funding under part VI of chapter 1002,  
112 or other homes used to provide for the care and welfare of  
113 children;
- 114 6. Employment screening for employees ~~caregivers~~ in  
115 residential group homes licensed by the department, the Agency  
116 for Persons with Disabilities, or the Agency for Health Care

7-01039A-20

20201748\_\_

117 Administration; or

118 7. Services for victims of domestic violence when provided  
119 by certified domestic violence centers working at the  
120 department's request as case consultants or with shared clients.

121

122 Also, employees or agents of the Department of Juvenile Justice  
123 responsible for the provision of services to children, under  
124 ~~pursuant to~~ chapters 984 and 985.

125 (h) Any appropriate official of the department, the Agency  
126 for Health Care Administration, or the Agency for Persons with  
127 Disabilities who is responsible for:

128 1. Administration or supervision of the department's  
129 program for the prevention, investigation, or treatment of child  
130 abuse, abandonment, or neglect, or abuse, neglect, or  
131 exploitation of a vulnerable adult, when carrying out his or her  
132 official function;

133 2. Taking appropriate administrative action concerning an  
134 employee of the department or the agency who is alleged to have  
135 perpetrated child abuse, abandonment, or neglect, or abuse,  
136 neglect, or exploitation of a vulnerable adult; or

137 3. Employing and continuing employment of personnel of the  
138 department or the agency.

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

141 39.407 Medical, psychiatric, and psychological examination  
142 and treatment of child; physical, mental, or substance abuse  
143 examination of person with or requesting child custody.—

144 (6) Children who are in the legal custody of the department  
145 may be placed by the department, without prior approval of the

7-01039A-20

20201748\_\_

146 court, in a residential treatment center licensed under s.  
147 394.875, a qualified residential treatment program as defined in  
148 s. 409.16765, or a hospital licensed under chapter 395 for  
149 residential mental health treatment only under ~~pursuant to~~ this  
150 section or may be placed by the court in accordance with an  
151 order of involuntary examination or involuntary placement  
152 entered under ~~pursuant to~~ s. 394.463 or s. 394.467. All children  
153 placed in a residential treatment program under this subsection  
154 must have a guardian ad litem appointed.

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

156 1. "Residential treatment" means placement for observation,  
157 diagnosis, or treatment of an emotional disturbance in a  
158 residential treatment center licensed under s. 394.875, a  
159 qualified residential treatment program defined in s. 409.16765,  
160 or a hospital licensed under chapter 395.

161 2. "Least restrictive alternative" means the treatment and  
162 conditions of treatment that, separately and in combination, are  
163 no more intrusive or restrictive of freedom than reasonably  
164 necessary to achieve a substantial therapeutic benefit or to  
165 protect the child or adolescent or others from physical injury.

166 3. "Suitable for residential treatment" or "suitability"  
167 means a determination concerning a child or adolescent with an  
168 emotional disturbance as defined in s. 394.492(5) or a serious  
169 emotional disturbance as defined in s. 394.492(6) that each of  
170 the following criteria is met:

171 a. The child requires residential treatment.

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

174 c. An appropriate, less restrictive alternative to

7-01039A-20

20201748\_\_

175 residential treatment is unavailable.

176 4. "Qualifying assessment" means a determination by a  
177 department-approved functional assessment concerning a child or  
178 adolescent who has an emotional disturbance or a serious  
179 emotional disturbance or mental illness, as those terms are  
180 defined in s. 394.492, for recommended placement in a qualified  
181 residential treatment program under s. 409.16765.

182 (b) 1. If ~~Whenever~~ the department believes that a child in  
183 its legal custody is emotionally disturbed and may need  
184 residential treatment, an examination and suitability assessment  
185 must be conducted by a qualified evaluator who is appointed by  
186 the Agency for Health Care Administration. This suitability  
187 assessment must be completed before the placement of the child  
188 in a residential treatment center for emotionally disturbed  
189 children and adolescents or a hospital. The qualified evaluator  
190 must be a psychiatrist or a psychologist licensed in Florida who  
191 has at least 3 years of experience in the diagnosis and  
192 treatment of serious emotional disturbances in children and  
193 adolescents and who has no actual or perceived conflict of  
194 interest with any inpatient facility or residential treatment  
195 center or program. This paragraph does not apply to a child who  
196 may need placement in a qualified residential treatment program.

