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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. 409.1415,  
9           F.S.; revising requirements for certain employees of  
10          residential group homes; amending s. 409.1678, F.S.;  
11          revising certification requirements for safe foster  
12          homes; amending s. 409.175, F.S.; requiring  
13          assessments to be completed if the total number of  
14          children in a family foster home will exceed six,  
15          excluding the family's own children, before placement  
16          of a child in a family foster home; requiring the  
17          department to adopt rules to establish eligibility  
18          criteria for requesting a waiver for such assessments  
19          and criteria to approve such waivers; providing an  
20          effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsection (88) is added to section 39.01,  
25   Florida Statutes, to read:

26           39.01 Definitions.—When used in this chapter, unless the  
27   context otherwise requires:

28           (88) "Voluntary services" means social services and other  
29   preventive and rehabilitative services provided to the parent or

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30 legal custodian of the child or directly to the child, or  
31 services provided on behalf of the child, when a parent or legal  
32 custodian requests or voluntarily agrees to assistance.

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

35 39.202 Confidentiality of reports and records in cases of  
36 child abuse or neglect.—

37 (2) Except as provided in subsection (4), access to such  
38 records, excluding the name of, or other identifying information  
39 with respect to, the reporter which shall be released only as  
40 provided in subsection (5), shall be granted only to the  
41 following persons, officials, and agencies:

42 (a) Employees, authorized agents, or contract providers of  
43 the department, the Department of Health, the Agency for Persons  
44 with Disabilities, the Agency for Health Care Administration,  
45 the office of Early Learning, or county agencies responsible for  
46 carrying out:

- 47 1. Child or adult protective investigations;
- 48 2. Ongoing child or adult protective services;
- 49 3. Early intervention and prevention services;
- 50 4. Healthy Start services;
- 51 5. Licensure or approval of adoptive homes, foster homes,  
52 child care facilities, facilities licensed under chapters 393  
53 and 394 ~~chapter 393~~, family day care homes, providers who  
54 receive school readiness funding under part VI of chapter 1002,  
55 or other homes used to provide for the care and welfare of  
56 children;
- 57 6. Employment screening for caregivers in residential group  
58 homes and facilities licensed under chapters 393, 394, and 409;

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59 or

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

63

64 Also, employees or agents of the Department of Juvenile Justice  
65 responsible for the provision of services to children, pursuant  
66 to chapters 984 and 985.

67 (h) Any appropriate official of the department, the Agency  
68 for Health Care Administration, or the Agency for Persons with  
69 Disabilities who is responsible for:

70 1. Administration or supervision of the department's  
71 program for the prevention, investigation, or treatment of child  
72 abuse, abandonment, or neglect, or abuse, neglect, or  
73 exploitation of a vulnerable adult, when carrying out his or her  
74 official function;

75 2. Taking appropriate administrative action concerning an  
76 employee of the department or the agency who is alleged to have  
77 perpetrated child abuse, abandonment, or neglect, or abuse,  
78 neglect, or exploitation of a vulnerable adult; or

79 3. Employing and continuing employment of personnel of the  
80 department or the agency.

81 Section 3. Paragraph (b) of subsection (7) of section  
82 39.302, Florida Statutes, is amended to read:

83 39.302 Protective investigations of institutional child  
84 abuse, abandonment, or neglect.—

85 (7) When an investigation of institutional abuse, neglect,  
86 or abandonment is closed and a person is not identified as a  
87 caregiver responsible for the abuse, neglect, or abandonment

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88 alleged in the report, the fact that the person is named in some  
89 capacity in the report may not be used in any way to adversely  
90 affect the interests of that person. This prohibition applies to  
91 any use of the information in employment screening, licensing,  
92 child placement, adoption, or any other decisions by a private  
93 adoption agency or a state agency or its contracted providers.

94 (b) Likewise, if a person is employed as a caregiver in a  
95 residential group home licensed under s. 409.175 and is named in  
96 any capacity in three or more reports within a 5-year period,  
97 the department may review all reports for the purposes of the  
98 employment screening required under s. 409.175(2)(m) ~~s.~~  
99 ~~409.1415(2)(c)~~.

