

1 A bill to be entitled
2 An act relating to dependency proceedings and child
3 protection services; amending s. 39.205, F.S.;
4 removing a reporting requirement to the Legislature;
5 amending s. 39.407, F.S.; transferring certain duties
6 to the department rather than the Agency for Health
7 Care Administration; creating s. 39.5035, F.S.;
8 providing procedures and requirements relating to
9 deceased parents of a dependent child; amending s.
10 39.6011, F.S.; providing timeframes in which case
11 plans must be filed with the court and provided to
12 specified parties; amending s. 39.6221, F.S.; revising
13 the conditions under which a court determines
14 permanent guardian placement for a child; amending s.
15 39.806, F.S.; providing that efforts to preserve or
16 reunify a family are not required under specified
17 circumstances; amending s. 39.811, F.S.; providing
18 that the court retains jurisdiction under certain
19 circumstances; providing when certain decisions
20 relating to adoption are reviewable; amending s.
21 39.812, F.S.; providing that certain persons may file
22 a petition to adopt a child without the department's
23 consent; providing standing; providing a standard of
24 proof; providing responsibilities of the court in such
25 cases; amending s. 39.820, F.S.; revising the

26 definition of the term "guardian ad litem;" amending
 27 s. 63.062, F.S.; requiring the department to consent
 28 to certain adoptions; providing exceptions; amending
 29 s. 63.082, F.S.; requiring a home study of a
 30 stepparent or relative under certain circumstances;
 31 amending s. 409.1451, F.S.; removing a reporting
 32 requirement of the department and the Independent
 33 Living Services Advisory Council; providing an
 34 effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Subsection (7) of section 39.205, Florida
 39 Statutes, is amended to read:

40 39.205 Penalties relating to reporting of child abuse,
 41 abandonment, or neglect.—

42 (7) The department shall establish procedures for
 43 determining whether a false report of child abuse, abandonment,
 44 or neglect has been made and for submitting all identifying
 45 information relating to such a report to the appropriate law
 46 enforcement agency ~~and shall report annually to the Legislature~~
 47 ~~the number of reports referred.~~

48 Section 2. Subsection (6) of section 39.407, Florida
 49 Statutes, is amended to read:

50 39.407 Medical, psychiatric, and psychological examination

51 and treatment of child; physical, mental, or substance abuse
52 examination of person with or requesting child custody.—

53 (6) Children who are in the legal custody of the
54 department may be placed by the department, without prior
55 approval of the court, in a residential treatment center
56 licensed under s. 394.875 or a hospital licensed under chapter
57 395 for residential mental health treatment only as provided in
58 ~~pursuant to~~ this section or may be placed by the court in
59 accordance with an order of involuntary examination or
60 involuntary placement entered under ~~pursuant to~~ s. 394.463 or s.
61 394.467. All children placed in a residential treatment program
62 under this subsection must have a guardian ad litem appointed.

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

64 1. "Residential treatment" means placement for
65 observation, diagnosis, or treatment of an emotional disturbance
66 in a residential treatment center licensed under s. 394.875 or a
67 hospital licensed under chapter 395.

68 2. "Least restrictive alternative" means the treatment and
69 conditions of treatment that, separately and in combination, are
70 no more intrusive or restrictive of freedom than reasonably
71 necessary to achieve a substantial therapeutic benefit or to
72 protect the child or adolescent or others from physical injury.

73 3. "Suitable for residential treatment" or "suitability"
74 means a determination concerning a child or adolescent with an
75 emotional disturbance as defined in s. 394.492(5) or a serious

76 | emotional disturbance as defined in s. 394.492(6) that each of
77 | the following criteria is met:

78 | a. The child requires residential treatment.

79 | b. The child is in need of a residential treatment program
80 | and is expected to benefit from mental health treatment.

81 | c. An appropriate, less restrictive alternative to
82 | residential treatment is unavailable.