197 2. ~~(e)~~ Before a child is admitted under this paragraph  
198 ~~subsection,~~ the child must ~~shall~~ be assessed for suitability for  
199 residential treatment by a qualified evaluator who has conducted  
200 a personal examination and assessment of the child and has made  
201 written findings that:

202 a.1. ~~The child~~ appears to have an emotional disturbance  
203 serious enough to require residential treatment and is

7-01039A-20

20201748\_\_

204 reasonably likely to benefit from the treatment.

205 ~~b.2.~~ The child has been provided with a clinically  
206 appropriate explanation of the nature and purpose of the  
207 treatment.

208 ~~c.3.~~ All available modalities of treatment less restrictive  
209 than residential treatment have been considered, and a less  
210 restrictive alternative that would offer comparable benefits to  
211 the child is unavailable.

212 3. A copy of the written findings of the evaluation and  
213 suitability assessment must be provided to the department, to  
214 the guardian ad litem, and, if the child is a member of a  
215 Medicaid managed care plan, to the plan that is financially  
216 responsible for the child's care in residential treatment, all  
217 of whom must be provided with the opportunity to discuss the  
218 findings with the evaluator.

219 (c)1. If the department believes that a child in its legal  
220 custody has a serious emotional or behavioral disorder or  
221 disturbance and may need placement in a qualified residential  
222 treatment program, a qualifying assessment must be conducted by  
223 a qualified evaluator who is a trained professional with a  
224 master's degree in human services, has at least 3 years'  
225 experience working with children or adolescents involved in the  
226 child welfare system of care, and has no actual or perceived  
227 conflict of interest with any inpatient facility or residential  
228 treatment center or program. The qualifying assessment must be  
229 completed no later than 30 days after placement of the child in  
230 a qualified residential treatment program.

231 2. A copy of the qualifying assessment must be provided to  
232 the department; to the guardian ad litem; and, if the child is a



7-01039A-20

20201748\_\_

233 member of a Medicaid managed care plan, to the plan that is  
234 financially responsible for the child's care in residential  
235 treatment, all of whom must be provided with the opportunity to  
236 discuss the placement recommendations with the evaluator.

237 (d) Immediately upon placing a child in a residential  
238 treatment program under this section, the department must notify  
239 the guardian ad litem and the court having jurisdiction over the  
240 child and must provide the guardian ad litem and the court with  
241 a copy of the suitability or qualifying assessment by the  
242 qualified evaluator.

243 (e) Within 10 days after the admission of a child to a  
244 residential treatment program, the director of the residential  
245 treatment program or the director's designee must ensure that an  
246 individualized plan of treatment has been prepared by the  
247 program and has been explained to the child, to the department,  
248 and to the guardian ad litem, and submitted to the department.  
249 The child must be involved in the preparation of the plan to the  
250 maximum feasible extent consistent with his or her ability to  
251 understand and participate, and the guardian ad litem and the  
252 child's foster parents must be involved to the maximum extent  
253 consistent with the child's treatment needs. The plan must  
254 include a preliminary plan for residential treatment and  
255 aftercare upon completion of residential treatment. The plan  
256 must include specific behavioral and emotional goals against  
257 which the success of the residential treatment may be measured.  
258 A copy of the plan must be provided to the child, to the  
259 guardian ad litem, and to the department.

260 (f) Within 30 days after admission, the residential  
261 treatment program must review the appropriateness and

7-01039A-20

20201748\_\_

262 suitability of the child's placement in the program. The  
263 residential treatment program must determine whether the child  
264 is receiving benefit toward the treatment goals and whether the  
265 child could be treated in a less restrictive treatment program.  
266 The residential treatment program shall prepare a written report  
267 of its findings and submit the report to the guardian ad litem  
268 and to the department. The department must submit the report to  
269 the court. The report must include a discharge plan for the  
270 child. The residential treatment program must continue to  
271 evaluate the child's treatment progress every 30 days thereafter  
272 and must include its findings in a written report submitted to  
273 the department and the guardian ad litem. The department must  
274 submit the report to the court. The department may not reimburse  
275 a facility until the facility has submitted every written report  
276 that is due.

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

281 2. The court must conduct a hearing to review the status of  
282 the child's residential treatment plan no later than 60 days  
283 after the child's admission to the residential treatment  
284 program. An independent review of the child's progress toward  
285 achieving the goals and objectives of the treatment plan must be  
286 completed by a qualified evaluator and submitted to the court  
287 before its 60-day review.

