

By the Committee on Children, Families, and Elder Affairs

586-02083-22

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.5085,
3 F.S.; revising payment rates for relative and
4 nonrelative caregivers under the Relative Caregiver
5 Program; amending s. 409.145, F.S.; revising and
6 specifying room and board rates paid by the Department
7 of Children and Families; providing applicability of
8 annual cost of living increase and supplemental room
9 and board payment provisions to certain caregivers;
10 providing for an additional monthly payment for
11 certain caregivers; amending s. 1009.25, F.S.;
12 revising fee waiver eligibility for students who are
13 or were placed in the custody of a relative or
14 nonrelative to include certain students; creating a
15 tuition and fee exemption for students who enter the
16 custody of the department after a specified age and
17 who are reunited with their parent or parents before
18 reaching a specified age and after spending at least
19 18 months in out-of-home care; requiring the student
20 to meet certain federal financial aid eligibility
21 requirements; requiring the entity imposing the
22 tuition and fees to verify such eligibility; creating
23 a tuition and fee waiver for students who were the
24 subject of a dependency hearing, were placed in a
25 permanent guardianship, and remain in such
26 guardianship until the student reaches 18 years of age
27 or, if before reaching 18 years of age, he or she
28 enrolls in an eligible institution; reenacting s.
29 393.065(5)(b), F.S., relating to certain waiver

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30 services, to incorporate the amendments made to s.
31 409.145, F.S., in a reference thereto; reenacting s.
32 409.1451(2)(b), F.S., relating to the Road-to-
33 Independence Program, to incorporate the amendments
34 made to s. 409.145, F.S., in references thereto;
35 providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Present paragraphs (e) through (h) of subsection
40 (2) of section 39.5085, Florida Statutes, are redesignated as
41 paragraphs (f) through (i), respectively, a new paragraph (e) is
42 added to that subsection, and paragraph (d) of that subsection
43 is amended, to read:

44 39.5085 Relative Caregiver Program.—

45 (2)

46 (d) Relatives or nonrelatives ~~who are~~ caring for children
47 placed with them by the court pursuant to this chapter shall
48 receive a ~~special~~ monthly payment as follows:

49 1. From the date a child who is placed with the relative or
50 nonrelative is found to be dependent, or from the date a child
51 who has previously been found to be dependent is placed in out-
52 of-home care with the relative or nonrelative, until 6 months
53 after such placement, the rate of the monthly payment for
54 relatives and nonrelatives shall be the same as the rate
55 established in s. 409.145(3) for licensed family foster homes
56 regardless of whether licensure as a child-specific level I
57 foster placement has been obtained.

58 2. Relatives or nonrelatives who have children placed with

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59 them in out-of-home care and who have obtained licensure as a
60 child-specific level I foster placement at any time after the
61 date of the placement, regardless of whether a court has found
62 that the child is dependent, shall receive the monthly payment
63 at the rate established in s. 409.145(3) until the child reaches
64 permanency, as determined by the court under s. 39.621.

65 3.a. Relatives or nonrelatives shall receive a monthly
66 payment in an amount determined by department rule, in an amount
67 that must be less than the monthly payment provided to a
68 participant enrolled in the Guardianship Assistance Program
69 under s. 39.6225, if licensure as a child-specific level I
70 foster placement has not been obtained by 6 months from the date
71 that the child is:

72 (I) Found to be dependent and, at the time of the finding,
73 the child is placed with the relative or nonrelative; or

74 (II) Placed in out-of-home care in the home of the relative
75 or nonrelative after the date from which the child has
76 previously been found to be dependent.

77 b. The payment under this subparagraph shall continue until
78 the child reaches permanency as determined by the court under s.
79 39.621 or until the relative or nonrelative caregiver obtains
80 licensure as a child-specific level I foster placement and
81 becomes eligible to receive payments under subparagraph 2.

82 4. Relatives or nonrelatives who have children placed in
83 their care by permanent guardianship pursuant to s. 39.6221, in
84 a permanent placement with a fit and willing relative pursuant
85 to s. 39.6231, or under former s. 39.622 if the placement was
86 made before July 1, 2006, who are not enrolled in the
87 Guardianship Assistance Program pursuant to s. 39.6225, shall

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88 receive a monthly payment in an amount determined by department
89 rule which must be less than the monthly payment provided to a
90 participant enrolled in the Guardianship Assistance Program
91 under s. 39.6225.

92 (e) Relatives or nonrelatives obtaining monthly payments
93 under this section may also obtain a special benefit payment
94 ~~caregiver benefit established by rule of the department. The~~
95 ~~amount of the special benefit payment shall be based on the~~
96 ~~child's age within a payment schedule established by rule of the~~
97 ~~department and subject to availability of funding. The statewide~~
98 ~~average monthly rate for children judicially placed with~~
99 ~~relatives or nonrelatives who are not licensed as foster homes~~
100 ~~may not exceed 82 percent of the statewide average foster care~~
101 ~~rate, and the cost of providing the assistance described in this~~
102 ~~section to any caregiver may not exceed the cost of providing~~
103 ~~out-of-home care in emergency shelter or foster care.~~

104 Section 2. Present subsection (4) of section 409.145,
105 Florida Statutes, is redesignated as subsection (5), a new
106 subsection (4) is added to that section, and subsection (3) of
107 that section is amended, to read:

108 409.145 Care of children; "reasonable and prudent parent"
109 standard.—The child welfare system of the department shall
110 operate as a coordinated community-based system of care which
111 empowers all caregivers for children in foster care to provide
112 quality parenting, including approving or disapproving a child's
113 participation in activities based on the caregiver's assessment
114 using the "reasonable and prudent parent" standard.