83 | (b) Whenever the department believes that a child in its
84 | legal custody is emotionally disturbed and may need residential
85 | treatment, an examination and suitability assessment must be
86 | conducted by a qualified evaluator who is appointed by the
87 | department ~~Agency for Health Care Administration~~. This
88 | suitability assessment must be completed before the placement of
89 | the child in a residential treatment center for emotionally
90 | disturbed children and adolescents or a hospital. The qualified
91 | evaluator must be a psychiatrist or a psychologist licensed in
92 | Florida who has at least 3 years of experience in the diagnosis
93 | and treatment of serious emotional disturbances in children and
94 | adolescents and who has no actual or perceived conflict of
95 | interest with any inpatient facility or residential treatment
96 | center or program.

97 | (c) Before a child is admitted under this subsection, the
98 | child shall be assessed for suitability for residential
99 | treatment by a qualified evaluator who has conducted a personal
100 | examination and assessment of the child and has made written

101 findings that:

102 1. The child appears to have an emotional disturbance
103 serious enough to require residential treatment and is
104 reasonably likely to benefit from the treatment.

105 2. The child has been provided with a clinically
106 appropriate explanation of the nature and purpose of the
107 treatment.

108 3. All available modalities of treatment less restrictive
109 than residential treatment have been considered, and a less
110 restrictive alternative that would offer comparable benefits to
111 the child is unavailable.

112
113 A copy of the written findings of the evaluation and suitability
114 assessment must be provided to the department, to the guardian
115 ad litem, and, if the child is a member of a Medicaid managed
116 care plan, to the plan that is financially responsible for the
117 child's care in residential treatment, all of whom must be
118 provided with the opportunity to discuss the findings with the
119 evaluator.

120 (d) Immediately upon placing a child in a residential
121 treatment program under this section, the department must notify
122 the guardian ad litem and the court having jurisdiction over the
123 child and must provide the guardian ad litem and the court with
124 a copy of the assessment by the qualified evaluator.

125 (e) Within 10 days after the admission of a child to a

126 residential treatment program, the director of the residential
127 treatment program or the director's designee must ensure that an
128 individualized plan of treatment has been prepared by the
129 program and has been explained to the child, to the department,
130 and to the guardian ad litem, and submitted to the department.
131 The child must be involved in the preparation of the plan to the
132 maximum feasible extent consistent with his or her ability to
133 understand and participate, and the guardian ad litem and the
134 child's foster parents must be involved to the maximum extent
135 consistent with the child's treatment needs. The plan must
136 include a preliminary plan for residential treatment and
137 aftercare upon completion of residential treatment. The plan
138 must include specific behavioral and emotional goals against
139 which the success of the residential treatment may be measured.
140 A copy of the plan must be provided to the child, to the
141 guardian ad litem, and to the department.

142 (f) Within 30 days after admission, the residential
143 treatment program must review the appropriateness and
144 suitability of the child's placement in the program. The
145 residential treatment program must determine whether the child
146 is receiving benefit toward the treatment goals and whether the
147 child could be treated in a less restrictive treatment program.
148 The residential treatment program shall prepare a written report
149 of its findings and submit the report to the guardian ad litem
150 and to the department. The department must submit the report to

151 the court. The report must include a discharge plan for the
152 child. The residential treatment program must continue to
153 evaluate the child's treatment progress every 30 days thereafter
154 and must include its findings in a written report submitted to
155 the department. The department may not reimburse a facility
156 until the facility has submitted every written report that is
157 due.

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

162 2. The court must conduct a hearing to review the status
163 of the child's residential treatment plan no later than 60 days
164 after the child's admission to the residential treatment
165 program. An independent review of the child's progress toward
166 achieving the goals and objectives of the treatment plan must be
167 completed by a qualified evaluator and submitted to the court
168 before its 60-day review.

169 3. For any child in residential treatment at the time a
170 judicial review is held under ~~pursuant to~~ s. 39.701, the child's
171 continued placement in residential treatment must be a subject
172 of the judicial review.

173 4. If at any time the court determines that the child is
174 not suitable for continued residential treatment, the court
175 shall order the department to place the child in the least

176 restrictive setting that is best suited to meet his or her
 177 needs.

178 (h) After the initial 60-day review, the court must
 179 conduct a review of the child's residential treatment plan every
 180 90 days.

