

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 989](#)

TITLE: Licensure of Family Foster Homes

SPONSOR(S): Franklin

COMPANION BILL: [CS/SB 1174](#) (Jones)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Human Services](#)

17 Y, 0 N, As CS



[Health & Human Services](#)

SUMMARY

Effect of the Bill:

CS/HB 989 amends the licensure requirements for family foster homes to allow a foster parent to amend his or her existing license when he or she relocates within the state, without the need to submit a new application.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The Department of Children and Families (DCF) establishes licensing requirements for [family foster homes](#). Under current law, family foster home licenses are issued to a specific person at a specific location. A family foster home license is not transferable. When a foster parent [relocates](#), they must submit a new application.

CS/HB 989 amends the licensure requirements for family foster homes to allow a foster parent to amend his or her existing license when he or she relocates within the state, without the need to submit a new application. (Section [1](#)).

The effective date of the bill is October 1, 2025. (Section [2](#)).

RULEMAKING:

CS/HB 989 modifies a provision of law that is already under DCF's existing rulemaking authority, thus allowing DCF to adopt rules to implement the new licensing requirement. To this end, the bill requires DCF to adopt family foster home licensure rules which allows a license holder to amend his or her license, instead of filing a brand-new application, and prioritizes the licensure amendment process.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida's Child Welfare System

Administered by the Department of Children and Families (DCF), Florida's child welfare system seeks to:

STORAGE NAME: h0989a.HSS

DATE: 3/18/2025

- Provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development;
- Ensure secure and safe custody;
- Promote the health and well-being of all children under the state’s care; and
- Prevent the occurrence of child abuse, neglect, and abandonment.¹

Community-Based Care Lead Agencies (CBCs)

DCF outsources some child protection and child welfare services to 16 community based-care lead agencies (CBCs).² CBCs organize services such as family preservation, mental health services, case management, emergency shelter, foster care, residential group care, postplacement supervision, independent living, and permanency.³

CBCs may subcontract case management and direct care services to other provider groups under certain conditions.⁴ Meanwhile, DCF retains direct control over a number of child welfare functions, including operating the central abuse hotline, performing child protective investigations, and providing children’s legal services.⁵ Ultimately, DCF must ensure children receive appropriate, quality care. ⁶ For Fiscal Year 2023-2024, DCF served 55,092 children with family support services, in-home child protective services, or out-of-home care.⁷

Out-of-Home Care Placements

Current law prioritizes out-of-home placements that are the least restrictive, most family-like settings which are available in close proximity to the child’s home and meets the child’s needs.⁸ To prepare for an out-of-home care placement, DCF must first complete a comprehensive assessment⁹ to identify the level of care needed by the child and match the child with the most appropriate placement. To this end, DCF must organize a multidisciplinary team (MDT) staffing¹⁰ for the child’s benefit and screen the child for trauma. The MDT integrates the trauma screening results, the assessment results, and the recommended services and interventions into the child’s overall behavioral health treatment plan.¹¹

Next, DCF prepares a written case plan from the results of a family functioning assessment, which describes, among other elements, the outstanding domestic problems that necessitated DCF’s intervention on behalf of the child, the

¹ S. [39.001\(1\)\(a\), F.S.](#)

² S. [409.986, F.S.](#)

³ S. [409.986\(3\), F.S.](#)

⁴ S. [409.988\(1\)\(j\), F.S.](#) Current law requires a CBC to recruit other provider groups when the CBC seeks DCF’s approval for an exemption to exceed the 35% cap on the direct provision of child welfare services. Current law conditions the exemption upon a showing that the CBC’s geographic service area still lacks a qualified provider after the CBC’s good faith recruitment efforts. s. [409.988\(1\)\(j\), F.S.](#)

⁵ S. [409.996, F.S.](#)

⁶ Ss. [409.986\(1\)\(b\)](#), [409.996](#), [409.997, F.S.](#)

⁷ Department of Children and Families, “A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Position of All Community-Based Care Lead Agencies with System of Care Analysis: State Fiscal Years 2022-2023 and 2023-2024”, p. 12 (Dec. 1, 2024) <https://www.myflfamilies.com/sites/default/files/2024-12/2024%20Multi-Year%20Review%20of%20Financial%20Position%20for%20Lead%20Agencies%20Report.pdf> (last visited Feb. 2, 2025).

⁸ Ss. [39.4021, F.S.](#), [39.523\(1\), F.S.](#) The statutory hierarchy of preferred placements for a child, in descending order, is with the nonoffending parent, a relative caregiver, an adoptive parent of the child’s sibling, fictive kin with a close existing relationship to the child, a nonrelative caregiver who lacks an existing relationship with the child, licensed foster care, and group or congregate care.