288 3. For any child in residential treatment at the time a  
289 judicial review is held under ~~pursuant to~~ s. 39.701, the child's  
290 continued placement in residential treatment must be a subject

7-01039A-20

20201748\_\_

291 of the judicial review.

292 4. If at any time the court determines that the child is  
293 not suitable for continued residential treatment, the court  
294 shall order the department to place the child in the least  
295 restrictive setting that is best suited to meet his or her  
296 needs.

297 (h) After the initial 60-day review, the court must conduct  
298 a review of the child's residential treatment plan every 90  
299 days.

300 (i) In addition to the requirements of paragraphs (g) and  
301 (h), within 60 days after initial placement in a qualified  
302 residential treatment program, the court must approve or  
303 disapprove the placement based on the qualified assessment,  
304 determination, and documentation made by the qualified  
305 evaluator, as well as any other factors the court deems fit.

306 (j)1.~~(i)~~ The department must adopt rules for implementing  
307 timeframes for the completion of suitability and qualifying  
308 assessments by qualified evaluators and a procedure that  
309 includes timeframes for completing the 60-day independent review  
310 by the qualified evaluators of the child's progress toward  
311 achieving the goals and objectives of the treatment plan which  
312 review must be submitted to the court. The Agency for Health  
313 Care Administration must adopt rules for the registration of  
314 qualified evaluators, the procedure for selecting the evaluators  
315 to conduct the reviews required under this section, and a  
316 reasonable, cost-efficient fee schedule for qualified  
317 evaluators.

318 2. The department may adopt rules relating to the  
319 assessment tool, the placement recommendations from the

7-01039A-20

20201748\_\_

320 assessment, and the training criteria for qualified evaluators  
321 in order to administer this section.

322 Section 5. Subsections (6) through (9) of section 39.6011,  
323 Florida Statutes, are redesignated as subsections (7) through  
324 (10), respectively, and a new subsection (6) is added to that  
325 section, to read:

326 39.6011 Case plan development.—

327 (6) When a child is placed in a qualified residential  
328 treatment program, the case plan must include documentation  
329 outlining the most recent assessment for a qualified residential  
330 treatment program, the date of the most recent placement in a  
331 qualified residential treatment program, the treatment or  
332 service needs of the child, and preparation for the child to  
333 return home or be in an out-of-home placement. If a child is  
334 placed in a qualified residential treatment program for longer  
335 than the timeframes described in s. 409.16765, a copy of the  
336 signed approval of such placement by the department must be  
337 included in the case plan.

338 Section 6. Paragraph (a) of subsection (1) of section  
339 39.6221, Florida Statutes, is amended to read:

340 39.6221 Permanent guardianship of a dependent child.—

341 (1) If a court determines that reunification or adoption is  
342 not in the best interest of the child, the court may place the  
343 child in a permanent guardianship with a relative or other adult  
344 approved by the court if all of the following conditions are  
345 met:

346 (a) The child has been in the placement for not less than  
347 the preceding 6 months, or the preceding 3 months if the  
348 caregiver has been named as the successor guardian on the

7-01039A-20

20201748\_\_

349 child's Guardianship Assistance Agreement.

350 Section 7. Paragraph (a) of subsection (4) of section  
351 39.6251, Florida Statutes, is amended to read:

352 39.6251 Continuing care for young adults.—

353 (4) (a) The young adult must reside in a supervised living  
354 environment that is approved by the department or a community-  
355 based care lead agency. The young adult shall live  
356 independently, but in an environment in which he or she is  
357 provided supervision, case management, and supportive services  
358 by the department or lead agency. Such an environment must offer  
359 developmentally appropriate freedom and responsibility to  
360 prepare the young adult for adulthood. For the purposes of this  
361 subsection, a supervised living arrangement may include a  
362 licensed foster home, licensed group home, college dormitory,  
363 shared housing, apartment, or another housing arrangement if the  
364 arrangement is approved by the community-based care lead agency  
365 and is acceptable to the young adult. A young adult may continue  
366 to reside with the same licensed foster family or group care  
367 provider with whom he or she was residing at the time he or she  
368 reached the age of 18 years. A supervised living arrangement may  
369 not include detention facilities, forestry camps, training  
370 schools, or any other facility operated primarily for the  
371 detention of children or young adults who are determined to be  
372 delinquent. A young adult may not reside in any setting in which  
373 the young adult is involuntarily placed.

