

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Cummings offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (29) of section 39.01, Florida
6 Statutes, is renumbered as subsection (30), subsections (30)
7 through (46) are renumbered as subsections (35) through (51),
8 respectively, subsections (47) through (81) are renumbered as
9 subsections (53) through (87), respectively, present subsections
10 (2), (10), and (32) and paragraph (g) of present subsection (30)
11 are amended, and new subsections (29), (31), (32), (33), (34),
12 and (52) are added to that section, to read:

13 39.01 Definitions.—When used in this chapter, unless the

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14 context otherwise requires:

15 (2) "Abuse" means any willful act or threatened act that
16 results in any physical, mental, or sexual abuse, injury, or
17 harm that causes or is likely to cause the child's physical,
18 mental, or emotional health to be significantly impaired. Abuse
19 of a child includes the birth of a new child into a family
20 during the course of an open dependency case when the parent or
21 caregiver has been determined to lack the protective capacity to
22 safely care for the children in the home and has not
23 substantially complied with the case plan towards successful
24 reunification or met the conditions for return of the children
25 into the home. Abuse of a child includes acts or omissions.
26 Corporal discipline of a child by a parent or legal custodian
27 for disciplinary purposes does not in itself constitute abuse
28 when it does not result in harm to the child.

29 (10) "Caregiver" means the parent, legal custodian,
30 permanent guardian, adult household member, or other person
31 responsible for a child's welfare as defined in subsection (54)
32 ~~(48)~~.

33 (29) "Fictive kin" means a person unrelated by birth,
34 marriage, or adoption who has an emotionally significant
35 relationship, which possesses the characteristics of a family
36 relationship, to a child.

37 (31) "Guardian" means a relative, nonrelative, next of
38 kin, or fictive kin who is awarded physical custody of a child

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39 | in a proceeding brought pursuant to this chapter.

40 | (32) "Guardianship assistance payment" means a monthly
41 | cash payment made by the department to a guardian on behalf of
42 | an eligible child or young adult.

43 | (33) "Guardianship Assistance Program" means a program
44 | that provides benefits to a child's guardian on behalf of the
45 | child. Benefits may be in the form of a guardianship assistance
46 | payment, a guardianship nonrecurring payment, or Medicaid
47 | coverage.

48 | (34) "Guardianship nonrecurring payment" means a one-time
49 | payment of up to \$2,000 made by the department to a guardian to
50 | assist with the expenses associated with obtaining legal
51 | guardianship of a child who is eligible for the Guardianship
52 | Assistance Program pursuant to s. 39.6225.

53 | (35)-(30) "Harm" to a child's health or welfare can occur
54 | when any person:

55 | (g) Exposes a child to a controlled substance or alcohol.
56 | Exposure to a controlled substance or alcohol is established by:

57 | 1. A test, administered at birth, which indicated that the
58 | child's blood, urine, or meconium contained any amount of
59 | alcohol or a controlled substance or metabolites of such
60 | substances, the presence of which was not the result of medical
61 | treatment administered to the mother or the newborn infant; or

62 | 2. Evidence of extensive, abusive, and chronic use of a
63 | controlled substance or alcohol by a parent to the extent that

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64 the parent's ability to provide supervision and care for the
65 child has been or is likely to be severely compromised ~~when the~~
66 ~~child is demonstrably adversely affected by such usage.~~

67
68 As used in this paragraph, the term "controlled substance" means
69 prescription drugs not prescribed for the parent or not
70 administered as prescribed and controlled substances as outlined
71 in Schedule I or Schedule II of s. 893.03.

72 ~~(37)(32)~~ "Institutional child abuse or neglect" means
73 situations of known or suspected child abuse or neglect in which
74 the person allegedly perpetrating the child abuse or neglect is
75 an employee of a private school, public or private day care
76 center, residential home, institution, facility, or agency or
77 any other person at such institution responsible for the child's
78 care as defined in subsection (54) ~~(48)~~.

79 (52) "Nonrelative" means a person unrelated by blood or
80 marriage or a relative outside the fifth degree of
81 consanguinity.