181 (i) The department must adopt rules for:

182 1. Implementing timeframes for the completion of
 183 suitability assessments by qualified evaluators, ~~and~~

184 2. A procedure that includes timeframes for completing the
 185 60-day independent review by the qualified evaluators of the
 186 child's progress toward achieving the goals and objectives of
 187 the treatment plan which review must be submitted to the court.

188 3. ~~The Agency for Health Care Administration must adopt~~
 189 ~~rules for~~ The registration of qualified evaluators, the
 190 procedure for selecting the evaluators to conduct the reviews
 191 required under this section, and a reasonable, cost-efficient
 192 fee schedule for qualified evaluators.

193 Section 3. Section 39.5035, Florida Statutes, is created
 194 to read:

195 39.5035 Deceased parents; special procedures.-

196 (1) (a) 1. If both parents of a child are deceased and a
 197 legal custodian has not been appointed for the child through a
 198 probate or guardianship proceeding, then the attorney for any
 199 person who has knowledge of the facts alleged or is informed of
 200 the alleged facts, and believes them to be true, may initiate a

201 proceeding by filing a petition for adjudication and permanent
202 commitment.

203 2. If a child has been placed in shelter status by order
204 of the court but has not yet been adjudicated, a petition for
205 adjudication and permanent commitment must be filed within 21
206 days after the shelter hearing. In all other cases, the petition
207 must be filed within a reasonable time after the date the child
208 was referred to protective investigation or after the petitioner
209 first becomes aware of the facts that support the petition for
210 adjudication and permanent commitment.

211 (b) If both parents die or the last living parent dies
212 after a child has already been adjudicated dependent, any person
213 who has knowledge of the facts alleged or is informed of the
214 alleged facts, and believes them to be true, may file a petition
215 for permanent commitment.

216 (2) The petition:

217 (a) Must be in writing, identify the alleged deceased
218 parents, and provide facts that establish that both parents of
219 the child are deceased and that a legal custodian has not been
220 appointed for the child through a probate or guardianship
221 proceeding.

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

224 (3) When a petition for adjudication and permanent
225 commitment or a petition for permanent commitment has been

226 filed, the clerk of court shall set the case before the court
 227 for an adjudicatory hearing. The adjudicatory hearing must be
 228 held as soon as practicable after the petition is filed, but no
 229 later than 30 days after the filing date.

230 (4) Notice of the date, time, and place of the
 231 adjudicatory hearing and a copy of the petition must be served
 232 on the following persons:

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

234 (b) A living relative of each parent of the child, unless
 235 a living relative cannot be found after a diligent search and
 236 inquiry.

237 (c) The guardian ad litem for the child or the
 238 representative of the guardian ad litem program, if the program
 239 has been appointed.

240 (5) The court shall conduct adjudicatory hearings without
 241 a jury and apply the rules of evidence in use in civil cases.
 242 The court must determine whether the petitioner has established
 243 by clear and convincing evidence that both parents of the child
 244 are deceased and that a legal custodian has not been appointed
 245 for the child through a probate or guardianship proceeding. A
 246 certified copy of the death certificate for each parent is
 247 sufficient evidence of the parents' deaths.

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

250 (a) If the court finds that the petitioner has met the

251 clear and convincing standard, the court shall enter a written
252 order adjudicating the child dependent and permanently
253 committing the child to the custody of the department for the
254 purpose of adoption. A disposition hearing shall be scheduled no
255 later than 30 days after the entry of the order, in which the
256 department shall provide a case plan that identifies the
257 permanency goal for the child to the court. Reasonable efforts
258 must be made to place the child in a timely manner in accordance
259 with the permanency plan and to complete all steps necessary to
260 finalize the permanent placement of the child. Thereafter, until
261 the adoption of the child is finalized or the child reaches the
262 age of 18 years, whichever occurs first, the court shall hold
263 hearings every 6 months to review the progress being made toward
264 permanency for the child as provided in s. 39.701.

265 (b) If the court finds that clear and convincing evidence
266 does not establish that both parents of a child are deceased and
267 that a legal custodian has not been appointed for the child
268 through a probate or guardianship proceeding, but that a
269 preponderance of the evidence establishes that the child does
270 not have a parent or legal custodian capable of providing
271 supervision or care, the court shall enter a written order
272 adjudicating the child dependent. A disposition hearing shall be
273 scheduled no later than 30 days after the entry of the order as
274 provided in s. 39.521.

