

By Senator Rodriguez

39-01078-21

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1                                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.01,  
3       F.S.; defining the term "voluntary services"; amending  
4       s. 39.202, F.S.; expanding the list of entities that  
5       have access to child abuse records; amending s.  
6       39.302, F.S.; revising the authority of the Department  
7       of Children and Families to review reports for the  
8       purpose of employment screening; amending s. 39.6251,  
9       F.S.; providing that licensed foster homes are the  
10      preferred supervised living arrangements for young  
11      adults; prohibiting supervised living arrangements  
12      from including specified facilities; prohibiting young  
13      adults from being involuntarily placed in any setting  
14      unless such placement is through a court-appointed  
15      guardian; amending s. 409.1415, F.S.; revising  
16      requirements for certain employees of residential  
17      group homes; amending s. 409.1678, F.S.; revising  
18      certification requirements for safe foster homes;  
19      amending s. 409.175, F.S.; requiring assessments to be  
20      completed if the total number of children in a family  
21      foster home will exceed six, excluding the family's  
22      own children, before placement of a child in a family  
23      foster home; requiring the department to adopt rules  
24      to establish eligibility criteria for requesting a  
25      waiver for such assessments and criteria to approve  
26      such waivers; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Subsection (88) is added to section 39.01,  
31 Florida Statutes, to read:

32 39.01 Definitions.—When used in this chapter, unless the  
33 context otherwise requires:

34 (88) “Voluntary services” means social services and other  
35 preventive and rehabilitative services provided to the parent or  
36 legal custodian of the child or directly to the child, or  
37 services provided on behalf of the child, when a parent or legal  
38 custodian requests or voluntarily agrees to assistance.

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

41 39.202 Confidentiality of reports and records in cases of  
42 child abuse or neglect.—

43 (2) Except as provided in subsection (4), access to such  
44 records, excluding the name of, or other identifying information  
45 with respect to, the reporter which shall be released only as  
46 provided in subsection (5), shall be granted only to the  
47 following persons, officials, and agencies:

48 (a) Employees, authorized agents, or contract providers of  
49 the department, the Department of Health, the Agency for Persons  
50 with Disabilities, the Agency for Health Care Administration,  
51 the office of Early Learning, or county agencies responsible for  
52 carrying out:

- 53 1. Child or adult protective investigations;
- 54 2. Ongoing child or adult protective services;
- 55 3. Early intervention and prevention services;
- 56 4. Healthy Start services;
- 57 5. Licensure or approval of adoptive homes, foster homes,  
58 child care facilities, facilities licensed under chapters 393

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59 and 394 ~~chapter 393~~, family day care homes, providers who  
60 receive school readiness funding under part VI of chapter 1002,  
61 or other homes used to provide for the care and welfare of  
62 children;

63 6. Employment screening for caregivers in residential group  
64 homes and facilities licensed under chapters 393, 394, and 409;  
65 or

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

69  
70 Also, employees or agents of the Department of Juvenile Justice  
71 responsible for the provision of services to children, pursuant  
72 to chapters 984 and 985.

73 (h) Any appropriate official of the department, the Agency  
74 for Health Care Administration, or the Agency for Persons with  
75 Disabilities who is responsible for:

76 1. Administration or supervision of the department's  
77 program for the prevention, investigation, or treatment of child  
78 abuse, abandonment, or neglect, or abuse, neglect, or  
79 exploitation of a vulnerable adult, when carrying out his or her  
80 official function;

81 2. Taking appropriate administrative action concerning an  
82 employee of the department or the agency who is alleged to have  
83 perpetrated child abuse, abandonment, or neglect, or abuse,  
84 neglect, or exploitation of a vulnerable adult; or

85 3. Employing and continuing employment of personnel of the  
86 department or the agency.

87 Section 3. Paragraph (b) of subsection (7) of section

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88 39.302, Florida Statutes, is amended to read:

89 39.302 Protective investigations of institutional child  
90 abuse, abandonment, or neglect.—

91 (7) When an investigation of institutional abuse, neglect,  
92 or abandonment is closed and a person is not identified as a  
93 caregiver responsible for the abuse, neglect, or abandonment  
94 alleged in the report, the fact that the person is named in some  
95 capacity in the report may not be used in any way to adversely  
96 affect the interests of that person. This prohibition applies to  
97 any use of the information in employment screening, licensing,  
98 child placement, adoption, or any other decisions by a private  
99 adoption agency or a state agency or its contracted providers.

100 (b) Likewise, if a person is employed as a caregiver in a  
101 residential group home licensed under s. 409.175 and is named in  
102 any capacity in three or more reports within a 5-year period,  
103 the department may review all reports for the purposes of the  
104 employment screening required under s. 409.175(2)(m) ~~s.~~  
105 ~~409.1415(2)(c)~~.

106 Section 4. Subsection (4) of section 39.6251, Florida  
107 Statutes, is amended to read:

108 39.6251 Continuing care for young adults.—

109 (4) (a) The young adult must reside in a supervised living  
110 environment that is approved by the department or a community-  
111 based care lead agency. The young adult shall live  
112 independently, but in an environment in which he or she is  
113 provided supervision, case management, and supportive services  
114 by the department or lead agency. Such an environment must offer  
115 developmentally appropriate freedom and responsibility to  
116 prepare the young adult for adulthood.

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117       1. For the purposes of this subsection:<sup>7</sup>

118       a. A supervised living arrangement may include a licensed  
119 foster home, licensed group home, college dormitory, shared  
120 housing, apartment, or another housing arrangement if the  
121 arrangement is approved by the community-based care lead agency  
122 and is acceptable to the young adult; however, a licensed foster  
123 home is the preferred arrangement.

