

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.407,
3 F.S.; providing that a new medical report relating to
4 the provision of psychotropic medication to a child in
5 the legal custody of the Department of Children and
6 Families may be required only under certain
7 circumstances; amending s. 409.1451, F.S.; revising
8 the requirements for a renewal award of postsecondary
9 education services and support; revising outcome
10 measures and other performance measures for purposes
11 of program oversight and accountability; amending s.
12 409.175, F.S.; revising the definition of the terms
13 "personnel" and "placement screening"; amending s.
14 409.912, F.S.; requiring a physician to provide to a
15 pharmacy a copy of certain documentation, rather than
16 a signed attestation, with certain prescriptions;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 **Section 1. Paragraph (c) of subsection (3) of section**
22 **39.407, Florida Statutes, is amended to read:**

23 39.407 Medical, psychiatric, and psychological examination
24 and treatment of child; physical, mental, or substance abuse
25 examination of person with or requesting child custody.—

26 (3)

27 (c) Except as provided in paragraphs (b) and (e), the
28 department must file a motion seeking the court's authorization
29 to initially provide or continue to provide psychotropic
30 medication to a child in its legal custody. The motion must be
31 supported by a written report prepared by the department which
32 describes the efforts made to enable the prescribing physician
33 or psychiatric nurse, as defined in s. 394.455, to obtain
34 express and informed consent for providing the medication to the
35 child and other treatments considered or recommended for the
36 child. In addition, the motion must be supported by the
37 prescribing physician's or psychiatric nurse's signed medical
38 report providing:

39 1. The name of the child, the name and range of the dosage
40 of the psychotropic medication, and that there is a need to
41 prescribe psychotropic medication to the child based upon a
42 diagnosed condition for which such medication is being
43 prescribed.

44 2. A statement indicating that the physician or
45 psychiatric nurse, as defined in s. 394.455, has reviewed all
46 medical information concerning the child which has been
47 provided.

48 3. A statement indicating that the psychotropic
49 medication, at its prescribed dosage, is appropriate for
50 treating the child's diagnosed medical condition, as well as the

51 behaviors and symptoms the medication, at its prescribed dosage,
52 is expected to address.

53 4. An explanation of the nature and purpose of the
54 treatment; the recognized side effects, risks, and
55 contraindications of the medication; drug-interaction
56 precautions; the possible effects of stopping the medication;
57 and how the treatment will be monitored, followed by a statement
58 indicating that this explanation was provided to the child if
59 age appropriate and to the child's caregiver.

60 5. Documentation addressing whether the psychotropic
61 medication will replace or supplement any other currently
62 prescribed medications or treatments; the length of time the
63 child is expected to be taking the medication; and any
64 additional medical, mental health, behavioral, counseling, or
65 other services that the prescribing physician or psychiatric
66 nurse, as defined in s. 394.455, recommends.

67
68 A new medical report may be required only when there is a change
69 in the dosage or dosage range of the medication, the type of
70 medication prescribed, the manner of administration of the
71 medication, or the prescribing physician or psychiatric nurse.
72 For purposes of this paragraph, prescribing physicians and
73 psychiatric nurses belonging to the same group practice are
74 considered a single prescriber.

75 **Section 2. Paragraphs (a) and (e) of subsection (2) and**

76 **paragraph (a) of subsection (3) of section 409.1451, Florida**
77 **Statutes, are amended, and paragraphs (d) and (e) are added to**
78 **subsection (6) of that section, to read:**

79 409.1451 The Road-to-Independence Program.—

80 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

81 (a) A young adult is eligible for services and support
82 under this subsection if he or she:

83 1. Was living in licensed care on his or her 18th birthday
84 or is currently living in licensed care; or was at least 14
85 years of age and was adopted from foster care or placed with a
86 court-approved dependency guardian after spending at least 6
87 months in licensed care within the 12 months immediately
88 preceding such placement or adoption;

89 2. Spent at least 6 months in licensed care before
90 reaching his or her 18th birthday;

91 3. Earned a standard high school diploma pursuant to s.
92 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
93 pursuant to s. 1003.435;