115 (3) ~~FOSTER CARE ROOM AND BOARD RATES.—~~

116 (a) Effective July 1, 2022 ~~2018~~, room and board rates shall

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117 be paid to foster parents, including relative and nonrelative
 118 caregivers who are licensed as a level I child-specific foster
 119 placement, and to relative and nonrelative caregivers who are
 120 participating in the Relative Caregiver Program and receiving
 121 payments pursuant to s. 39.5085(2)(d)1. or 2., as follows:
 122

123 Monthly Room and Board ~~Foster Care~~ Rate

0-5 Years		6-12 Years		13-21 Years	
Age		Age		Age	
<u>\$517.95</u>	\$457.95	<u>\$531.22</u>	\$469.68	<u>\$621.77</u>	\$549.74

124
 125
 126 (b) Each January, foster parents, including relative and
 127 nonrelative caregivers who are licensed as a level I child-
 128 specific foster placement, and to relative and nonrelative
 129 caregivers who are participating in the Relative Caregiver
 130 Program and receiving payments pursuant to s. 39.5085(2)(d)1. or
 131 2., shall receive an annual cost of living increase. The
 132 department shall calculate the new room and board rate increase
 133 equal to the percentage change in the Consumer Price Index for
 134 All Urban Consumers, U.S. City Average, All Items, not
 135 seasonally adjusted, or successor reports, for the preceding
 136 December compared to the prior December as initially reported by
 137 the United States Department of Labor, Bureau of Labor
 138 Statistics. The department shall make available the adjusted
 139 room and board rates annually.

140 (c) ~~Effective July 1, 2019, foster parents of level I~~

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141 ~~family foster homes as defined in s. 409.175(5)(a) shall receive~~
142 ~~a room and board rate of \$333.~~

143 ~~(d) Effective July 1, 2019, the foster care room and board~~
144 ~~rate for level II family foster homes as defined in s.~~
145 ~~409.175(5)(a) shall be the same as the new rate established for~~
146 ~~family foster homes as of January 1, 2019.~~

147 ~~(e) Effective January 1, 2020, paragraph (b) shall only~~
148 ~~apply to level II through level V family foster homes, as~~
149 ~~defined in s. 409.175(5)(a).~~

150 ~~(f)~~ The amount of the monthly ~~foster care~~ room and board
151 rate may be increased upon agreement among the department, the
152 community-based care lead agency, and the foster parent.

153 ~~(d)(g)~~ Effective July 1, 2019 ~~From July 1, 2018, through~~
154 ~~June 30, 2019,~~ community-based care lead agencies providing care
155 under contract with the department shall pay a supplemental room
156 and board payment to foster ~~care~~ parents, including relative and
157 nonrelative caregivers who are licensed as a level I child-
158 specific foster placement, and to relative and nonrelative
159 caregivers who are participating in the Relative Caregiver
160 Program and receiving payments pursuant to s. 39.5085(2)(d)1. or
161 2. of all family foster homes, on a per-child basis, for
162 providing independent life skills and normalcy supports to
163 children who are 13 through 17 years of age placed in their
164 care. The supplemental payment must ~~shall~~ be paid monthly ~~to the~~
165 ~~foster care parents~~ in addition to the current monthly room and
166 board rate payment. The supplemental monthly payment shall be
167 based on 10 percent of the monthly room and board rate for
168 children 13 through 21 years of age as provided under this
169 section and adjusted annually. ~~Effective July 1, 2019, such~~

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170 ~~supplemental payments shall only be paid to foster parents of~~
171 ~~level II through level V family foster homes.~~

172 (4) CHILD CARE SUBSIDY.—Any foster parents and relative or
173 nonrelative caregivers, regardless of whether the relative or
174 nonrelative caregivers participate in the Relative Caregiver
175 Program or are licensed as a level I child-specific foster
176 placement, who have a child placed in out-of-home care in the
177 home between the age of birth to school entry shall receive a
178 payment of \$200 per month to pay toward the cost of an early
179 learning or child care program.

180 Section 3. Paragraphs (c) and (d) of subsection (1) of
181 section 1009.25, Florida Statutes, are amended to read:

182 1009.25 Fee exemptions.—

183 (1) The following students are exempt from the payment of
184 tuition and fees, including lab fees, at a school district that
185 provides workforce education programs, Florida College System
186 institution, or state university:

187 (c) A student who was the subject of a dependency
188 proceeding and:

189 1. Is, or was at the time he or she reached 18 years of
190 age, in out-of-home care. ~~the custody of the Department of~~
191 ~~Children and Families or who,~~

192 2. Is, or was at the time he or she reached 18 years of
193 age, in the custody of a relative or nonrelative pursuant to s.
194 39.5085 or s. 39.6225.