100 Section 4. Paragraph (c) of subsection (2) of section  
101 409.1415, Florida Statutes, is amended to read:

102 409.1415 Parenting partnerships for children in out-of-home  
103 care.—

104 (2) PARENTING PARTNERSHIPS.—

105 (c) An employee of a residential group home must meet the  
106 background screening requirements under s. 39.0138 and the level  
107 2 screening standards for screening under chapter 435. An  
108 employee of a residential group home who works directly with a  
109 child as a caregiver must meet, at a minimum, the same  
110 education, and training, ~~background, and other screening~~  
111 requirements as caregivers in family foster homes licensed as  
112 level II under s. 409.175(5).

113 Section 5. Paragraph (c) of subsection (2) of section  
114 409.1678, Florida Statutes, is amended to read:

115 409.1678 Specialized residential options for children who  
116 are victims of commercial sexual exploitation.—

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

118 (c) To be certified, a safe house must hold a license as a  
119 residential child-caring agency, as defined in s. 409.175, and a  
120 safe foster home must hold a license as a family foster home, as  
121 defined in s. 409.175. A safe house or safe foster home must  
122 also:

123 1. Use strength-based and trauma-informed approaches to  
124 care, to the extent possible and appropriate.

125 2. Serve exclusively one sex.

126 3. Group child victims of commercial sexual exploitation by  
127 age or maturity level.

128 4. Care for child victims of commercial sexual exploitation  
129 in a manner that separates those children from children with  
130 other needs; however, this subparagraph does not apply to safe  
131 foster homes. Safe houses and safe foster homes may care for  
132 other populations if the children who have not experienced  
133 commercial sexual exploitation do not interact with children who  
134 have experienced commercial sexual exploitation.

135 5. Have awake staff members on duty 24 hours a day, if a  
136 safe house.

137 6. Provide appropriate security through facility design,  
138 hardware, technology, staffing, and siting, including, but not  
139 limited to, external video monitoring or door exit alarms, a  
140 high staff-to-client ratio, or being situated in a remote  
141 location that is isolated from major transportation centers and  
142 common trafficking areas.

143 7. Meet other criteria established by department rule,  
144 which may include, but are not limited to, personnel  
145 qualifications, staffing ratios, and types of services offered.

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146 Section 6. Subsection (3) of section 409.175, Florida  
147 Statutes, is amended to read:

148 409.175 Licensure of family foster homes, residential  
149 child-caring agencies, and child-placing agencies; public  
150 records exemption.—

151 (3) (a) The total number of children placed in each family  
152 foster home shall be based on the recommendation of the  
153 department, or the community-based care lead agency where one is  
154 providing foster care and related services, based on the needs  
155 of each child in care, the ability of the foster family to meet  
156 the individual needs of each child, including any adoptive or  
157 biological children or young adults remaining in foster care  
158 living in the home, the amount of safe physical plant space, the  
159 ratio of active and appropriate adult supervision, and the  
160 background, experience, and skill of the family foster parents.

161 (b) If the total number of children in a family foster home  
162 will exceed six, excluding five,~~including~~ the family's own  
163 children, an assessment of each child to be placed in the home  
164 must be completed by a family services counselor and approved in  
165 writing by the counselor's supervisor prior to placement of any  
166 additional children in the home, except that, if the placement  
167 involves a child whose sibling is already in the home or a child  
168 who has been in placement in the home previously, the assessment  
169 must be completed within 72 hours after placement. The  
170 assessment must assess and document the mental, physical, and  
171 psychosocial needs of the child and recommend the maximum number  
172 of children in a family foster home that will allow the child's  
173 needs to be met.

174 (c) For any licensed family foster home, the

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175 appropriateness of the number of children in the home must be  
176 reassessed annually as part of the relicensure process. For a  
177 home with more than six ~~five~~ children, if it is determined by  
178 the licensure study at the time of relicensure that the total  
179 number of children in the home is appropriate and that there  
180 have been no substantive licensure violations and no indications  
181 of child maltreatment or child-on-child sexual abuse within the  
182 past 12 months, the relicensure of the home may ~~shall~~ not be  
183 denied based on the total number of children in the home.

184 (d) The department shall adopt rules to establish  
185 eligibility criteria for requesting a waiver for assessments  
186 required under this subsection and criteria to approve such  
187 waivers.

188 Section 7. This act shall take effect July 1, 2021.