

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee
 3 Representative Tramont offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 39.4085, Florida Statutes, is amended
 8 to read:

9 39.4085 Goals for dependent children; responsibilities;
 10 education; Office of the Children’s Ombudsman.—

11 (1) The Legislature finds that the design and delivery of
 12 child welfare services should be directed by the principle that
 13 the health and safety of children, including the freedom from
 14 abuse, abandonment, or neglect, is of paramount concern and,
 15 therefore, establishes the following goals for children in
 16 shelter or foster care:

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17 (a) To receive a copy of this act and have it fully
18 explained to them when they are placed in the custody of the
19 department.

20 (b) To enjoy individual dignity, liberty, pursuit of
21 happiness, and the protection of their civil and legal rights as
22 persons in the custody of the state.

23 (c) To have their privacy protected, have their personal
24 belongings secure and transported with them, and, unless
25 otherwise ordered by the court, have uncensored communication,
26 including receiving and sending unopened communications and
27 having access to a telephone.

28 (d) To have personnel providing services who are
29 sufficiently qualified and experienced to assess the risk
30 children face before removal from their homes and to meet the
31 needs of the children once they are in the custody of the
32 department.

33 (e) To remain in the custody of their parents or legal
34 custodians unless and until there has been a determination by a
35 qualified person exercising competent professional judgment that
36 removal is necessary to protect their physical, mental, or
37 emotional health or safety.

38 (f) To have a full risk, health, educational, medical, and
39 psychological screening and, if needed, assessment and testing
40 upon adjudication into foster care; and to have their photograph
41 and fingerprints included in their case management file.

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42 (g) To be referred to and receive services, including
43 necessary medical, emotional, psychological, psychiatric, and
44 educational evaluations and treatment, as soon as practicable
45 after identification of the need for such services by the
46 screening and assessment process.

47 (h) To be placed in a home with no more than one other
48 child, unless they are part of a sibling group.

49 (i) To be placed away from other children known to pose a
50 threat of harm to them, either because of their own risk factors
51 or those of the other child.

52 (j) To be placed in a home where the shelter or foster
53 caregiver is aware of and understands the child's history,
54 needs, and risk factors.

55 (k) To be the subject of a plan developed by the counselor
56 and the shelter or foster caregiver to deal with identified
57 behaviors that may present a risk to the child or others.

58 (l) To be involved and incorporated, if appropriate, in
59 the development of the case plan, to have a case plan which will
60 address their specific needs, and to object to any of the
61 provisions of the case plan.

62 (m) To receive meaningful case management and planning
63 that will quickly return the child to his or her family or move
64 the child on to other forms of permanency.

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65 (n) To receive regular communication with a case manager,
66 at least once a month, which shall include meeting with the
67 child alone and conferring with the shelter or foster caregiver.

68 (o) To enjoy regular visitation, at least once a week,
69 with their siblings unless the court orders otherwise.

70 (p) To enjoy regular visitation with their parents, at
71 least once a month, unless the court orders otherwise.

72 (q) To receive a free and appropriate education; minimal
73 disruption to their education and retention in their home
74 school, if appropriate; referral to the child study team; all
75 special educational services, including, if appropriate, the
76 appointment of a parent surrogate; and the sharing of all
77 necessary information between the school board and the
78 department, including information on attendance and educational
79 progress.

80 (r) To be able to raise grievances with the department
81 over the care they are receiving from their caregivers, case
82 managers, or other service providers.

83 (s) To be heard by the court, if appropriate, at all
84 review hearings.

85 (t) To have a guardian ad litem appointed to represent,
86 within reason, their best interests and, if appropriate, an
87 attorney ad litem appointed to represent their legal interests;
88 the guardian ad litem and attorney ad litem shall have immediate
89 and unlimited access to the children they represent.

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90 (u) To have all their records available for review by
91 their guardian ad litem and attorney ad litem if they deem such
92 review necessary.

93 (v) To organize as a group for purposes of ensuring that
94 they receive the services and living conditions to which they
95 are entitled and to provide support for one another while in the
96 custody of the department.