275 (c) If the court finds that clear and convincing evidence

276 does not establish that both parents of a child are deceased and
277 that a legal custodian has not been appointed for the child
278 through a probate or guardianship proceeding and that a
279 preponderance of the evidence does not establish that the child
280 does not have a parent or legal custodian capable of providing
281 supervision or care, the court shall enter a written order so
282 finding and dismiss the petition.

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

285 (a) If the court finds that the petitioner has met the
286 clear and convincing standard, the court shall enter a written
287 order permanently committing the child to the custody of the
288 department for purposes of adoption. A disposition hearing shall
289 be scheduled no later than 30 days after the entry of the order,
290 in which the department shall provide an amended case plan that
291 identifies the permanency goal for the child to the court.

292 Reasonable efforts must be made to place the child in a timely
293 manner in accordance with the permanency plan and to complete
294 all steps necessary to finalize the permanent placement of the
295 child. Thereafter, until the adoption of the child is finalized
296 or the child reaches the age of 18 years, whichever occurs
297 first, the court shall hold hearings every 6 months to review
298 the progress being made toward permanency for the child.

299 (b) If the court finds that clear and convincing evidence
300 does not establish that both parents of a child are deceased and

301 that a legal custodian has not been appointed for the child
 302 through a probate or guardianship proceeding, the court shall
 303 enter a written order denying the petition. The order has no
 304 effect on the child's prior adjudication. The order does not bar
 305 the petitioner from filing a subsequent petition for permanent
 306 commitment based on newly-discovered evidence that establishes
 307 that both parents of a child are deceased and that a legal
 308 custodian has not been appointed for the child through a probate
 309 or guardianship proceeding.

310 Section 4. Subsection (8) of section 39.6011, Florida
 311 Statutes, is amended to read:

312 39.6011 Case plan development.—

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

316 (a) Not less than 3 business days before the disposition
 317 hearing, if the disposition hearing occurs on or after the 60th
 318 day after the date the child was placed in out-of-home care; or

319 (b) Not less than 3 business days before the case plan
 320 acceptance hearing, if the disposition hearing occurs before the
 321 60th day after the date the child was placed in out-of-home care
 322 and a case plan has not been submitted under this subsection, or
 323 if the court does not approve the case plan at the disposition
 324 hearing.

325 Section 5. Paragraph (a) of subsection (1) of section

326 | 39.6221, Florida Statutes, is amended to read:

327 | 39.6221 Permanent guardianship of a dependent child.—

328 | (1) If a court determines that reunification or adoption
329 | is not in the best interest of the child, the court may place
330 | the child in a permanent guardianship with a relative or other
331 | adult approved by the court if all of the following conditions
332 | are met:

333 | (a) The child has been in the placement for not less than
334 | the preceding 6 months, or the preceding 3 months if the
335 | caregiver has been named as the successor guardian on the
336 | child's Guardianship Assistance Agreement.

337 | Section 6. Paragraph (e) of subsection (1) and subsection
338 | (2) of section 39.806, Florida Statutes, are amended to read:

339 | 39.806 Grounds for termination of parental rights.—

340 | (1) Grounds for the termination of parental rights may be
341 | established under any of the following circumstances:

342 | (e) When a child has been adjudicated dependent, a case
343 | plan has been filed with the court, and:

344 | 1. The child continues to be abused, neglected, or
345 | abandoned by the parent or parents. The failure of the parent or
346 | parents to substantially comply with the case plan for a period
347 | of 12 months after an adjudication of the child as a dependent
348 | child or the child's placement into shelter care, whichever
349 | occurs first, constitutes evidence of continuing abuse, neglect,
350 | or abandonment unless the failure to substantially comply with

351 the case plan was due to the parent's lack of financial
352 resources or to the failure of the department to make reasonable
353 efforts to reunify the parent and child. The 12-month period
354 begins to run only after the child's placement into shelter care
355 or the entry of a disposition order placing the custody of the
356 child with the department or a person other than the parent and
357 the court's approval of a case plan having the goal of
358 reunification with the parent, whichever occurs first; ~~or~~