94 4. Has been admitted for enrollment as a full-time student
95 or its equivalent in an eligible postsecondary educational
96 institution as provided in s. 1009.533. For purposes of this
97 section, the term "full-time" means 9 credit hours or the
98 vocational school equivalent. A student may enroll part-time if
99 he or she has a recognized disability or is faced with another
100 challenge or circumstance that would prevent full-time

attendance. A student needing to enroll part-time for any reason other than having a recognized disability must get approval from his or her academic advisor;

5. Has reached 18 years of age but is not yet 26 ~~23~~ years of age;

6. Has applied, with assistance from the young adult's caregiver and the community-based lead agency, for any other grants and scholarships for which he or she may qualify;

7. Submitted a Free Application for Federal Student Aid which is complete and error free; and

8. Signed an agreement to allow the department and the community-based care lead agency access to school records.

(e)1. The department must advertise the availability of the stipend and must provide notification of the criteria and application procedures for the stipend to children and young adults leaving, or who were formerly in, foster care; caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem.

2. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award shall be transferred with the recipient.

3. The department, or an agency under contract with the department, shall evaluate each Road-to-Independence award for renewal eligibility on an annual basis. In order to be eligible

126 for a renewal award for the subsequent year, the young adult
127 must:

128 a. Be enrolled for or have completed the number of hours,
129 or the equivalent, to be considered a full-time student under
130 subparagraph (a)4., unless the young adult qualifies for an
131 exception under subparagraph (a)4.

132 b. Maintain standards of academic progress as defined by
133 the education institution, except that if the young adult's
134 progress is insufficient to renew the award at any time during
135 the eligibility period, the young adult may continue to be
136 enrolled for additional terms while attempting to restore
137 eligibility as long as progress towards the required level is
138 maintained.

139 c. Not have exceeded the lifetime limit of 60 months of
140 financial assistance for services and support provided under
141 this subsection. The lifetime limit applies without exception
142 and regardless of whether the award recipient receives the
143 services and support under this subsection in consecutive or
144 nonconsecutive months.

145 4. Funds may be terminated during the interim between an
146 award and the evaluation for a renewal award if the department,
147 or an agency under contract with the department, determines that
148 the award recipient is no longer enrolled in an educational
149 institution as described in subparagraph (a)4. or is no longer a
150 resident of this state.

151 5. The department, or an agency under contract with the
152 department, shall notify a recipient who is terminated and
153 inform the recipient of his or her right to appeal.

154 6. An award recipient who does not qualify for a renewal
155 award or who chooses not to renew the award may apply for
156 reinstatement. An application for reinstatement must be made
157 before the young adult reaches 26 ~~23~~ years of age. In order to
158 be eligible for reinstatement, the young adult must meet the
159 eligibility criteria and the criteria for award renewal for the
160 program.

161 7. The department, or an agency under contract with the
162 department, shall work with the young adult to create a
163 financial plan that is guided by the young adult's financial
164 goals in meeting his or her needs while in postsecondary
165 education. The financial plan must be included in the transition
166 plan required under s. 39.6035. The department, or an agency
167 under contract with the department, shall review and, if
168 necessary, update the financial plan with the young adult every
169 6 months until funding under this subsection is no longer
170 provided.

171 8. The department, or an agency under contract with the
172 department, shall review with the young adult the transition
173 plan required under s. 39.6035 during the year before the young
174 adult graduates from postsecondary education or the year before
175 the young adult reaches 26 ~~23~~ years of age, whichever occurs

176 first. The transition plan must include an assessment of the
177 young adult's current and future needs and challenges for self-
178 sufficiency and address, at a minimum, how the young adult will
179 meet his or her financial needs and obligations when funding
180 under this subsection is no longer provided.

181 (3) AFTERCARE SERVICES.—

182 (a)1. Aftercare services are available to a young adult
183 who has reached 18 years of age but is not yet 23 years of age
184 and is:

185 a. Not in foster care.

186 b. Temporarily not receiving financial assistance under
187 subsection (2) to pursue postsecondary education.

