

By the Committees on Appropriations; and Children, Families, and Elder Affairs

576-03241-22

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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)1. Relatives or nonrelatives who have a child placed
47 with them in out-of-home care and who have obtained licensure as
48 a child-specific level I foster placement, regardless of whether
49 a court has found the child to be dependent, shall receive a
50 monthly payment in accordance with s. 409.145(3) from the date
51 the child is placed in out-of-home care with his or her
52 relatives or with nonrelatives until the child achieves
53 permanency as determined by the court pursuant to s. 39.621.

54 2. Relatives or nonrelatives who have a child who has been
55 found to be dependent placed with them in out-of-home care shall
56 receive a monthly payment at a rate equal to the rate
57 established in s. 409.145(3) for licensed foster parents,
58 regardless of whether the relatives or nonrelatives have

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59 obtained a child-specific level I foster license, from the date
60 the child is found to be dependent or from the date the child is
61 placed with them in out-of-home care, whichever is later, for a
62 period of no more than 6 months or until the child achieves
63 permanency as determined by the court pursuant to s. 39.621,
64 whichever occurs first.

65 3. Relatives or nonrelatives who have a child who has been
66 found to be dependent placed with them in out-of-home care and
67 who have not obtained a child-specific level I foster license
68 within 6 months from the date of such placement shall receive a
69 monthly payment in an amount determined by department rule from
70 6 months after the date the child is found to be dependent or
71 from 6 months after the child is placed with them in out-of-home
72 care, whichever is later, until the relatives or nonrelatives
73 obtain a child-specific level I foster license or until the
74 child achieves permanency as determined by the court pursuant to
75 s. 39.621, whichever occurs first. The monthly payment amount
76 paid to relatives or nonrelatives pursuant to this subparagraph
77 must be less than the monthly payment amount provided to a
78 participant enrolled in the Guardianship Assistance Program
79 pursuant to s. 39.6225.

80 4. Relatives or nonrelatives who have a child placed in
81 their care by permanent guardianship pursuant to s. 39.6221, in
82 a permanent placement with a fit and willing relative pursuant
83 to s. 39.6231, or under former s. 39.622 if the placement was
84 made before July 1, 2006, and who are not enrolled in the
85 Guardianship Assistance Program pursuant to s. 39.6225 shall
86 receive a monthly payment in an amount determined by department
87 rule which must be less than the monthly payment amount provided

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88 to a participant enrolled in the Guardianship Assistance Program
89 under s. 39.6225 ~~Relatives or nonrelatives who are caring for~~
90 ~~children placed with them by the court pursuant to this chapter~~
91 ~~shall receive a special monthly caregiver benefit established by~~
92 ~~rule of the department.~~

93 (e) Relatives or nonrelatives obtaining monthly payments
94 under this section may also obtain a special benefit payment.

95 The 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

Monthly Room and Board ~~Foster Care~~ Rate

123	0-5 Years	6-12 Years	13-21 Years
	Age	Age	Age
124	<u>\$517.94</u> \$457.95	<u>\$531.21</u> \$469.68	<u>\$621.77</u> \$549.74

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

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141 room and board rates annually.

142 (c) ~~Effective July 1, 2019, foster parents of level I~~
143 ~~family foster homes as defined in s. 409.175(5)(a) shall receive~~
144 ~~a room and board rate of \$333.~~

145 (d) ~~Effective July 1, 2019, the foster care room and board~~
146 ~~rate for level II family foster homes as defined in s.~~
147 ~~409.175(5)(a) shall be the same as the new rate established for~~
148 ~~family foster homes as of January 1, 2019.~~

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

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

155 (d)(g) Effective July 1, 2022 ~~From July 1, 2018, through~~
156 ~~June 30, 2019,~~ community-based care lead agencies providing care
157 under contract with the department shall pay a supplemental room
158 and board payment to foster ~~care~~ parents, including relative and
159 nonrelative caregivers who are licensed as a level I child-
160 specific foster placement and relative and nonrelative
161 caregivers who are participating in the Relative Caregiver
162 Program and receiving payments pursuant to s. 39.5085(2)(d)1. or
163 2. of all family foster homes, on a per-child basis, for
164 providing independent life skills and normalcy supports to
165 children who are 13 through 17 years of age placed in their
166 care. The supplemental payment must ~~shall~~ be paid monthly ~~to the~~
167 ~~foster care parents~~ in addition to the current monthly room and
168 board rate payment. The supplemental monthly payment shall be
169 based on 10 percent of the monthly room and board rate for