⁹ A “comprehensive assessment” entails the gathering of information for the evaluation of a child’s and caregiver’s physical, psychiatric, psychological, or mental health; developmental delays or challenges; and educational, vocational, and social condition and family environment as they relate to the child’s and caregiver’s need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.” s. [39.01\(18\), F.S.](#)

¹⁰ A multidisciplinary team staffing builds consensus towards an informed placement decision by bringing together the child (if he or she is of sufficient age or capacity to participate), the child’s guardian ad litem, the child’s family members (as appropriate) or fictive kin, the current caregiver, a DCF representative (other than a DCF Children’s Legal Services attorney), a CBC representative, the child’s case manager, and a Department of Juvenile Justice representative (if the child is dually involved). At DCF’s discretion, the MDT staffing may invite the participation of a Children’s Medical Services representative, a school official who has direct contact with the child, a therapist or other behavioral health professional, a mental health professional with expertise in sibling bonding, or other community service providers. s. [39.4022\(4\), F.S.](#)

¹¹ S. [39.523\(2\), F.S.](#)

permanency goal, and the terms of substantial compliance towards reunification.¹² Then, at the disposition hearing, the presiding judge reviews DCF’s work and authorizes the child’s out-of-home placement only if he or she approves of the case plan and family functioning assessment.¹³

During Fiscal Year 2023-2024, DCF served 27,251 children in out-of-home care.¹⁴

[Family Foster Homes](#)

A family foster home is a DCF-licensed residence where children in out-of-home care receive 24-hour care.¹⁵ Although DCF uses a flexible standard¹⁶ to determine the total of number children placed in any given family foster home, DCF reserves the right to grant a capacity waiver. A capacity waiver authorizes a family foster home to care for more than 6 children adjudicated dependent¹⁷ or more than 8 children in total (inclusive of children adjudicated dependent and the foster family’s own children).¹⁸

Current law authorizes DCF, by regulation, to make distinctions among the types of care, the numbers of children served, and the physical, mental, emotional, and educational needs of the children served.¹⁹

The following chart displays the five statutory levels of licensed family foster home care.²⁰

| Licensed Family Foster Home Care Placements | |
|---|---|
| Placement Type | Description |
| Level I: Child-Specific Foster Home | Places a child with relatives or non-relatives who have an existing relationship with the child and are willing and able to provide care for the child. |
| Level II: Non-Child Specific Foster Home | Places a child with a foster parent without having a prior relationship between the child and foster parent. |
| Level III: Safe Foster Home for Victims of Human Trafficking | Places a victim of human trafficking in a safe and stable environment. |
| Level IV: Therapeutic Foster Home | Places a child with a foster parent that has received specialized training to care for children and adolescents that have significant emotional, behavioral, or social needs. |
| Level V: Medical Foster Home | Places a child with a foster parent with specialized training to care for children and adolescents with chronic medical conditions. |

Current law grants DCF rulemaking authority concerning the licensure of family foster homes.²¹

¹² S. [39.6011\(2\), F.S.](#) “Substantial compliance” means that the circumstances which caused the creation of the case plan have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child’s remaining with or being returned to the child’s parent. [s. 39.01\(87\), F.S.](#)

¹³ S. [39.521\(1\)\(a\), F.S.](#)

¹⁴ Department of Children and Families, “A Comprehensive, Multi-Year Review of the Revenues, Expenditures, and Financial Position of All Community-Based Care Lead Agencies with System of Care Analysis: State Fiscal Years 2022-2023 and 2023-2024”, p. 12 (Dec. 1, 2024) <https://www.myflfamilies.com/sites/default/files/2024-12/2024%20Multi-Year%20Review%20of%20Financial%20Position%20for%20Lead%20Agencies%20Report.pdf> (last visited Mar. 5, 2025).

¹⁵ S. [409.175\(2\)\(e\), F.S.](#)

¹⁶ DCF considers the needs of each child in care; the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home; the amount of safe physical plant space; the ratio of active and appropriate adult supervision; and the background, experience, and skill of the family foster parents. [s. 409.175\(3\)\(a\), F.S.](#)

¹⁷ See [39.01\(15\), F.S.](#)

¹⁸ S. [409.175\(3\), F.S.](#)

¹⁹ S. [409.175\(5\)\(e\), F.S.](#)

²⁰ S. [409.175\(5\), F.S.](#) See generally The Department of Children and Families, *Foster Home Licensing*, <https://www.myflfamilies.com/services/licensing/foster-care-licensing> (last visited Mar. 14, 2025).

