FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/HB 989 COMPANION BILL: CS/CS/SB 1174 (Jones)

TITLE: Licensure of Family Foster Homes

SPONSOR(S): Franklin

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 111Y's 0 N's GOVERNOR'S ACTION: Approved

SUMMARY

Effect of the Bill:

The bill requires the Department of Children and Families (DCF) to expedite family foster home licensure applications of current licensees in good standing who seek to relocate within the state. The bill requires DCF to adopt rules to grant these licensees priority review, expedited home studies, expedited backgrounds checks, and recognition of previously completed foster parent training coursework.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

Florida's Child Welfare System

Family Foster Homes

The Department of Children and Families (DCF) establishes licensing requirements for <u>family foster homes</u>, and through its <u>supervising agencies</u>, enforces compliance. Under current law, DCF issues family foster home licenses by location. If the foster parent relocates within the state, the foster parent must start over with a new license application and a new home study. If the foster parent's supervising agency also changes, the foster parent must coordinate with two supervising agencies and meet the new agency's standards.

The bill requires DCF to reduce administrative licensing hurdles that complicate a foster parent's relocation within the state, especially when his or her supervising agency changes. Specifically, the bill requires DCF to expedite family foster home licensure applications by current licensees in good standing who seek to relocate within the state. The bill requires DCF to adopt rules to grant these licensees priority review, expedited home studies, expedited backgrounds checks, and recognition of previously completed foster parent training coursework. (Section 1).

Effectively, the bill establishes license reciprocity across DCF's designated service regions, granting licensees greater freedom of mobility within the state to pursue new job and lifestyle opportunities without starting the family foster home licensing process all over again. To qualify, a family foster parent must notify his or her current supervising agency, pursuant to current rule requirements.¹

The bill was approved by the Governor on May 22, 2025, ch. 2025-63, L.O.F., and will become effective on October 1, 2025. (Section 2).

STORAGE NAME: h0989z **DATE**: 5/29/2025

DATE: 3/27/2023

¹ Rule 65C-45.009(7), F.A.C.

RULEMAKING:

The bill expands DCF's rulemaking authority, pursuant to s. 409.175(5), F.S. and s. 409.175(6), F.S., to allow DCF to fast-track applications submitted by family foster home licensees.

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), under Chapter 39, F.S., Florida's child welfare system seeks to:

- 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.²

Community-Based Care Lead Agencies (CBCs)

DCF outsources some child protection and child welfare services to 16 community based-care lead agencies (CBCs).3 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.4

CBCs may subcontract case management and direct care services to other provider groups under certain conditions. 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. Ultimately, DCF must ensure children receive appropriate, quality care. ⁷ For Fiscal Year 2023-2024, DCF served 55,092 children with family support services, in-home child protective services, or out-of-home care.8

Out-of-Home Care Placements

Current law prioritizes out-of-home care 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. To prepare for an out-of-home care placement, DCF must first complete a comprehensive assessment¹⁰ to identify the level of care needed by the

² S. <u>39.001(1)(a), F.S.</u>

³ S. <u>409.986, F.S.</u>

⁴ S. 409.986(3), F.S.

⁵ 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.

⁶ S. <u>409.996, F.S.</u>

⁷ Ss. 409.986(1)(b), F.S., 409.996, F.S., 409.997, F.S.

⁸ 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", pp. 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 May 9, 2025).

⁹ 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.

¹⁰ 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

child and match the child with the most appropriate placement. To this end, DCF must organize a multidisciplinary team (MDT) staffing¹¹ 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.¹²

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 permanency goal, and the terms of substantial compliance towards reunification.¹³ 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.¹⁴

During Fiscal Year 2023-2024, DCF served 27,251 children in out-of-home care. 15

Family Foster Homes

A <u>family foster home</u> is a DCF-licensed residence where children in out-of-home care receive 24-hour care. ¹⁶ Although DCF uses a flexible standard ¹⁷ to determine the total 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 dependent ¹⁸ or more than 8 children in total (inclusive of children adjudicated dependent and the foster family's own children). ¹⁹

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.²⁰

The following chart displays the five statutory levels of licensed family foster home care.²¹

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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." <u>s. 39.01(18), F.S.</u>

¹¹ 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. \$\frac{\scrtee}{39.4022(4), F.S.}\$

¹² S. 39.523(2), F.S.

¹³ S. <u>39.6011(2)</u>, 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. <u>s. 39.01(87)</u>, F.S.

¹⁴ S. <u>39.521(1)(a), F.S.</u>

¹⁵ *Supra*, FN 7.

¹⁶ S. 409.175(2)(e), F.S.

 $^{^{17}}$ 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.

¹⁸ See <u>s. 39.01(15), F.S.</u>

¹⁹ S. <u>409.175(3), F.S.</u>

²⁰ S. <u>409.175(5)(e), F.S.</u>

²¹ S. <u>409.175(5)</u>, F.S.; Department of Children and Families, "Foster Home Licensing," https://www.myflfamilies.com/services/licensing/foster-care-licensing (last visited May 9, 2025).