359 2. The parent or parents have materially breached the case
360 plan by their action or inaction. Time is of the essence for
361 permanency of children in the dependency system. In order to
362 prove the parent or parents have materially breached the case
363 plan, the court must find by clear and convincing evidence that
364 the parent or parents are unlikely or unable to substantially
365 comply with the case plan before time to comply with the case
366 plan expires; or

367 3. The child has been in care for any 12 of the last 22
368 months and the parents have not substantially complied with the
369 case plan so as to permit reunification under s. 39.522(2)
370 unless the failure to substantially comply with the case plan
371 was due to the parent's lack of financial resources or to the
372 failure of the department to make reasonable efforts to reunify
373 the parent and child.

374 (2) Reasonable efforts to preserve and reunify families
375 are not required if a court of competent jurisdiction has

376 determined that any of the events described in paragraphs
 377 (1) (b) - (d) or paragraphs (1) (f) - (n) ~~(1) (f) - (m)~~ have occurred.

378 Section 7. Subsection (9) of section 39.811, Florida
 379 Statutes, is amended to read:

380 39.811 Powers of disposition; order of disposition.—

381 (9) After termination of parental rights or a written
 382 order of permanent commitment entered under s. 39.5035, the
 383 court shall retain jurisdiction over any child for whom custody
 384 is given to a social service agency until the child is adopted.
 385 The court shall review the status of the child's placement and
 386 the progress being made toward permanent adoptive placement. As
 387 part of this continuing jurisdiction, for good cause shown by
 388 the guardian ad litem for the child, the court may review the
 389 appropriateness of the adoptive placement of the child. The
 390 department's decision to deny an application to adopt a child
 391 who is under the court's jurisdiction is reviewable only through
 392 a motion to file a chapter 63 petition as provided in s.
 393 39.812(4), and is not subject to chapter 120.

394 Section 8. Subsections (4) and (5) of section 39.812,
 395 Florida Statutes, are amended to read:

396 39.812 Postdisposition relief; petition for adoption.—

397 (4) The court shall retain jurisdiction over any child
 398 placed in the custody of the department until the child is
 399 adopted. After custody of a child for subsequent adoption has
 400 been given to the department, the court has jurisdiction for the

401 purpose of reviewing the status of the child and the progress
402 being made toward permanent adoptive placement. As part of this
403 continuing jurisdiction, for good cause shown by the guardian ad
404 litem for the child, the court may review the appropriateness of
405 the adoptive placement of the child.

406 (a) If the department has denied a person's application to
407 adopt a child, the denied applicant may file a motion with the
408 court within 30 days after the issuance of the written
409 notification of denial. This motion allows the denied applicant
410 to file a chapter 63 petition to adopt a child without the
411 department's consent. The denied applicant must allege in its
412 motion that the department unreasonably withheld its consent to
413 the adoption. The court, as part of its continuing jurisdiction,
414 may review and rule on the motion.

415 1. The denied applicant only has standing in the chapter
416 39 proceeding to file the motion in paragraph (a) and to present
417 evidence in support of the motion at a hearing, which must be
418 held within 30 days after the filing of the motion.

419 2. At the hearing on the motion, the court may only
420 consider whether the department's review of the application was
421 consistent with its policies and made in an expeditious manner.
422 The standard of review by the court is whether the department's
423 denial of the application is an abuse of discretion. The court
424 may not compare the denied applicant against another applicant
425 to determine which placement is in the best interests of the

426 child.

427 3. If the denied applicant establishes by a preponderance
428 of the evidence that the department unreasonably withheld its
429 consent, the court shall enter an order authorizing the denied
430 applicant to file a petition to adopt the child under chapter 63
431 without the department's consent.

432 4. If the denied applicant does not prove by a
433 preponderance of the evidence that the department unreasonably
434 withheld its consent, the court shall enter an order so finding
435 and dismiss the motion.

436 5. The standing of the denied applicant in a proceeding
437 under this chapter is terminated upon entry of the court's
438 order.