²¹ S. [409.175\(5\), F.S.](#)

The Initial License Application

Preservice Training

As a condition of licensure, prospective foster parents must successfully complete preservice training. DCF sets the uniform, statewide preservice programming, which includes DCF orientation and requisite curriculum topics. These topics cover the role of a foster parent, a child's trauma due to the out-of-home care transition, how to manage a traumatized child's behavioral issues, how to prevent placement disruptions, how to care for a child at various development levels (including appropriate disciplinary measures), and the effects of foster parenting on the original nuclear family. Preservice training must provide prospective foster parents with information about, and contact information for, the local mobile response team as a means for addressing a behavioral health crisis or preventing placement disruptions.²² DCF must approve or deny an application for licensure no later than 100 calendar days after the DCF orientation.²³

In addition, prospective foster parents must successfully complete preservice training related to human trafficking which must be uniform statewide and cover, at a minimum, basic information on human trafficking (i.e., relevant terminology and the differences between sex trafficking and labor trafficking), identifying children at risk of human trafficking, and preventative steps to mitigate human trafficking.²⁴

Background Checks

When DCF scrutinizes a proposed placement of a child, current law requires DCF to complete background record checks of all household members 12 years of age and older through the State Automated Child Welfare Information System (SACWIS), a local law enforcement agency, and a statewide law enforcement agency.²⁵ An out-of-state criminal history records check is mandatory for all household members 18 years of age and older who previously resided in another state.²⁶ Applicants must disclose to DCF any prior or pending local, state, or national criminal proceeding in which they are or were involved.²⁷

At DCF's discretion, a criminal history record check may include a Level 2 screening²⁸ and a local criminal record check through local law enforcement agencies of other adult visitors to the home of the proposed placement.²⁹ DCF submits fingerprints to the Florida Department of Law Enforcement for review by the Federal Bureau of Investigation.³⁰

Florida statute authorizes DCF to place a child in a home that otherwise meets placement requirements if a name check of state and local criminal history records systems does not disqualify the applicant.³¹

Home Study

A family foster home license bears the caregiver's residential address because DCF specifically licenses the physical location where a foster child resides. DCF conducts a home study assessment to determine the safety and appropriateness of the residence as a 24-hour living arrangement for the foster child.³² This home study includes

²² S. [409.175\(14\), F.S.](#)

²³ S. [409.175\(6\)\(d\), F.S.](#)

²⁴ S. [409.175\(14\)\(e\), F.S.](#)

²⁵ S. [39.0138\(1\), F.S.](#), s. [409.175\(2\)\(k\), F.S.](#) DCF also screens adult visitors to the home who provide care of the child outside the parent's sight or sound supervision. R. 65C-30.001(59), F.A.C.

²⁶ S. [39.0138\(1\), F.S.](#) The foreign state's jurisdiction may or may not allow the release of such records.

²⁷ S. [39.0138\(6\), F.S.](#)

²⁸ The Level 2 Screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies. s. [435.04, F.S.](#)

²⁹ S. [39.0138\(1\), F.S.](#)

³⁰ S. [39.0138, F.S.](#)

³¹ S. [39.0138\(5\), F.S.](#)

³² See s. [409.175\(2\)\(g\), F.S.](#)

an evaluation of the safety, cleanliness, and suitability of the home as well as family dynamics, personal history, and financial stability.³³

Active License

DCF must issue a family foster home license, without charge, within 10 business days³⁴ to an applicant that meets the state minimum licensing requirements and possesses an endorsement letter from the CBC exercising responsibility over the service area within which the residence is located.³⁵

Inservice Training

DCF must provide, or arrange for, inservice training, which consists of periodic time-limited training courses, for family foster home licensees. DCF must reimburse a licensee for travel expenditures and necessary child care.³⁶ Foster parents, before licensure renewal, must complete inservice training related to human trafficking.³⁷

Other Terms and Conditions

A family foster home license is a public trust and a privilege, not an entitlement or a vested property right.³⁸ To this end, the family foster home license is nontransferable and is DCF property; the license is subject to suspension or revocation. Although the initial family foster home license is valid for 1 year from the date of issuance, the licensee may voluntarily surrender the family foster home license to DCF at any time.³⁹

DCF licensing officials may make scheduled or unannounced inspections of a licensed family foster home at any reasonable time to investigate and evaluate whether the home remains in compliance with licensing requirements.⁴⁰

DCF compensates family foster home licensees according to the monthly room and board rates established in current law.⁴¹

The Renewal License Application

If the family foster home licensee wishes to renew his or her license, he or she must submit a renewal application to DCF ninety days prior to the expiration date listed on the license.⁴²

Before DCF approves a license renewal, DCF must reassess the appropriateness of the number of children in the home.⁴³ The licensee must submit a list of the household members who resided on a continuous basis at the family foster home (and other caregiver visitors who worked at the home) since last submitting fingerprints to DCF.⁴⁴

At its discretion, DCF may issue a license that is valid between 1-3 years if the family foster home licensee maintained his or her license for at least the 3 previous consecutive years, remains in good standing with DCF, and has not been the subject of a verified report of child maltreatment.⁴⁵

³³ Florida Department of Children and Families, Agency Analysis of 2025 House Bill 989, p. 2, (Mar. 7, 2025).