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.			

Pre-Service 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 The orientation included in the preservice training triggers a timeline for DCF to approve or deny an application for licensure: DCF must make a decision on a license application within 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

Current law requires DCF to complete background record checks of all family foster home 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. 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. Applicants must disclose to DCF any prior or pending local, state, or national criminal proceeding in which they are or were involved. Applicants must disclose to DCF any prior or pending local, state, or national criminal proceeding in which they are

²² S. 409.175(14), F.S.

²³ S. 409.175(6)(d), F.S.

²⁴ S. <u>409.175(14)(e), F.S.</u>

²⁵ Ss. <u>39.0138(1), F.S.</u>, <u>409.175(2)(k), F.S.</u> DCF also screens adult visitors to the home who provide care of the child outside the parent's sight or sound supervision. Rule 65C-30.001(59), F.A.C.

²⁶ S. <u>39.0138(1)</u>, F.S. The foreign state's jurisdiction may or may not allow the release of such records.

²⁷ S. <u>39.0138(6), F.S.</u>

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 family foster home that otherwise meets placement requirements if a name check of state and local criminal history records systems does not disqualify the applicant.³¹

Supervising Agencies

To increase its operational capacity, DCF subcontracts certain administrative functions to <u>supervising agencies</u>, a class of child-placing agencies³² which directly supervise a family foster home and assist applicants in the licensing process, including license renewals and license amendments. ³³ The supervising agencies do not have statewide jurisdiction; each supervising agency exercises regional authority only within its DCF-designated service region.

Home Study

The supervising agency visits the applicant's residence to perform the initial licensing home study to determine if he or she is both responsible and capable of providing foster children with a safe, stable, and supportive home environment that meets their well-being needs.³⁴ Specifically, a supervising agency staff person will ascertain the applicant's demographic information, verify the completion of pre-service training and the results of the applicant's background checks, and learn about the applicant's employment situation, financial capacity, income streams, and child care arrangements. The supervising agency staff person also assesses the applicant's character and fitness to serve as a foster parent. The supervising agency staff person also documents the specifications of the applicant's residence and the surrounding neighborhood in the home study.³⁵

Licensure Recommendation

The supervising agency provides DCF with a recommendation of approval or denial of the prospective foster parent. For approval recommendations, it must present DCF with recommendations with respect to the appropriate license level, bed capacity, and the population group to be served in the home (i.e., age of children, gender of children, types of behavior, and special needs). The supervising agency must also inform DCF of any limitations or concerns and address the conditions for which the applicant would refuse to accept a child.³⁶ For denial recommendations, it must explain, with supporting documentation, to DCF which licensing standards the applicant failed to meet.³⁷ The application packet must also include an endorsement letter from the CBC exercising responsibility over the service area in which the applicant's residence is located.³⁸

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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, and may include local criminal records checks through local law enforcement agencies. <u>s. 435.04, F.S.</u>

²⁹ S. <u>39.0138(1), F.S.</u>

³⁰ S. <u>39.0138, F.S.</u>

³¹ S. 39.0138(5), F.S.

³² A child-placing agency is an out-of-home care placement service provider. s. 409.175(2)(d), F.S.

³³ Rule 65C-30.001(120), F.A.C.

³⁴ Rule 65C-30.001(125), F.A.C.; see <u>s. 409.175(2)(g)</u>, F.S.; see Florida Department of Children and Families, Agency Analysis of 2025 House Bill 989, pp. 2, (Mar. 7, 2025).

³⁵ Rule 65C-45.003(3), F.A.C.

³⁶ See Rule 65C-45.004(1)(a), F.A.C.

³⁷ See Rule 65C-45.004(1)(b), F.A.C.

³⁸ See s. 409.175(6)(i), F.S.

Active License

If DCF approves the prospective foster parent's application, DCF issues the family foster home license to the applicant, which the CBC or supervising agency is responsible for delivering.³⁹ A family foster home license bears the caregiver's residential address because DCF specifically licenses the physical location where a foster child resides, not just the foster parent(s).⁴⁰

The supervising agency is responsible for entering into a written partnership plan directly with the foster parents, which is an agreement specifying each party's duties and responsibilities to foster children and DCF.⁴¹

The CBCs, the supervising agencies, and other subcontracted providers must contact the family foster home licensee at least once quarterly and provide ongoing support to foster parents throughout the term of the license, which includes, but is not limited to, access to foster parent support groups, foster children service resources, foster parent mentors, and foster parent service resources.⁴²

Inservice Training

During the term of the family foster home license, the foster parent must successfully complete DCF-approved inservice training, which consists of periodic time-limited training courses, including mandatory training related to human trafficking.⁴³ The particular coursework for a foster parent depends upon the needs of the family and any foster children served in the home.⁴⁴ DCF must reimburse a licensee for travel expenditures and necessary child care.⁴⁵

