

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1174

INTRODUCER: Senator Jones

SUBJECT: Licensure of Family Foster Homes

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kennedy</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

The Department of Children and Families (DCF) licenses certain child welfare placement types for children in the child welfare system. Section 409.175, F.S., details the licensing requirements for family foster homes, residential child-caring agencies, and child-placing agencies, with the purpose of protecting the health, safety, and well-being of children in such care. Under existing law, family foster home licenses are issued for a specific person or agency at a specific location.

Once issued, a family foster home license is nontransferable.

SB 1174 amends the licensure requirements for family foster homes, residential child-caring agencies, and child-placing agencies to allow the transfer of licenses. The bill requires the Department of Children and Families (DCF) to adopt rules to administer these transfers.

The bill likely does not have a fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2025.

II. Present Situation:

Florida’s Child Welfare System – Generally

Chapter 39, F.S., creates Florida’s dependency system charged with protecting children who have been abused, abandoned, or neglected.¹ Florida’s child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead

¹ Chapter 39, F.S.

agencies (CBCs) work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.²

Child Protective Investigations

The DCF is required to operate and maintain a central abuse hotline (hotline)³ to receive reports of known or suspected instances of child abuse⁴, abandonment⁵, or neglect⁶, or instances when a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.⁷ The hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.⁸

If the hotline determines a report meets the statutory criteria for child abuse, abandonment, or neglect, a DCF child protective investigator (CPI) must complete a child protective investigation.⁹ Through face-to-face interviews with the child and family members, and assessments of the immediate safety of the children in the home, the CPI determines further actions.

When a CPI determines that in-home services are not enough to ensure a child's safety, the CPI must remove the child from the home and place him or her in a safe and appropriate temporary out-of-home placement.¹⁰ These placements are aimed to be the least restrictive, most family-like placements available.¹¹ The DCF is required to consider a child's placement in the following priority order:¹²

- Nonoffending parent.

² Chapter 39, F.S.

³ Hereinafter cited as "hotline." The "Florida Abuse Hotline" is the DCF's central abuse reporting intake assessment center, which receives and processes reports of known or suspected child abuse, neglect or abandonment 24 hours a day, seven days a week. Chapter 65C-30.001, F.A.C. and Section 39.101, F.S.

⁴ Section 39.01(2), F.S. defines "abuse" as any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

⁵ Section 39.01(1), F.S. defines "abandoned" or "abandonment" as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. "Establish or maintain a substantial and positive relationship" means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.

⁶ Section 39.01(53), F.S. states "neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

⁷ Section 39.201(1), F.S.

⁸ Section 39.101(1), F.S.

⁹ Prior to July 1, 2023, seven counties allowed the local sheriff's office to perform child protective investigations. The 2023 legislative session transitioned this responsibility fully back to the Department after changes in Florida's child welfare system aimed to integrate child protective investigations within existing crisis-oriented systems the DCF maintains. *See generally*: Laws of Fla. 2023-77.

¹⁰ Section 39.4021, F.S.

¹¹ *Id.*

¹² *Id.*

- Relative caregiver.
- Adoptive parent of the child’s sibling, when the DCF or CBC lead agency is aware of such sibling.
- Fictive kin with a close existing relationship to the child.
- Nonrelative caregiver that does not have an existing relationship with the child.
- *Licensed foster care.*
- *Group or congregate care.*

Licensed Foster Care

If a child is removed from his or her home and placed in a family foster home, those foster parents become a critical place in a child’s support network, ensuring their needs are met while in out-of-home placement and contributing to the potential reunification of the child with his or her biological family or some other permanency arrangement that is in the best interests of that child.¹³

Licensure of Family Foster Homes

Section 409.175, F.S. establishes the licensing requirements for family foster homes,¹⁴ residential child-caring agencies,¹⁵ and child-placing agencies,¹⁶ with the purpose of protecting the health, safety, and well-being of children in such care.¹⁷ Under existing law, family foster home licenses are issued for a specific person or agency at a specific location.¹⁸

Once issued, a family foster home license is nontransferable.¹⁹

If a foster parent relocates, they are required to contact the DCF and the supervising lead agency in writing no less than 30 calendar days prior to the expected date of relocation.²⁰ Upon relocation, if relocating within the same region, the following is required of the foster parent:²¹

- New “Application for License to Provide Out-of-Home Care for Dependent Children;”

¹³ See The Florida Department of Children and Families, Foster Care Overview, available at: <https://www.myflfamilies.com/services/child-family-services/foster-care/overview> (last visited 3/6/2025)

¹⁴ Section 409.175(2)(e), F.S.; defined as a residence licensed by the department in which children who are unattended by a parent or legal guardian are provided 24-hour care. The term does not include an adoptive home that has been approved by the department or approved by a licensed child-placing agency for children placed for adoption.