439 (b) When a licensed foster parent or court-ordered
440 custodian has applied to adopt a child who has resided with the
441 foster parent or custodian for at least 6 months and who has
442 previously been permanently committed to the legal custody of
443 the department and the department does not grant the application
444 to adopt, the department may not, in the absence of a prior
445 court order authorizing it to do so, remove the child from the
446 foster home or custodian, except when:

447 1.-(a) There is probable cause to believe that the child is
448 at imminent risk of abuse or neglect;

449 2.-(b) Thirty days have expired following written notice to
450 the foster parent or custodian of the denial of the application

451 to adopt, within which period no formal challenge of the
452 department's decision has been filed; ~~or~~

453 3.(e) The foster parent or custodian agrees to the child's
454 removal; ~~or.~~

455 4. The department has selected another prospective
456 adoptive parent to adopt the child and either the foster parent
457 or custodian has not filed a motion with the court to allow him
458 or her to file a chapter 63 petition to adopt a child without
459 the department's consent, as provided under paragraph (a), or
460 the court has denied such a motion.

461 (5) The petition for adoption must be filed in the
462 division of the circuit court which entered the judgment
463 terminating parental rights, unless a motion for change of venue
464 is granted under ~~pursuant to~~ s. 47.122. A copy of the consent
465 executed by the department must be attached to the petition,
466 unless such consent is waived under subsection (4) ~~pursuant to~~
467 ~~s. 63.062(7)~~. The petition must be accompanied by a statement,
468 signed by the prospective adoptive parents, acknowledging
469 receipt of all information required to be disclosed under s.
470 63.085 and a form provided by the department which details the
471 social and medical history of the child and each parent and
472 includes the social security number and date of birth for each
473 parent, if such information is available or readily obtainable.
474 The prospective adoptive parents may not file a petition for
475 adoption until the judgment terminating parental rights becomes

476 final. An adoption proceeding under this subsection is governed
477 by chapter 63.

478 Section 9. Subsection (1) of section 39.820, Florida
479 Statutes, is amended to read:

480 39.820 Definitions.—As used in this chapter part, the
481 term:

482 (1) "Guardian ad litem" as referred to in any civil or
483 criminal proceeding includes the following: the Statewide
484 Guardian ad Litem Office, which includes circuit a certified
485 guardian ad litem programs; program, a duly certified volunteer,
486 a staff member, a staff attorney, a contract attorney, or a
487 ~~certified~~ pro bono attorney working on behalf of a guardian ad
488 ~~litem or the program; staff members of a program office;~~ a
489 court-appointed attorney; or a responsible adult who is
490 appointed by the court to represent the best interests of a
491 child in a proceeding as provided for by law, including, but not
492 limited to, this chapter, who is a party to any judicial
493 proceeding as a representative of the child, and who serves
494 until discharged by the court.

495 Section 10. Subsection (7) of section 63.062, Florida
496 Statutes, is amended to read:

497 63.062 Persons required to consent to adoption; affidavit
498 of nonpaternity; waiver of venue.—

499 (7) If parental rights to the minor have previously been
500 terminated, the adoption entity with which the minor has been

501 placed for subsequent adoption may provide consent to the
 502 adoption. In such case, no other consent is required. If the
 503 minor has been permanently committed to the department for
 504 subsequent adoption, the department must consent to the adoption
 505 or, in the alternative, the court order entered under s.
 506 39.812(4) finding that the department ~~The consent of the~~
 507 ~~department shall be waived upon a determination by the court~~
 508 ~~that such consent is being~~ unreasonably withheld its consent
 509 must be attached to the petition to adopt and ~~if~~ the petitioner
 510 must file ~~has filed with the court~~ a favorable preliminary
 511 adoptive home study as required under s. 63.092.