Inspections

DCF licensing officials, including supervising agency staff, 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.⁴⁶

Nontransferability

A family foster home license is a public trust and a privilege, not an entitlement or a vested property right.⁴⁷ To this end, the family foster home license is DCF property; the license is subject to suspension or revocation. Although the initial family foster home license is valid for one year from the date of issuance, the licensee may voluntarily surrender the family foster home license to DCF at any time. In addition, the license is not transferrable: the foster parents cannot transfer it to other foster parents or to a different location.⁴⁸

License Renewal

If the family foster home licensee wishes to renew the license, he or she must submit a renewal application to DCF ninety days prior to the expiration date listed on the license.⁴⁹ DCF regulations require the supervising agency to initiate relicensing procedures at least 30 calendar days prior the expiration of the current license. As a condition precedent to license renewal, the supervising agency must perform one in-person visit in the licensed foster parent's residence and conduct interviews with all household members. The supervising agency must ensure all

³⁹ Rule 65C-45.004(4)-(5), F.A.C.

⁴⁰ See 65C-45.004(4), F.A.C.; Florida Department of Children and Families, Agency Analysis of 2025 House Bill 989, pp. 2, (Mar. 7, 2025)

⁴¹ Rule 65C-30.001(84), F.A.C., Rule 65-45.003(1)(a), F.A.C.

⁴² Rule 65C-45.011, F.A.C.

⁴³ S. 409.175(14), F.S.

⁴⁴ Rule 65C-45.002(7), F.A.C.

⁴⁵ S. <u>409.175(14), F.S.</u>

⁴⁶ S. <u>409.175(8)</u>, F.S.; Rule 65C-45.014(5), F.A.C.

⁴⁷ S. <u>409.175(2)(f), F.S.</u>

⁴⁸ S. <u>409.175(6)(i), F.S.</u>

⁴⁹ S. <u>409.175(6)(j), F.S.</u>

required background screening has been completed and complete another unified home study, as appropriate. ⁵⁰ The supervising agency must revisit the partnership plan agreement with the foster parent before offering a license recommendation to DCF regarding renewal of the family foster home license. ⁵¹

Before DCF approves a license renewal, DCF must reassess the appropriateness of the number of children in the home.⁵² 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.⁵³

At its discretion, DCF may issue a license that is valid for one to three years if the family foster home licensee maintained his or her license for at least the three previous consecutive years, remains in good standing with DCF, and has not been the subject of a verified report of child maltreatment.⁵⁴

License Amendments - Relocations

Under current law, DCF issues a family foster home license to a specific person at a specific location, and the license cannot be transferred to a new location.⁵⁵ Current DCF rules account for a variety of foreseeable changes a family foster home might experience during the term of the license, including a change in location.⁵⁶ A change in physical address alters information recorded on the actual family foster home license, so a licensee that moves to new house must coordinate with the supervising agency⁵⁷ for their service region to facilitate amending the license for the new location.⁵⁸

If a family foster home licensee intends to change 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.⁵⁹ 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.⁶⁰

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.⁶¹

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.⁶²

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⁵⁰ Rule 65C-45.012(1), F.A.C.

⁵¹ Rule 65C-45.012(4), F.A.C.; Rule 65C-45.010(1)(c), F.A.C.

⁵² 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.

⁵³ S. 409.175(6)(c), F.S.

⁵⁴ S. <u>409.175(6)(k)</u>, 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.

⁵⁵ S. 409.175(6)(i), F.S.

⁵⁶ Rule 65C-45.009, F.A.C.

⁵⁷ 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.

⁵⁸ Rule 65C-45.014(7), F.A.C., Rule 65C-45.009(7), F.A.C

⁵⁹ Rule 65C-45.009(7), F.A.C.

⁶⁰ Rule 65C-45.009(3)-(4), F.A.C

⁶¹ Rule 65C-45.009(7), F.A.C.

⁶² Rule 65C-45.009(7), F.A.C.

The downstream vetting process of foster parents by local-level supervising agencies concentrates decision-making power in the staff member performing the unified home study. Although current law establishes a detailed framework governing family foster home licensing,⁶³ subcontracted supervising agencies are central to helping DCF approve applicants. The supervising agencies recommend applicants who, in their eyes, meets license requirements. Local-level administration inevitably creates diverse interpretations of licensing standards as applied to individual applicants. To emphasize this reality, the supervising agency is responsible for advising applicants what they can and cannot do if DCF accepts them for licensure;⁶⁴ it is also the party responsible for entering into a written partnership plan directly with the applicant, which is an agreement specifying each party's duties and responsibilities to foster children and DCF.⁶⁵

RECENT LEGISLATION:

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

⁶³ See s. <u>409.175, F.S.</u>, generally.

⁶⁴ Rule 65C-45.003(1)(c), F.A.C.

⁶⁵ Rule 65C-30.001(84), F.A.C., Rule 65-45.003(1)(a), F.A.C.