82 Section 2. Subsections (2) through (7) of section 39.0138,
83 Florida Statutes, are renumbered as subsections (3) through (8),
84 respectively, present subsections (2) and (3) are amended, and a
85 new subsection (2) is added to that section, to read:

86 39.0138 Criminal history and other records checks; limit
87 on placement of a child.—

88 (2) (a) The department shall establish rules for granting

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89 an exemption from the fingerprinting requirements under
90 subsection (1) for a household member who has a physical,
91 developmental, or cognitive disability that prevents that person
92 from safely submitting fingerprints.

93 (b) Before granting an exemption, the department or its
94 designee shall assess and document the physical, developmental,
95 or cognitive limitations that justified the exemption and the
96 effect of such limitations on the safety and well-being of the
97 child being placed in the home.

98 (c) If a fingerprint exemption is granted, a level 1
99 screening pursuant to s. 435.03 shall be completed on the person
100 who is granted the exemption.

101 (3)-(2) The department may not place a child with a person
102 other than a parent if the criminal history records check
103 reveals that the person has been convicted of any felony that
104 falls within any of the following categories:

105 (a) Child abuse, abandonment, or neglect;

106 (b) Domestic violence;

107 (c) Child pornography or other felony in which a child was
108 a victim of the offense; or

109 (d) Homicide, sexual battery, or other felony involving
110 violence, other than felony assault or felony battery when an
111 adult was the victim of the assault or battery, or resisting
112 arrest with violence.

113 (4)-(3) The department may not place a child with a person

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114 other than a parent if the criminal history records check
115 reveals that the person has, within the previous 5 years, been
116 convicted of a felony that falls within any of the following
117 categories:

- 118 (a) Assault;
119 (b) Battery; ~~or~~
120 (c) A drug-related offense; or
121 (d) Resisting arrest with violence.

122 Section 3. Subsection (1) of section 39.302, Florida
123 Statutes, is amended to read:

124 39.302 Protective investigations of institutional child
125 abuse, abandonment, or neglect.—

126 (1) The department shall conduct a child protective
127 investigation of each report of institutional child abuse,
128 abandonment, or neglect. Upon receipt of a report that alleges
129 that an employee or agent of the department, or any other entity
130 or person covered by s. 39.01(37) or (54) ~~s. 39.01(32) or (48)~~,
131 acting in an official capacity, has committed an act of child
132 abuse, abandonment, or neglect, the department shall initiate a
133 child protective investigation within the timeframe established
134 under s. 39.201(5) and notify the appropriate state attorney,
135 law enforcement agency, and licensing agency, which shall
136 immediately conduct a joint investigation, unless independent
137 investigations are more feasible. When conducting investigations
138 or having face-to-face interviews with the child, investigation

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139 visits shall be unannounced unless it is determined by the
140 department or its agent that unannounced visits threaten the
141 safety of the child. If a facility is exempt from licensing, the
142 department shall inform the owner or operator of the facility of
143 the report. Each agency conducting a joint investigation is
144 entitled to full access to the information gathered by the
145 department in the course of the investigation. A protective
146 investigation must include an interview with the child's parent
147 or legal guardian. The department shall make a full written
148 report to the state attorney within 3 working days after making
149 the oral report. A criminal investigation shall be coordinated,
150 whenever possible, with the child protective investigation of
151 the department. Any interested person who has information
152 regarding the offenses described in this subsection may forward
153 a statement to the state attorney as to whether prosecution is
154 warranted and appropriate. Within 15 days after the completion
155 of the investigation, the state attorney shall report the
156 findings to the department and shall include in the report a
157 determination of whether or not prosecution is justified and
158 appropriate in view of the circumstances of the specific case.

159 Section 4. Paragraph (c) of subsection (1) of section
160 39.521, Florida Statutes, is amended to read:

161 39.521 Disposition hearings; powers of disposition.—

162 (1) A disposition hearing shall be conducted by the court,
163 if the court finds that the facts alleged in the petition for

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164 dependency were proven in the adjudicatory hearing, or if the
165 parents or legal custodians have consented to the finding of
166 dependency or admitted the allegations in the petition, have
167 failed to appear for the arraignment hearing after proper
168 notice, or have not been located despite a diligent search
169 having been conducted.