512 Section 11. Paragraph (b) of subsection (6) of section
 513 63.082, Florida Statutes, is amended to read:

514 63.082 Execution of consent to adoption or affidavit of
 515 nonpaternity; family social and medical history; revocation of
 516 consent.—

517 (6)

518 (b) Upon execution of the consent of the parent, the
 519 adoption entity is ~~shall be~~ permitted to intervene in the
 520 dependency case as a party in interest and must provide the
 521 court that acquired jurisdiction over the minor, pursuant to the
 522 shelter order or dependency petition filed by the department, a
 523 copy of the preliminary home study of the prospective adoptive
 524 parents and any other evidence of the suitability of the
 525 placement. The preliminary home study must be maintained with

526 strictest confidentiality within the dependency court file and
 527 the department's file. A preliminary home study must be provided
 528 to the court in all cases in which an adoption entity has
 529 intervened under ~~pursuant to~~ this section. The exemption in s.
 530 63.092(3) from the home study for a stepparent or relative does
 531 not apply if a minor is under the supervision of the department
 532 or is otherwise subject to the jurisdiction of the dependency
 533 court as a result of the filing of a shelter petition,
 534 dependency petition, or termination of parental rights petition
 535 under chapter 39. Unless the court has concerns regarding the
 536 qualifications of the home study provider, or concerns that the
 537 home study may not be adequate to determine the best interests
 538 of the child, the home study provided by the adoption entity is
 539 ~~shall be deemed to be~~ sufficient and no additional home study
 540 needs to be performed by the department.

541 Section 12. Subsection (6) and paragraphs (b) and (e) of
 542 subsection (7) of section 409.1451, Florida Statutes, are
 543 amended to read:

544 409.1451 The Road-to-Independence Program.—

545 (6) ACCOUNTABILITY.—The department shall develop outcome
 546 measures for the program and other performance measures ~~in order~~
 547 to maintain oversight of the program. ~~No later than January 31~~
 548 ~~of each year, the department shall prepare a report on the~~
 549 ~~outcome measures and the department's oversight activities and~~
 550 ~~submit the report to the President of the Senate, the Speaker of~~

551 ~~the House of Representatives, and the committees with~~
552 ~~jurisdiction over issues relating to children and families in~~
553 ~~the Senate and the House of Representatives. The report must~~
554 ~~include:~~

555 ~~(a) An analysis of performance on the outcome measures~~
556 ~~developed under this section reported for each community-based~~
557 ~~care lead agency and compared with the performance of the~~
558 ~~department on the same measures.~~

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

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

566 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
567 secretary shall establish the Independent Living Services
568 Advisory Council for the purpose of reviewing and making
569 recommendations concerning the implementation and operation of
570 the provisions of s. 39.6251 and the Road-to-Independence
571 Program. The advisory council shall function as specified in
572 this subsection until the Legislature determines that the
573 advisory council can no longer provide a valuable contribution
574 to the department's efforts to achieve the goals of the services
575 designed to enable a young adult to live independently.

576 ~~(b) The advisory council shall report to the secretary on~~
577 ~~the status of the implementation of the Road to Independence~~
578 ~~Program, efforts to publicize the availability of the Road to~~
579 ~~Independence Program, the success of the services, problems~~
580 ~~identified, recommendations for department or legislative~~
581 ~~action, and the department's implementation of the~~
582 ~~recommendations contained in the Independent Living Services~~
583 ~~Integration Workgroup Report submitted to the appropriate~~
584 ~~substantive committees of the Legislature by December 31, 2013.~~
585 ~~The department shall submit a report by December 31 of each year~~
586 ~~to the Governor, the President of the Senate, and the Speaker of~~
587 ~~the House of Representatives which includes a summary of the~~
588 ~~factors reported on by the council and identifies the~~
589 ~~recommendations of the advisory council and either describes the~~
590 ~~department's actions to implement the recommendations or~~
591 ~~provides the department's rationale for not implementing the~~
592 ~~recommendations.~~

593 ~~(c) The advisory council report required under paragraph~~
594 ~~(b) must include an analysis of the system of independent living~~
595 ~~transition services for young adults who reach 18 years of age~~
596 ~~while in foster care before completing high school or its~~
597 ~~equivalent and recommendations for department or legislative~~
598 ~~action. The council shall assess and report on the most~~
599 ~~effective method of assisting these young adults to complete~~
600 ~~high school or its equivalent by examining the practices of~~

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601 ~~other states.~~

602 Section 13. This act shall take effect October 1, 2020.