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170 children 13 through 21 years of age as provided under this
171 section and adjusted annually. ~~Effective July 1, 2019, such~~
172 ~~supplemental payments shall only be paid to foster parents of~~
173 ~~level II through level V family foster homes.~~

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

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

184 1009.25 Fee exemptions.—

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

189 (c) A student who was the subject of a shelter proceeding,
190 a dependency proceeding, or a termination of parental rights
191 proceeding, and:

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

195 2. Is, or was at the time he or she reached 18 years of
196 age, in the custody of a relative or nonrelative pursuant to s.
197 39.5085 or s. 39.6225.

198 3. After spending at least 6 months in the custody of the

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199 department after reaching 16 years of age, was placed in a
200 guardianship by the court.

201 4. After reaching 14 years of age and thereafter spending
202 at least 18 months in out-of-home care, was reunited with his or
203 her parent or parents who were the subject of the dependency
204 proceeding before he or she reaches 18 years of age, including a
205 student who is reunited under s. 39.8155. For a student to be
206 eligible under this subparagraph, the student must be Pell
207 Grant-eligible, and the entity imposing the tuition and fees
208 must verify such eligibility.

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

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

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

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

227 Section 4. For the purpose of incorporating the amendments

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228 made by this act to section 409.145, Florida Statutes, in a
229 reference thereto, paragraph (b) of subsection (5) of section
230 393.065, Florida Statutes, is reenacted to read:

231 393.065 Application and eligibility determination.—

232 (5) The agency shall assign and provide priority to clients
233 waiting for waiver services in the following order:

234 (b) Category 2, which includes individuals on the waiting
235 list who are:

236 1. From the child welfare system with an open case in the
237 Department of Children and Families' statewide automated child
238 welfare information system and who are either:

239 a. Transitioning out of the child welfare system at the
240 finalization of an adoption, a reunification with family
241 members, a permanent placement with a relative, or a
242 guardianship with a nonrelative; or

243 b. At least 18 years but not yet 22 years of age and who
244 need both waiver services and extended foster care services; or

245 2. At least 18 years but not yet 22 years of age and who
246 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
247 extended foster care system.

248
249 For individuals who are at least 18 years but not yet 22 years
250 of age and who are eligible under sub-subparagraph 1.b., the
251 agency shall provide waiver services, including residential
252 habilitation, and the community-based care lead agency shall
253 fund room and board at the rate established in s. 409.145(3) and
254 provide case management and related services as defined in s.
255 409.986(3)(e). Individuals may receive both waiver services and
256 services under s. 39.6251. Services may not duplicate services

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257 available through the Medicaid state plan.

258

259 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
260 waiting list of clients placed in the order of the date that the
261 client is determined eligible for waiver services.

262 Section 5. For the purpose of incorporating the amendments
263 made by this act to section 409.145, Florida Statutes, in
264 references thereto, paragraph (b) of subsection (2) of section
265 409.1451, Florida Statutes, is reenacted to read:

266 409.1451 The Road-to-Independence Program.—

267 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

268 (b) The amount of the financial assistance shall be as
269 follows:

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

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

278 3. For a young adult who remains in foster care, but
279 temporarily resides away from a licensed foster home for
280 purposes of attending a postsecondary school as provided in s.
281 1009.533, the amount is \$1,256 monthly. This takes the place of
282 the payment provided for in s. 409.145(3).

283 4. For a young adult who remains in foster care, is
284 attending a postsecondary school as provided in s. 1009.533, and
285 continues to reside in a licensed group home, the amount is

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286 negotiated between the community-based care lead agency and the
287 licensed group home provider.

288 5. For a young adult who remains in foster care, but
289 temporarily resides away from a licensed group home for purposes
290 of attending a postsecondary school as provided in s. 1009.533,
291 the amount is \$1,256 monthly. This takes the place of a
292 negotiated room and board rate.

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

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