374 Section 8. Paragraph (a) of subsection (1) of section  
375 61.30, Florida Statutes, is amended, and paragraph (d) is added  
376 to that subsection, to read:

377 61.30 Child support guidelines; retroactive child support.—

7-01039A-20

20201748\_\_

378 (1) (a) The child support guideline amount as determined by  
379 this section presumptively establishes the amount the trier of  
380 fact shall order as child support in an initial proceeding for  
381 such support or in a proceeding for modification of an existing  
382 order for such support, whether the proceeding arises under this  
383 or another chapter, except as provided in paragraph (d). The  
384 trier of fact may order payment of child support which varies,  
385 plus or minus 5 percent, from the guideline amount, after  
386 considering all relevant factors, including the needs of the  
387 child or children, age, station in life, standard of living, and  
388 the financial status and ability of each parent. The trier of  
389 fact may order payment of child support in an amount which  
390 varies more than 5 percent from such guideline amount only upon  
391 a written finding explaining why ordering payment of such  
392 guideline amount would be unjust or inappropriate.

393 Notwithstanding the variance limitations of this section, the  
394 trier of fact shall order payment of child support which varies  
395 from the guideline amount as provided in paragraph (1)(b)  
396 whenever any of the children are required by court order or  
397 mediation agreement to spend a substantial amount of time with  
398 either parent. This requirement applies to any living  
399 arrangement, whether temporary or permanent.

400 (d) In a proceeding under chapter 39, if the child is in an  
401 out-of-home placement, the presumptively correct amount of  
402 periodic support is 10 percent of the obligor's actual or  
403 imputed gross income. The court may deviate from this  
404 presumption as provided in paragraph (a).

405 Section 9. Paragraph (e) of subsection (2) and paragraph  
406 (f) of subsection (4) of section 409.145, Florida Statutes, are

7-01039A-20

20201748\_\_

407 amended, and a new paragraph (h) is added to subsection (4) of  
408 that section, to read:

409 409.145 Care of children; quality parenting; "reasonable  
410 and prudent parent" standard.—The child welfare system of the  
411 department shall operate as a coordinated community-based system  
412 of care which empowers all caregivers for children in foster  
413 care to provide quality parenting, including approving or  
414 disapproving a child's participation in activities based on the  
415 caregiver's assessment using the "reasonable and prudent parent"  
416 standard.

417 (2) QUALITY PARENTING.—A child in foster care shall be  
418 placed only with a caregiver who has the ability to care for the  
419 child, is willing to accept responsibility for providing care,  
420 and is willing and able to learn about and be respectful of the  
421 child's culture, religion and ethnicity, special physical or  
422 psychological needs, any circumstances unique to the child, and  
423 family relationships. The department, the community-based care  
424 lead agency, and other agencies shall provide such caregiver  
425 with all available information necessary to assist the caregiver  
426 in determining whether he or she is able to appropriately care  
427 for a particular child.

428 (e) Employees ~~caregivers~~ employed by residential group  
429 homes.—All employees, including persons who do not work directly  
430 with children, of a residential group home must meet the  
431 background screening requirements under s. 39.0138 and the level  
432 2 standards for screening under chapter 435. All caregivers in  
433 residential group homes must ~~shall~~ meet, at a minimum, the same  
434 education and, ~~training, and background and other screening~~  
435 requirements as foster parents.

7-01039A-20

20201748\_\_

436 (4) FOSTER CARE ROOM AND BOARD RATES.—

437 (f) Excluding level I family foster homes, the amount of  
438 the monthly foster care room and board rate may be increased  
439 upon agreement among the department, the community-based care  
440 lead agency, and the foster parent.

441 (h) All room and board rate increases, excluding increases  
442 under paragraph (b), must be outlined in a written agreement  
443 between the department and the community-based care lead agency.

444 Section 10. Section 409.1676, Florida Statutes, is  
445 repealed.

446 Section 11. Section 409.16765, Florida Statutes, is created  
447 to read:

448 409.16765 Qualified residential treatment programs.—

449 (1) As used in this section, the term "qualified  
450 residential treatment program" means a residential group home  
451 environment that provides care for a child who has an emotional  
452 disturbance or a serious emotional disturbance or mental  
453 illness, as those terms are defined in s. 394.492.

454 (2) A qualified residential treatment program shall,  
455 subject to available resources, meet the following requirements:

456 (a) Provide a safe and therapeutic environment tailored to  
457 the needs of children with emotional or behavioral health  
458 problems.

459 (b) Use a model of treatment that includes a strength-based  
460 and trauma-informed approach.