¹⁵ Section 409.175(2)(l), F.S.; defined as any person, corporation, or agency, public or private, other than the child's parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include hospitals, boarding schools, summer or recreation camps, nursing homes, or facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth, or facilities licensed under s. 393.067 or s. 394.875 or chapter 397.

¹⁶ Section 409.175(2)(d), F.S.; defined as any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to chapter 63, that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.

¹⁷ Section 409.175(1)(a), F.S.

¹⁸ See generally, s. 409.175, F.S.

¹⁹ Section 409.175(6)(i), F.S.

²⁰ Rule 65C-45.009(7), F.A.C.

²¹ *Id.*

- New Unified Home Study for the new location;
- Satisfactory environmental health inspection of the new residence;
- Disaster plan; and
- Home emergency evacuation plan.

If the foster parent is relocating between DCF regions, they must notify their supervising agency at least 30 days prior to move. The Coordination and responsibility for ensuring the transition of the license between regions is:²²

- The supervising agency must assist the foster parent in finding a supervising agency in the new region.
- The lead agency and supervising agency must work in partnership to secure a commitment from the new supervising agency to complete the requirements for licensing the new home.
- The new supervising agency must contact the foster parent within five business days of notification of the relocation to begin the licensing process.
- The DCF regional licensing office in the new region must request any additional documentation required to ensure that all minimum standards are met within 10 business days of receipt of the application file, and if no addition information is required, the new license shall be issued within 10 business days.

Federal Law

Title IV-E of the Social Security Act²³ mandates that all children in foster care are placed in safe and appropriate environments and that the child's health and safety shall be the paramount concern.²⁴ Furthermore, federal law mandates that the state is responsible for establishing and maintaining standards for foster family homes, including standards related to safety and sanitation.²⁵ State Title IV-E child welfare agencies ensure safe and appropriate environments by performing home studies to check the criminal backgrounds of the people and physical environments of the homes in which they place children.²⁶ Florida's approved federal Title IV-E state plan details how Florida meets the health and safety requirements of federal law, and this includes a unified home study of both foster and potential adoptive homes.²⁷

The DCF reports that without this home study of the physical location, the state could lose federal Title IV-E funding for foster care.²⁸

²² *Id.*

²³ Title IV-E of the Social Security Act authorizes the federal-state Foster Care, Prevention, and Permanency program. Under this program states are entitled to federal reimbursement for a part of the cost of providing foster care to children who, typically, due to abuse or neglect in their own homes, are removed from that home and placed in foster care.

²⁴ 42 U.S. Code § 671; 45 CFR 1356.21(b)

²⁵ 42 U.S.C. 671(a)(10); 42 U.S. Code § 672

²⁶ See generally, Children's Bureau, *Home Study Requirements for Prospective Foster Parents*, available at <https://www.childwelfare.gov/resources/home-study-requirements-prospective-foster-parents/> (last visited 3/8/25).

²⁷ See Generally, Agency Plan for Title IV-E of the Social Security Act, Foster Care and Adoption Assistance, State of Florida, available at <https://www.myflfamilies.com/sites/default/files/2023-05/TitleIVStatePlan-Approved01032020.pdf> (last visited on 3/8/25); Child and Family Services Plan, 2025-2029, Department of Children and Families, available at <https://www.myflfamilies.com/sites/default/files/2025-01/Child%20and%20Family%20Services%20Plan%202025-2029.pdf> (last visited 3/9/25).

²⁸ Florida Department of Children and Families, *2025 Agency Analysis*, pg.2 (on file with the Children, Families, and Elder Affairs Committee).

²⁸ *Id.*

III. Effect of Proposed Changes:

SB 1174 amends s. 409.175, F.S., to delete language making family foster home licenses nontransferable. This would allow the transfer of family foster home licenses. The bill does not remove any other standards for licensure.

The bill also requires the DCF to adopt rules to administer the transfer of licenses to another location within the state.

This change seeks to increase stability in the foster care system, by allowing already licensed foster parents to continue providing care without interruptions caused by relocation.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Ln. 25 of the bill strikes the statutory language mandating that licenses to a home or agency are nontransferable.

Lns. 31- 33 of the bill creates a new section of law that allows license transfers to “another location within the state” and requires the DCF to adopt rules to administer these transfers.

The removal of “The license is nontransferable.” from s. 409.175(6)(i) could be interpreted to mean the intent is to allow the transfer of the license *between persons*, not the same person between locations.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends s. 409.175, of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.