195 3. After spending at least 6 months in the custody of the
196 department after reaching 16 years of age, was placed in a
197 guardianship by the court.

198 4. After reaching 14 years of age and thereafter spending

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199 at least 18 months in out-of-home care, was reunited with his or
200 her parent or parents who were the subject of the dependency
201 proceeding before he or she reaches 18 years of age, including a
202 student who is reunited under s. 39.8155. For a student to be
203 eligible under this subparagraph, the student must be Pell
204 Grant-eligible, and the entity imposing the tuition and fees
205 must verify such eligibility.

206 5. Was adopted from the department after May 5, 1997.

207 6. Was placed in a permanent guardianship, regardless of
208 whether the caregiver participates or participated in the
209 Relative Caregiver Program under s. 39.5085, and remains in such
210 guardianship until the student either reaches 18 years of age
211 or, if before reaching 18 years of age, he or she enrolls in an
212 eligible institution.

213

214 Such exemption includes fees associated with enrollment in
215 applied academics for adult education instruction. The exemption
216 remains valid until the student reaches 28 years of age.

217 ~~(d) A student who is, or was at the time he or she reached~~
218 ~~18 years of age, in the custody of a relative or nonrelative~~
219 ~~under s. 39.5085 or s. 39.6225 or who was adopted from the~~
220 ~~Department of Children and Families after May 5, 1997. Such~~
221 ~~exemption includes fees associated with enrollment in applied~~
222 ~~academics for adult education instruction. The exemption remains~~
223 ~~valid until the student reaches 28 years of age.~~

224 Section 4. For the purpose of incorporating the amendments
225 made by this act to section 409.145, Florida Statutes, in a
226 reference thereto, paragraph (b) of subsection (5) of section
227 393.065, Florida Statutes, is reenacted to read:

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228 393.065 Application and eligibility determination.—
229 (5) The agency shall assign and provide priority to clients
230 waiting for waiver services in the following order:
231 (b) Category 2, which includes individuals on the waiting
232 list who are:
233 1. From the child welfare system with an open case in the
234 Department of Children and Families' statewide automated child
235 welfare information system and who are either:
236 a. Transitioning out of the child welfare system at the
237 finalization of an adoption, a reunification with family
238 members, a permanent placement with a relative, or a
239 guardianship with a nonrelative; or
240 b. At least 18 years but not yet 22 years of age and who
241 need both waiver services and extended foster care services; or
242 2. At least 18 years but not yet 22 years of age and who
243 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
244 extended foster care system.
245
246 For individuals who are at least 18 years but not yet 22 years
247 of age and who are eligible under sub-subparagraph 1.b., the
248 agency shall provide waiver services, including residential
249 habilitation, and the community-based care lead agency shall
250 fund room and board at the rate established in s. 409.145(3) and
251 provide case management and related services as defined in s.
252 409.986(3)(e). Individuals may receive both waiver services and
253 services under s. 39.6251. Services may not duplicate services
254 available through the Medicaid state plan.
255
256 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a

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257 waiting list of clients placed in the order of the date that the
258 client is determined eligible for waiver services.

259 Section 5. For the purpose of incorporating the amendments
260 made by this act to section 409.145, Florida Statutes, in
261 references thereto, paragraph (b) of subsection (2) of section
262 409.1451, Florida Statutes, is reenacted to read:

263 409.1451 The Road-to-Independence Program.—

264 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

265 (b) The amount of the financial assistance shall be as
266 follows:

267 1. For a young adult who does not remain in foster care and
268 is attending a postsecondary school as provided in s. 1009.533,
269 the amount is \$1,256 monthly.

270 2. For a young adult who remains in foster care, is
271 attending a postsecondary school, as provided in s. 1009.533,
272 and continues to reside in a licensed foster home, the amount is
273 the established room and board rate for foster parents. This
274 takes the place of the payment provided for in s. 409.145(3).

275 3. For a young adult who remains in foster care, but
276 temporarily resides away from a licensed foster home for
277 purposes of attending a postsecondary school as provided in s.
278 1009.533, the amount is \$1,256 monthly. This takes the place of
279 the payment provided for in s. 409.145(3).

280 4. For a young adult who remains in foster care, is
281 attending a postsecondary school as provided in s. 1009.533, and
282 continues to reside in a licensed group home, the amount is
283 negotiated between the community-based care lead agency and the
284 licensed group home provider.

285 5. For a young adult who remains in foster care, but

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286 temporarily resides away from a licensed group home for purposes
287 of attending a postsecondary school as provided in s. 1009.533,
288 the amount is \$1,256 monthly. This takes the place of a
289 negotiated room and board rate.

290 6. A young adult is eligible to receive financial
291 assistance during the months when he or she is enrolled in a
292 postsecondary educational institution.

293 Section 6. This act shall take effect July 1, 2022.