97 (w) To be afforded prompt access to all available state
98 and federal programs, including, but not limited to, Early
99 Periodic Screening, Diagnosis, and Testing (EPSDT) services;
100 developmental services programs; Medicare and supplemental
101 security income; Children's Medical Services; and programs for
102 severely emotionally disturbed children.

103
104 This subsection establishes goals and not rights. This
105 subsection does not require the delivery of any particular
106 service or level of service in excess of existing
107 appropriations. A person does not have a cause of action against
108 the state or any of its subdivisions, agencies, contractors,
109 subcontractors, or agents, based upon the adoption of or failure
110 to provide adequate funding for the achievement of these goals
111 by the Legislature. This subsection does not require the
112 expenditure of funds to meet the goals established in this
113 subsection except those funds specifically appropriated for such
114 purpose.

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115 (2) The department shall operate with the understanding
116 that the rights of children in shelter or foster care are
117 critical to their safety, permanency, and well-being. The
118 department shall work with all stakeholders to help such
119 children become knowledgeable about their rights.

120 (3)(a) The case manager or other staff shall provide, at a
121 minimum, verbal and written:

122 1. ~~provide verbal and written~~ instructions to a child
123 entering shelter or foster care to educate the child on
124 identifying and reporting abuse, abandonment, or neglect.

125 2. information to children about laws and requirements
126 relating to the topic of normalcy and what that means for
127 children in out-of-home care; education; participation in court
128 proceedings; participation in permanency planning, transition
129 planning, and other case planning; placement, visitation, and
130 contact with siblings, family, and other individuals who are
131 important to the child; and access to food, clothing, shelter,
132 and health care.

133
134 The ~~verbal and written~~ instructions and information must use
135 words and phrasing that each child can understand and must occur
136 in a manner that is most effective for each child. The written
137 instructions and information are only required if the child is
138 of a sufficient age and understanding to receive such
139 instructions and information. The case manager or other staff

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140 must give each child the opportunity to ask questions ~~about his~~
141 ~~or her rights and how to identify and report abuse, abandonment,~~
142 ~~or neglect.~~ The case manager or other staff shall document in
143 court reports and case notes the date the information was
144 provided to the child. The case manager or other staff must
145 review the information with the child every 6 months and upon
146 every placement change until the child leaves shelter or foster
147 care.

148 (b) District school boards are authorized and encouraged
149 to establish educational programs for students ages 5 through 18
150 relating to identifying and reporting abuse, abandonment, or
151 neglect and the effects of such abuse, abandonment, or neglect
152 on a child. The district school boards may provide such programs
153 in conjunction with the youth mental health awareness and
154 assistance training program required under s. 1012.584, any
155 other mental health education program offered by the school
156 district, or any of the educational instruction required under
157 s. 1003.42(2).

158 (4) The Office of the Children's Ombudsman is established
159 within the department. The office shall, to the extent permitted
160 by available resources, at a minimum:

161 (a) receive complaints from children and young adults about
162 placement, care, and services and assist in mediating those
163 concerns.

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164 (b) be a resource to identify and explain relevant polices
165 or procedures to children, young adults, and their caregivers.

166 (c) provide recommendations to the department to address
167 systemic problems that are leading to complaints from children
168 and young adults.

169 (5) The department shall consult with children and young
170 adults who are currently or have formerly been in out-of-home
171 care when creating or revising any print or digital written
172 information used in implementing this section and shall use any
173 responses or feedback to ensure that such print or digital
174 written information is understandable by and appropriate and
175 useful for the children and young adults of the ages for which
176 such written information is intended.

177 Section 2. This act shall take effect July 1, 2023.

178
179 -----
180 **T I T L E A M E N D M E N T**

181 Remove everything before the enacting clause and insert:
182 An act relating to education for children and young adults in
183 out-of-home care; amending s. 39.4085, F.S.; requiring a case
184 manager or other staff member to provide verbal and written
185 information, under certain conditions, about certain topics;
186 establishing the Office of the Children's Ombudsman within the
187 Department of Children and Families; specifying
188 responsibilities; requiring the department to consult with

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1101 (2023)

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189 | children and young adults who are currently or have formerly
190 | been in out-of-home care when creating or revising any print or
191 | digital written information used in implementing this section;
192 | providing an effective date.