188 2. Subject to available funding, aftercare services are
189 also available to a young adult who is between the ages of 18
190 and 22, and is:

191 a. Receiving financial assistance under subsection (2), is
192 experiencing an emergency situation, requires services as
193 specified in subparagraph (b)8., and whose resources are
194 insufficient to meet the emergency situation. Such assistance
195 shall be in addition to any amount specified in paragraph
196 (2)(b); or

197 b. Was placed by a court in out-of-home care pursuant to
198 chapter 39, lived in out-of-home care for at least 6 months
199 after turning 14 years of age, and did not achieve reunification
200 with his or her parent or guardian.

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures in order to maintain oversight of the program. No later than January 31 of each year, the department shall prepare a report on the outcome measures and the department's oversight activities and submit the report to the President of the Senate, the Speaker of the House of Representatives, and the committees with jurisdiction over issues relating to children and families in the Senate and the House of Representatives. The report must include:

(d) Specific metrics for the postsecondary education services and support program under subsection (2). Such metrics must be aggregated on a statewide basis and disaggregated by community-based care lead agency, age, race, and postsecondary educational institution type as provided in s. 1009.533. Such metrics must include, but are not limited to, the following information for the preceding state fiscal year:

1. The total number of young adults eligible for the program.

2. The total number of program applicants and the total number of applicants approved for financial assistance under the program.

3. The rate of housing instability or homelessness experienced by award recipients during their enrollment period.

4. The percentage of award recipients described in sub-

226 paragraph 3. who also received financial assistance through the
227 aftercare services program under subsection (3) and the average
228 amount of such assistance.

229 5. The primary reason for an award recipient's
230 termination, discontinuation, or nonrenewal under the program,
231 including, but not limited to, academic deficiency, voluntary
232 withdrawal, reaching the age limit, or reaching the lifetime
233 limit.

234 6. The educational achievements for award recipients,
235 including, but not limited to:

236 a. The postsecondary student retention rate, expressed as
237 a percentage of award recipients who remain continuously
238 enrolled or reenroll for the subsequent academic term.

239 b. The postsecondary degree, certificate, or vocational
240 program completion rate.

241 c. The average time in which award recipients complete
242 their program of study.

243 d. The average unweighted grade point average of award
244 recipients, aggregated on a statewide basis and disaggregated
245 only by postsecondary educational institution type as provided
246 in s. 1009.533.

247 e. The percentage of award recipients who graduated from a
248 postsecondary educational institution.

249 (e) Specific metrics for the aftercare services program
250 under subsection (3). Such metrics must be aggregated on a

251 statewide basis and disaggregated by community-based care lead
252 agency, age, race, and postsecondary educational institution
253 type as provided in s. 1009.533. Such metrics must include, but
254 are not limited to, the following information for the preceding
255 state fiscal year:

256 1. The total number of young adults eligible for the
257 program.

258 2. The total number of young adults who received aftercare
259 services.

260 3. The average duration of a young adult's participation
261 in the program.

262 4. The primary reason that a young adult seeks aftercare
263 services.

264 5. The total number of financial assistance disbursements
265 made through the program for temporary necessities and emergency
266 situations.

267 6. The utilization rate of key program components,
268 including, but not limited to, the percentage of participants
269 who:

270 a. Receive mentoring or tutoring services.

271 b. Receive mental health or substance abuse counseling
272 referrals.

273 c. Complete a life skill class, which may include, but is
274 not limited to, a financial literacy or credit management class.

275 d. Receive job or career skills training.

276 e. Report housing stability within 90 days after receiving
277 housing-related assistance, which may include, but is not
278 limited to, security deposits for rent and utilities.

279 f. Enroll in educational or vocational programs,
280 including, but not limited to, the postsecondary education
281 services and support program under subsection (2), while
282 receiving at least one aftercare service disbursement.

283 **Section 3. Paragraphs (j) and (k) of subsection (2) of**
284 **section 409.175, Florida Statutes, are amended to read:**

285 409.175 Licensure of family foster homes, residential
286 child-caring agencies, and child-placing agencies; public
287 records exemption.—

288 (2) As used in this section, the term:

289 (j) "Personnel" means all owners, operators, employees,
290 and volunteers working in a child-placing agency or residential
291 child-caring agency who may be employed by or do volunteer work
292 for a person, corporation, or agency that holds a license as a
293 child-placing agency or a residential child-caring agency, but
294 the term does not include those who do not work on the premises
295 where child care is furnished and have no direct contact with a
296 child or have no contact with a child outside of the presence of
297 the child's parent or guardian. For purposes of screening, the
298 term includes any member, over the age of 12 years, of the
299 family of the owner or operator or any person other than a
300 client, a child who is found to be dependent as defined in s.