461 (c) Be licensed as a residential child-caring agency as  
462 defined in s. 409.175.

463 (d) Be accredited by an accrediting organization under s.  
464 472(k)(4)(g) of the Social Security Act.



7-01039A-20

20201748\_\_

465 (e) Have available, 24 hours a day, registered or licensed  
466 nursing and clinical staff based on the child's treatment plan.

467 (f) Provide aftercare services or supports to all children  
468 who are discharged from the program.

469 (3) The community-based care lead agency shall:

470 (a) Ensure each child who is placed in a qualified  
471 residential treatment program receives a qualifying assessment,  
472 as defined in s. 39.407, no later than 30 days after placement  
473 in the program.

474 (b) Maintain documentation of a child's placement in a  
475 qualified residential treatment program as specified in s.  
476 39.6011(6).

477 (c) Not place a child in a qualified residential treatment  
478 program for more than 12 consecutive months or 18 nonconsecutive  
479 months, or if the child is under the age of 13 years, for more  
480 than 6 months, whether consecutive or nonconsecutive, without  
481 the signed approval of the department for the continued  
482 placement.

483 (4) The department shall adopt rules necessary to  
484 administer this section.

485 Section 12. Paragraph (c) of subsection (2) of section  
486 409.1678, Florida Statutes, is amended to read:

487 409.1678 Specialized residential options for children who  
488 are victims of commercial sexual exploitation.—

489 (2) CERTIFICATION OF SAFE HOUSES AND SAFE FOSTER HOMES.—

490 (c) To be certified, a safe house must hold a license as a  
491 residential child-caring agency, as defined in s. 409.175, and a  
492 safe foster home must hold a license as a family foster home, as  
493 defined in s. 409.175. A safe house or safe foster home must

7-01039A-20

20201748\_\_

494 also:

- 495 1. Use strength-based and trauma-informed approaches to  
496 care, to the extent possible and appropriate.
- 497 2. Serve exclusively one sex.
- 498 3. Group child victims of commercial sexual exploitation by  
499 age or maturity level.
- 500 4. If a safe house, care for child victims of commercial  
501 sexual exploitation ~~in a manner that separates those children~~  
502 ~~from children with other needs. Safe houses and Safe foster~~  
503 homes may care for other populations if the children who have  
504 not experienced commercial sexual exploitation do not interact  
505 with children who have experienced commercial sexual  
506 exploitation.
- 507 5. Have awake staff members on duty 24 hours a day, if a  
508 safe house.
- 509 6. Provide appropriate security through facility design,  
510 hardware, technology, staffing, and siting, including, but not  
511 limited to, external video monitoring or door exit alarms, a  
512 high staff-to-client ratio, or being situated in a remote  
513 location that is isolated from major transportation centers and  
514 common trafficking areas.
- 515 7. Meet other criteria established by department rule,  
516 which may include, but are not limited to, personnel  
517 qualifications, staffing ratios, and types of services offered.

518 Section 13. Section 409.1679, Florida Statutes, is  
519 repealed.

520 Section 14. Paragraphs (l) and (m) of subsection (2) of  
521 section 409.175, Florida Statutes, are amended to read:

522 409.175 Licensure of family foster homes, residential

7-01039A-20

20201748\_\_

523 child-caring agencies, and child-placing agencies; public  
524 records exemption.-

525 (2) As used in this section, the term:

526 (1) "Residential child-caring agency" means any person,  
527 corporation, or agency, public or private, other than the  
528 child's parent or legal guardian, that provides staffed 24-hour  
529 care for children in facilities maintained for that purpose,  
530 regardless of whether operated for profit or whether a fee is  
531 charged. Such residential child-caring agencies include, but are  
532 not limited to, maternity homes, runaway shelters, group homes  
533 that are administered by an agency, emergency shelters that are  
534 not in private residences, qualified residential treatment  
535 programs as defined in s. 409.16765, human trafficking safe  
536 houses as defined in s. 409.1678, at-risk homes, and wilderness  
537 camps. Residential child-caring agencies do not include  
538 hospitals, boarding schools, summer or recreation camps, nursing  
539 homes, or facilities operated by a governmental agency for the  
540 training, treatment, or secure care of delinquent youth, or  
541 facilities licensed under s. 393.067 or s. 394.875 or chapter  
542 397.

543 (m) "Screening" means the act of assessing the background  
544 of personnel or level II through level V family foster homes and  
545 includes, but is not limited to, criminal history checks as  
546 provided in s. 39.0138 and employment history checks as provided  
547 in chapter 435, using the level 2 standards for screening set  
548 forth in that chapter.