170 (c) When any child is adjudicated by a court to be
171 dependent, the court having jurisdiction of the child has the
172 power by order to:

173 1. Require the parent and, when appropriate, the legal
174 guardian or custodian and the child to participate in treatment
175 and services identified as necessary. The court may require the
176 person who has custody or who is requesting custody of the child
177 to submit to a mental health or substance abuse disorder
178 assessment or evaluation. The order may be made only upon good
179 cause shown and pursuant to notice and procedural requirements
180 provided under the Florida Rules of Juvenile Procedure. The
181 mental health assessment or evaluation must be administered by a
182 qualified professional as defined in s. 39.01, and the substance
183 abuse assessment or evaluation must be administered by a
184 qualified professional as defined in s. 397.311. The court may
185 also require such person to participate in and comply with
186 treatment and services identified as necessary, including, when
187 appropriate and available, participation in and compliance with
188 a mental health court program established under chapter 394 or a

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189 treatment-based drug court program established under s. 397.334.
190 Adjudication of a child as dependent based upon evidence of harm
191 as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good
192 cause, and the court shall require the parent whose actions
193 caused the harm to submit to a substance abuse disorder
194 assessment or evaluation and to participate and comply with
195 treatment and services identified in the assessment or
196 evaluation as being necessary. In addition to supervision by the
197 department, the court, including the mental health court program
198 or the treatment-based drug court program, may oversee the
199 progress and compliance with treatment by a person who has
200 custody or is requesting custody of the child. The court may
201 impose appropriate available sanctions for noncompliance upon a
202 person who has custody or is requesting custody of the child or
203 make a finding of noncompliance for consideration in determining
204 whether an alternative placement of the child is in the child's
205 best interests. Any order entered under this subparagraph may be
206 made only upon good cause shown. This subparagraph does not
207 authorize placement of a child with a person seeking custody of
208 the child, other than the child's parent or legal custodian, who
209 requires mental health or substance abuse disorder treatment.

210 2. Require, if the court deems necessary, the parties to
211 participate in dependency mediation.

212 3. Require placement of the child either under the
213 protective supervision of an authorized agent of the department

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214 in the home of one or both of the child's parents or in the home
215 of a relative of the child or another adult approved by the
216 court, or in the custody of the department. Protective
217 supervision continues until the court terminates it or until the
218 child reaches the age of 18, whichever date is first. Protective
219 supervision shall be terminated by the court whenever the court
220 determines that permanency has been achieved for the child,
221 whether with a parent, another relative, or a legal custodian,
222 and that protective supervision is no longer needed. The
223 termination of supervision may be with or without retaining
224 jurisdiction, at the court's discretion, and shall in either
225 case be considered a permanency option for the child. The order
226 terminating supervision by the department must set forth the
227 powers of the custodian of the child and include the powers
228 ordinarily granted to a guardian of the person of a minor unless
229 otherwise specified. Upon the court's termination of supervision
230 by the department, further judicial reviews are not required if
231 permanency has been established for the child.

232 4. Determine whether the child has a strong attachment to
233 the prospective permanent guardian and whether such guardian has
234 a strong commitment to permanently caring for the child.

235 Section 5. Paragraph (h) is added to subsection (2) of
236 section 39.5085, Florida Statutes, to read:

237 39.5085 Relative Caregiver Program.—

238 (2)

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239 (h) If the department determines that a nonrelative
240 caregiver has received financial assistance under this section
241 to which he or she is not entitled, the department shall take
242 all necessary steps to recover such payment. The department may
243 make appropriate settlements and may adopt rules to calculate
244 and recover such payments.

245 Section 6. Paragraph (c) of subsection (1) of section
246 39.6012, Florida Statutes, is amended, and paragraph (d) is
247 added to that subsection, to read:

248 39.6012 Case plan tasks; services.—

249 (1) The services to be provided to the parent and the
250 tasks that must be completed are subject to the following:

251 (c) If there is evidence of harm as defined in s.
252 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a
253 required task for the parent whose actions caused the harm that
254 the parent submit to a substance abuse disorder assessment or
255 evaluation and participate and comply with treatment and
256 services identified in the assessment or evaluation as being
257 necessary.