39.01, or a child as defined in s. 39.6251(1), over the age of 12 years, residing with the owner or operator if the agency is located in or adjacent to the home of the owner or operator or if the family member of, or person residing with, the owner or operator has any direct contact with the children. Members of the family of the owner or operator, or persons residing with the owner or operator, who are between the ages of 12 years and 18 years are not required to be fingerprinted, but must be screened for delinquency records. For purposes of screening, the term also includes owners, operators, employees, and volunteers working in summer day camps, or summer 24-hour camps providing care for children. A volunteer who assists on an intermittent basis for less than 10 hours per month shall not be included in the term "personnel" for the purposes of screening if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

(k) "Placement screening" means the act of assessing the background of household members in the family foster home and includes, but is not limited to, criminal history records checks as provided in s. 39.0138 using the standards for screening set forth in that section. The term "household member" means a member of the family or a person, other than the child being placed, a child who is found to be dependent as defined in s. 39.01, or a child as defined in s. 39.6251(1), over the age of 12 years who resides with the owner who operates the family

326 foster home if such family member or person has any direct
327 contact with the child. Household members who are between the
328 ages of 12 and 18 years are not required to be fingerprinted but
329 must be screened for delinquency records.

330 **Section 4. Subsection (13) of section 409.912, Florida**
331 **Statutes, is amended to read:**

332 409.912 Cost-effective purchasing of health care.—The
333 agency shall purchase goods and services for Medicaid recipients
334 in the most cost-effective manner consistent with the delivery
335 of quality medical care. To ensure that medical services are
336 effectively utilized, the agency may, in any case, require a
337 confirmation or second physician's opinion of the correct
338 diagnosis for purposes of authorizing future services under the
339 Medicaid program. This section does not restrict access to
340 emergency services or poststabilization care services as defined
341 in 42 C.F.R. s. 438.114. Such confirmation or second opinion
342 shall be rendered in a manner approved by the agency. The agency
343 shall maximize the use of prepaid per capita and prepaid
344 aggregate fixed-sum basis services when appropriate and other
345 alternative service delivery and reimbursement methodologies,
346 including competitive bidding pursuant to s. 287.057, designed
347 to facilitate the cost-effective purchase of a case-managed
348 continuum of care. The agency shall also require providers to
349 minimize the exposure of recipients to the need for acute
350 inpatient, custodial, and other institutional care and the

inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider

376 availability, provider quality standards, time and distance
377 standards for access to care, the cultural competence of the
378 provider network, demographic characteristics of Medicaid
379 beneficiaries, practice and provider-to-beneficiary standards,
380 appointment wait times, beneficiary use of services, provider
381 turnover, provider profiling, provider licensure history,
382 previous program integrity investigations and findings, peer
383 review, provider Medicaid policy and billing compliance records,
384 clinical and medical record audits, and other factors. Providers
385 are not entitled to enrollment in the Medicaid provider network.
386 The agency shall determine instances in which allowing Medicaid
387 beneficiaries to purchase durable medical equipment and other
388 goods is less expensive to the Medicaid program than long-term
389 rental of the equipment or goods. The agency may establish rules
390 to facilitate purchases in lieu of long-term rentals in order to
391 protect against fraud and abuse in the Medicaid program as
392 defined in s. 409.913. The agency may seek federal waivers
393 necessary to administer these policies.

394 (13) The agency may not pay for psychotropic medication
395 prescribed for a child in the Medicaid program without the
396 express and informed consent of the child's parent or legal
397 guardian. The physician shall document the consent in the
398 child's medical record and provide a copy of such documentation
399 to the pharmacy ~~with a signed attestation of this documentation~~
400 with the prescription. The express and informed consent or court

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401 authorization for a prescription of psychotropic medication for
402 a child in the custody of the Department of Children and
403 Families shall be obtained pursuant to s. 39.407.

404 **Section 5.** This act shall take effect July 1, 2026.