124       b. A supervised living arrangement may not include a  
125 detention facility, a forestry camp, a training school, or any  
126 other facility operated primarily for the detention of children  
127 who are determined to be delinquent.

128       2. A young adult may continue to reside with the same  
129 licensed foster family or group care provider with whom he or  
130 she was residing at the time he or she reached the age of 18  
131 years. A young adult may not reside in any setting in which the  
132 young adult is involuntarily placed, unless the placement is  
133 through a court-appointed guardian.

134       (b) Before approving the residential setting in which the  
135 young adult will voluntarily live, the department or community-  
136 based care lead agency must ensure that:

137       1. The young adult will be provided with a level of  
138 supervision consistent with his or her individual education,  
139 health care needs, permanency plan, and independent living goals  
140 as assessed by the department or lead agency with input from the  
141 young adult. Twenty-four hour onsite supervision is not  
142 required; however, 24-hour crisis intervention and support must  
143 be available.

144       2. The young adult will live in an independent living  
145 environment that offers, at a minimum, life skills instruction,

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146 counseling, educational support, employment preparation and  
147 placement, and development of support networks. The  
148 determination of the type and duration of services shall be  
149 based on the young adult's assessed needs, interests, and input  
150 and must be consistent with the goals set in the young adult's  
151 case plan.

152 Section 5. Paragraph (c) of subsection (2) of section  
153 409.1415, Florida Statutes, is amended to read:

154 409.1415 Parenting partnerships for children in out-of-home  
155 care.—

156 (2) PARENTING PARTNERSHIPS.—

157 (c) An employee of a residential group home must meet the  
158 background screening requirements under s. 39.0138 and the level  
159 2 screening standards for screening under chapter 435. An  
160 employee of a residential group home who works directly with a  
161 child as a caregiver must meet, at a minimum, the same  
162 education, and training, ~~background, and other screening~~  
163 requirements as caregivers in family foster homes licensed as  
164 level II under s. 409.175(5).

165 Section 6. Paragraph (c) of subsection (2) of section  
166 409.1678 is amended to read:

167 409.1678 Specialized residential options for children who  
168 are victims of commercial sexual exploitation.—

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

170 (c) To be certified, a safe house must hold a license as a  
171 residential child-caring agency, as defined in s. 409.175, and a  
172 safe foster home must hold a license as a family foster home, as  
173 defined in s. 409.175. A safe house or safe foster home must  
174 also:

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- 175           1. Use strength-based and trauma-informed approaches to  
176 care, to the extent possible and appropriate.
- 177           2. Serve exclusively one sex.
- 178           3. Group child victims of commercial sexual exploitation by  
179 age or maturity level.
- 180           4. Care for child victims of commercial sexual exploitation  
181 in a manner that separates those children from children with  
182 other needs; however, this subparagraph does not apply to safe  
183 foster homes. ~~Safe houses and safe foster homes may care for~~  
184 ~~other populations if the children who have not experienced~~  
185 ~~commercial sexual exploitation do not interact with children who~~  
186 ~~have experienced commercial sexual exploitation.~~
- 187           5. Have awake staff members on duty 24 hours a day, if a  
188 safe house.
- 189           6. Provide appropriate security through facility design,  
190 hardware, technology, staffing, and siting, including, but not  
191 limited to, external video monitoring or door exit alarms, a  
192 high staff-to-client ratio, or being situated in a remote  
193 location that is isolated from major transportation centers and  
194 common trafficking areas.
- 195           7. Meet other criteria established by department rule,  
196 which may include, but are not limited to, personnel  
197 qualifications, staffing ratios, and types of services offered.

198           Section 7. Subsection (3) of section 409.175, Florida  
199 Statutes, is amended to read:

200           409.175 Licensure of family foster homes, residential  
201 child-caring agencies, and child-placing agencies; public  
202 records exemption.—

203           (3) (a) The total number of children placed in each family

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204 foster home shall be based on the recommendation of the  
205 department, or the community-based care lead agency where one is  
206 providing foster care and related services, based on the needs  
207 of each child in care, the ability of the foster family to meet  
208 the individual needs of each child, including any adoptive or  
209 biological children or young adults remaining in foster care  
210 living in the home, the amount of safe physical plant space, the  
211 ratio of active and appropriate adult supervision, and the  
212 background, experience, and skill of the family foster parents.

213 (b) If the total number of children in a family foster home  
214 will exceed six, excluding five, ~~including~~ the family's own  
215 children, an assessment of each child to be placed in the home  
216 must be completed by a family services counselor and approved in  
217 writing by the counselor's supervisor prior to placement of any  
218 additional children in the home, except that, if the placement  
219 involves a child whose sibling is already in the home or a child  
220 who has been in placement in the home previously, the assessment  
221 must be completed within 72 hours after placement. The  
222 assessment must assess and document the mental, physical, and  
223 psychosocial needs of the child and recommend the maximum number  
224 of children in a family foster home that will allow the child's  
225 needs to be met.

226 (c) For any licensed family foster home, the  
227 appropriateness of the number of children in the home must be  
228 reassessed annually as part of the relicensure process. For a  
229 home with more than six ~~five~~ children, if it is determined by  
230 the licensure study at the time of relicensure that the total  
231 number of children in the home is appropriate and that there  
232 have been no substantive licensure violations and no indications



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233 of child maltreatment or child-on-child sexual abuse within the  
234 past 12 months, the relicensure of the home may ~~shall~~ not be  
235 denied based on the total number of children in the home.

236 (d) The department shall adopt rules to establish  
237 eligibility criteria for requesting a waiver for assessments  
238 required under this subsection and criteria to approve such  
239 waivers.

240 Section 8. This act shall take effect July 1, 2021.