258 (d) Parents must provide accurate contact information to
259 the department or the contracted case management agency, and
260 update as appropriate, and make proactive contact with the
261 department or the contracted case management agency at least
262 every 14 calendar days to provide information on the status of
263 case plan task completion, barriers to completion, and plans

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264 toward reunification.

265 Section 7. Subsections (6) and (7) of section 39.6013,
266 Florida Statutes, are renumbered as subsections (7) and (8),
267 respectively, and a new subsection (6) is added to that section,
268 to read:

269 39.6013 Case plan amendments.—

270 (6) When determining whether to amend the case plan, the
271 court must consider the length of time the case has been open,
272 the level of parental engagement to date, the number of case
273 plan tasks completed, the child's type of placement and
274 attachment, and the potential for successful reunification.

275 Section 8. Subsection (5) of section 39.621, Florida
276 Statutes, is amended to read:

277 39.621 Permanency determination by the court.—

278 (5) At the permanency hearing, the court shall determine:

279 (a) Whether the current permanency goal for the child is
280 appropriate or should be changed;

281 (b) When the child will achieve one of the permanency
282 goals; ~~and~~

283 (c) Whether the department has made reasonable efforts to
284 finalize the permanency plan currently in effect; and

285 (d) Whether the frequency, duration, manner, and level of
286 engagement of the parent or legal guardian's visitation with the
287 child meets the case plan requirements.

288 Section 9. Paragraph (f) is added to subsection (1) of

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289 section 39.6221, Florida Statutes, to read:

290 39.6221 Permanent guardianship of a dependent child.—

291 (1) If a court determines that reunification or adoption
292 is not in the best interest of the child, the court may place
293 the child in a permanent guardianship with a relative or other
294 adult approved by the court if all of the following conditions
295 are met:

296 (f) The child demonstrates a strong attachment to the
297 prospective permanent guardian and such guardian has a strong
298 commitment to permanently caring for the child.

299 Section 10. Section 39.6225, Florida Statutes, is created
300 to read:

301 39.6225 Guardianship Assistance Program.—

302 (1) The department shall establish and operate the
303 Guardianship Assistance Program to provide guardianship
304 assistance payments to relatives, next of kin, and fictive kin
305 who meet the eligibility requirements established in this
306 section. For purposes of administering the program, the term:

307 (a) "Child" means an individual who has not attained 21
308 years of age.

309 (b) "Young adult" means an individual who has attained 18
310 years of age but who has not attained 21 years of age.

311 (2) To approve an application for the program, the
312 department shall determine that all of the following
313 requirements have been met:

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314 (a) The child's placement with the guardian has been
315 approved by the court.

316 (b) The court has granted legal custody to the guardian
317 pursuant to s. 39.521 or s. 39.522.

318 (c) The guardian has been licensed to care for the child
319 as provided in s. 409.175.

320 (d) The child was eligible for foster care room and board
321 payments pursuant to s. 409.145 for at least 6 consecutive
322 months while the child resided in the home of the guardian and
323 the guardian was licensed as a foster parent.

324 (3) A guardian who has entered into a guardianship
325 agreement for a dependent child may also receive guardianship
326 assistance payments for a dependent sibling of that dependent
327 child as a result of a court determination of child abuse,
328 neglect, or abandonment and subsequent placement of the child
329 with the relative under this part.

330 (4) The department shall complete an annual
331 redetermination of eligibility for recipients of guardianship
332 assistance benefits. If the department determines that a
333 recipient is no longer eligible for guardianship assistance
334 benefits, such benefits shall be terminated.

335 (5) A guardian with an application approved pursuant to
336 subsection (2) who is caring for a child placed with the
337 guardian by the court pursuant to this part may receive
338 guardianship assistance payments based on the following

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339 criteria:

340 (a) A child eligible for cash benefits through the program
341 is not eligible to simultaneously have payments made on the
342 child's behalf through the Relative Caregiver Program under s.
343 39.5085, postsecondary education services and supports under s.
344 409.1451, or child-only cash assistance under chapter 414.