³⁴ DCF may exceed 100 calendar days to approve or deny an application for licensure as a safe foster home, therapeutic foster home, or a medical foster home because these settings require additional certifications. [s. 409.175\(5\)\(a\), F.S.](#), [s. 409.175\(6\)\(d\), F.S.](#)

³⁵ S. [409.175\(6\)\(b\), F.S.](#), [s. 409.175\(6\)\(d\), F.S.](#), [s. 409.175\(6\)\(i\), F.S.](#)

³⁶ S. [409.175\(14\)\(a\), F.S.](#), [s. 409.175\(14\)\(d\), F.S.](#)

³⁷ S. [409.175\(14\), F.S.](#)

³⁸ S. [409.175\(2\)\(f\), F.S.](#)

³⁹ [s. 409.175\(6\)\(i\), F.S.](#)

⁴⁰ S. [409.175\(8\), F.S.](#)

⁴¹ S. [409.145\(3\), F.S.](#)

⁴² S. [409.175\(6\)\(f\), F.S.](#)

⁴³ S. [409.175\(3\)\(d\), F.S.](#) For a home with more than eight children, including the family's own children, if it is determined by the licensure study at the time of relicensure that the total number of children in the home is appropriate and that there have been no substantive licensure violations and no indications of child maltreatment or child-on-child sexual abuse within the past 12 months, the relicensure of the home may not be denied based on the total number of children in the home.

⁴⁴ S. [409.175\(6\)\(c\), F.S.](#)

License Amendments - [Relocations](#)

Current DCF regulations account for a variety of foreseeable changes to the experience of a family foster home during the licensed year.⁴⁶ As a change in physical address alters information recorded on the actual family foster home license, a licensee must coordinate with the supervising agency⁴⁷ for their service region to facilitate the portability of his or her license to a new location.⁴⁸

If a family foster home licensee intends to change their residential address, he or she must notify the supervising agency for a new home study evaluation no less than 30 calendar days prior to the expected relocation date.⁴⁹ The supervising agency must assess and document the impact on the household within 2 business days of learning the licensee reports a change in address.⁵⁰

If the family foster home licensee wants to relocate within the same service region, he or she must complete a new license application, a new home study, a satisfactory environmental health inspection of the new residence, a disaster plan, and a home emergency evacuation plan. If approved, the licensee receives an amended license that expires on the same date as the previous license.⁵¹

If the family foster home licensee wants to relocate to another service region within the state, the supervising agency must assist the licensee in finding a supervising agency in the new service region. If they find one, the licensee's current CBC and supervising agency must work together to secure a commitment from the receiving supervising agency in the new region to complete licensing requirements for the new home. The current supervising agency must exchange licensee information with the prospective supervising agency. If approved, DCF will issue a new license within 10 business days of receipt of the complete application file.⁵²

RECENT LEGISLATION:

| YEAR | BILL # | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION |
|------|-----------------------------|------------------|----------------|---|
| 2022 | CS/HB 615 | Overdorf | Garcia | Became law on July 1, 2022. |
| 2021 | CS/CS/SB 96 | Altman | Brodeur | Became law on July 1, 2021, except as otherwise provided. |

⁴⁵ S. [409.175\(6\)\(k\), F.S.](#) A family foster home that has been issued a license valid for longer than 1 year must be monitored and visited as frequently as one that has been issued a 1-year license. The department reserves the right to reduce a licensure period to 1 year at any time.

⁴⁶ Rule 65C-45.009, F.A.C.

⁴⁷ A supervising agency is any licensed child-placing agency that oversees and supports a family foster home and assists applicants in the licensing process. Rule 65C-30.001(120), F.A.C.

⁴⁸ Rule 65C-45.014(7), F.A.C., Rule 65C-45.009(7), F.A.C.

⁴⁹ Rule 65C-45.009(7), F.A.C.

⁵⁰ Rule 65C-45.009(3)-(4), F.A.C.

⁵¹ Rule 65C-45.009(7), F.A.C.

⁵² Rule 65C-45.009(7), F.A.C.

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|------------------|-----------|------------------------------------|-------------------------|
| Human Services Subcommittee | 17 Y, 0 N, As CS | 3/18/2025 | Mitz | DesRochers |

THE CHANGES ADOPTED BY THE COMMITTEE:

- Requires DCF to adopt family foster home licensure rules which allows a license holder to amend his or her license, instead of filing a brand-new application, when he or she relocates within the state, and prioritizes the licensure amendment process.
- Restores language in current law that prohibits the transfer of a family foster home license from one person to another.

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THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