549 Section 15. Paragraph (a) of subsection (14) of section  
550 39.301, Florida Statutes, is amended to read:

551 39.301 Initiation of protective investigations.-

7-01039A-20

20201748\_\_

552 (14) (a) If the department or its agent determines that a  
553 child requires immediate or long-term protection through medical  
554 or other health care or homemaker care, day care, protective  
555 supervision, or other services to stabilize the home  
556 environment, including intensive family preservation services  
557 through the Intensive Crisis Counseling Program, such services  
558 shall first be offered for voluntary acceptance unless:

559 1. There are high-risk factors that may impact the ability  
560 of the parents or legal custodians to exercise judgment. Such  
561 factors may include the parents' or legal custodians' young age  
562 or history of substance abuse, mental illness, or domestic  
563 violence; or

564 2. There is a high likelihood of lack of compliance with  
565 preventive ~~voluntary~~ services, and such noncompliance would  
566 result in the child being unsafe.

567 Section 16. Paragraph (b) of subsection (7) of section  
568 39.302, Florida Statutes, is amended to read:

569 39.302 Protective investigations of institutional child  
570 abuse, abandonment, or neglect.—

571 (7) When an investigation of institutional abuse, neglect,  
572 or abandonment is closed and a person is not identified as a  
573 caregiver responsible for the abuse, neglect, or abandonment  
574 alleged in the report, the fact that the person is named in some  
575 capacity in the report may not be used in any way to adversely  
576 affect the interests of that person. This prohibition applies to  
577 any use of the information in employment screening, licensing,  
578 child placement, adoption, or any other decisions by a private  
579 adoption agency or a state agency or its contracted providers.

580 (b) Likewise, if a person is employed as a caregiver in a

7-01039A-20

20201748\_\_

581 residential group home licensed under ~~pursuant to~~ s. 409.175 and  
582 is named in any capacity in three or more reports within a 5-  
583 year period, the department may review all reports for the  
584 purposes of the employment screening required under s.  
585 409.175(2)(m) ~~pursuant to s. 409.145(2)(c)~~.

586 Section 17. Subsection (15) of section 39.402, Florida  
587 Statutes, is amended to read:

588 39.402 Placement in a shelter.—

589 (15) The department, at the conclusion of the shelter  
590 hearing, shall make available to parents or legal custodians  
591 seeking preventive ~~voluntary~~ services any referral information  
592 necessary for participation in such identified services to allow  
593 the parents or legal custodians to begin the services as soon as  
594 possible. The parents' or legal custodians' participation in the  
595 services may not be considered an admission or other  
596 acknowledgment of the allegations in the shelter petition.

597 Section 18. Paragraph (d) of subsection (3) of section  
598 39.501, Florida Statutes, is amended to read:

599 39.501 Petition for dependency.—

600 (3)

601 (d) The petitioner must state in the petition, if known,  
602 whether:

603 1. A parent or legal custodian named in the petition has  
604 previously unsuccessfully participated in preventive ~~voluntary~~  
605 services offered by the department;

606 2. A parent or legal custodian named in the petition has  
607 participated in mediation and whether a mediation agreement  
608 exists;

609 3. A parent or legal custodian has rejected the preventive

7-01039A-20

20201748\_\_

610 ~~voluntary~~ services offered by the department;

611 4. A parent or legal custodian named in the petition has  
612 not fully complied with a safety plan; or

613 5. The department has determined that preventive ~~voluntary~~  
614 services are not appropriate for the parent or legal custodian  
615 and the reasons for such determination.

616

617 If the department is the petitioner, it shall provide all safety  
618 plans as defined in s. 39.01 involving the parent or legal  
619 custodian to the court.

620 Section 19. Subsection (8) of section 39.6013, Florida  
621 Statutes, is amended to read:

622 39.6013 Case plan amendments.—

623 (8) Amendments must include service interventions that are  
624 the least intrusive into the life of the parent and child, must  
625 focus on clearly defined objectives, and must provide the most  
626 efficient path to quick reunification or permanent placement  
627 given the circumstances of the case and the child's need for  
628 safe and proper care. A copy of the amended plan must be  
629 immediately given to the persons identified in s. 39.6011(8)(c)  
630 ~~s. 39.6011(7)(e)~~.

631 Section 20. This act shall take effect July 1, 2020.