345 (b) Guardianship assistance payments are not contingent
346 upon continued residency in the state. Guardianship assistance
347 payments must continue for court-approved permanent guardians
348 who move out of state and continue to meet the requirements of
349 this subsection and as specified in department rule. Relicensure
350 of the out-of-state guardian's home is not required for
351 continuity of payments.

352 (c) Guardianship assistance payments for a child from
353 another state who is placed with a guardian in this state are
354 the responsibility of the other state.

355 (d) The department shall provide guardianship assistance
356 payments in the amount of \$4,000 annually, paid on a monthly
357 basis, or in an amount other than \$4,000 annually as determined
358 by the guardian and the department and memorialized in a written
359 agreement between the guardian and the department. The agreement
360 shall take into consideration the circumstances of the guardian
361 and the needs of the child. Changes may not be made without the
362 concurrence of the guardian. However, in no case shall the
363 amount of the monthly payment exceed the foster care maintenance

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364 payment that would have been paid during the same period if the
365 child had been in licensed care at his or her designated level
366 of care at the rate established in s. 409.145(4).

367 (e) Payments made pursuant to this section shall cease
368 when the child attains 18 years of age, except as provided in
369 subsection (9).

370 (6) Guardianship assistance benefits shall be terminated
371 if:

372 (a) The child is absent from the home of the guardian for
373 a period of at least 60 consecutive calendar days, unless the
374 child:

375 1. Is absent due to medical care, school attendance,
376 runaway status, or detention in a Department of Juvenile Justice
377 facility; and

378 2. Continues to be under the care and custody of the
379 guardian.

380 (b) The court modifies the placement of the child and the
381 guardian is no longer eligible to receive guardianship
382 assistance benefits.

383 (7) The department shall provide guardianship nonrecurring
384 payments. Eligible expenses include, but are not limited to, the
385 cost of a home study, court costs, attorney fees, and costs of
386 physical and psychological examinations. Such payments are also
387 available for a sibling placed in the same home as the child.

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388 (8) A child receiving assistance under this section is
389 eligible for Medicaid coverage until the child attains 18 years
390 of age, or until the child attains 21 years of age if he or she
391 meets the requirements of subsection (9).

392 (9) Guardianship assistance payments shall only be made
393 for a young adult whose permanent guardian entered into a
394 guardianship assistance agreement after the child attained 16
395 years of age but before the child attained 18 years of age if
396 the child is:

397 (a) Completing secondary education or a program leading to
398 an equivalent credential;

399 (b) Enrolled in an institution that provides postsecondary
400 or vocational education;

401 (c) Participating in a program or activity designed to
402 promote or eliminate barriers to employment;

403 (d) Employed for at least 80 hours per month; or

404 (e) Unable to participate in programs or activities listed
405 in paragraphs (a)-(d) full time due to a physical, intellectual,
406 emotional, or psychiatric condition that limits participation.

407 Any such barrier to participation must be supported by
408 documentation in the child's case file or school or medical
409 records of a physical, intellectual, emotional, or psychiatric
410 condition that impairs the child's ability to perform one or
411 more life activities.

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412 (10) The case plan must describe the following for each
413 child with a permanency goal of permanent guardianship in which
414 the guardian is in receipt of guardianship assistance payments:

415 (a) The manner in which the child meets program
416 eligibility requirements.

417 (b) The manner in which the department determined that
418 reunification or adoption is not appropriate.

419 (c) Efforts to discuss adoption with the child's permanent
420 guardian.

421 (d) Efforts to discuss guardianship assistance with the
422 child's parent or the reasons why efforts were not made.

423 (e) The reasons why a permanent placement with the
424 prospective guardian is in the best interest of the child.

425 (f) The reasons why the child is separated from his or her
426 siblings during placement, if applicable.

427 (g) Efforts to consult the child, if the child is 14 years
428 of age or older, regarding the permanent guardianship
429 arrangement.

430 (11) The department shall adopt rules to administer the
431 program.

432 (12) The department shall develop and implement a
433 comprehensive communications strategy in support of relatives
434 and fictive kin who are prospective caregivers. This strategy
435 shall provide such prospective caregivers with information on
436 supports and services available under state law. At a minimum,

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437 the department's communication strategy shall involve providing
438 prospective caregivers with information about:

439 (a) Eligibility criteria, monthly payment rates, terms of
440 payment, and program or licensure requirements for the Relative
441 Caregiver Program, the Guardianship Assistance Program, and
442 licensure as a Level I or Level II family foster home as
443 provided in s. 409.175.

444 (b) A detailed description of the process for licensure as
445 a Level I or Level II family foster home and for applying for
446 the Relative Caregiver program.

447 (c) Points of contact for addressing questions or
448 obtaining assistance in applying for programs or licensure.

449 (13) The Florida Institute for Child Welfare shall
450 evaluate the implementation of the Guardianship Assistance
451 Program. This evaluation shall be designed to determine the
452 impact of implementation of the Guardianship Assistance Program,
453 identify any barriers that may prevent eligible caregivers from
454 participating in the program, and identify recommendations
455 regarding enhancements to the state's system of supporting
456 kinship caregivers. The institute shall submit the report to the
457 Governor, the President of the Senate, and the Speaker of the
458 House of Representatives no later than January 1, 2021. At a
459 minimum, the evaluation shall include:

460 (a) Information about the perspectives and experiences of
461 program participants, individuals who applied for licensure as

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462 child-specific foster homes or program participation but were
463 determined to be ineligible, and individuals who were likely
464 eligible for licensure as a child-specific foster home or for
465 the program but declined to apply. The institute shall collect
466 this information through methodologies including, but not
467 limited to, surveys and focus groups.

468 (b) An assessment of any communications procedures and
469 print and electronic materials developed to publicize the
470 program and recommendations for improving these materials. If
471 possible, individuals with expertise in marketing and
472 communications shall contribute to this assessment.

473 (c) An analysis of the program's impact on caregivers and
474 children, including any differences in impact on children placed
475 with caregivers who were licensed and those who were not.

476 (d) Recommendations for maximizing participation by
477 eligible caregivers and improving the support available to
478 kinship caregivers.

479 (14) The program shall take effect July 1, 2019.

480 Section 11. Paragraph (b) of subsection (6) and subsection
481 (7) of section 39.6251, Florida Statutes, are amended to read:

482 39.6251 Continuing care for young adults.—

483 (6) A young adult who is between the ages of 18 and 21 and
484 who has left care may return to care by applying to the
485 community-based care lead agency for readmission. The community-
486 based care lead agency shall readmit the young adult if he or

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487 she continues to meet the eligibility requirements in this
488 section.

489 (b) Within 30 days after the young adult has been
490 readmitted to care, the community-based care lead agency shall
491 assign a case manager to update the case plan and the transition
492 plan and to arrange for the required services. Updates to the
493 case plan and the transition plan and arrangements for the
494 required services ~~Such activities~~ shall be undertaken in
495 consultation with the young adult. The department shall petition
496 the court to reinstate jurisdiction over the young adult.
497 Notwithstanding s. 39.013(2), the court shall resume
498 jurisdiction over the young adult if the department establishes
499 that he or she continues to meet the eligibility requirements in
500 this section.

501 (7) During each period of time that a young adult is in
502 care, the community-based lead agency shall provide regular case
503 management reviews that must include at least monthly face-to-
504 face meetings ~~contact~~ with the case manager. ~~If a young adult~~
505 ~~lives outside the service area of his or her community-based~~
506 ~~care lead agency, monthly contact may occur by telephone.~~

507 Section 12. Paragraph (d) of subsection (2) of section
508 39.701, Florida Statutes, is amended to read:

509 39.701 Judicial review.—

510 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
511 AGE.—

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512 (d) Orders.—

513 1. Based upon the criteria set forth in paragraph (c) and
514 the recommended order of the citizen review panel, if any, the
515 court shall determine whether or not the social service agency
516 shall initiate proceedings to have a child declared a dependent
517 child, return the child to the parent, continue the child in
518 out-of-home care for a specified period of time, or initiate
519 termination of parental rights proceedings for subsequent
520 placement in an adoptive home. Amendments to the case plan must
521 be prepared as prescribed in s. 39.6013. If the court finds that
522 the prevention or reunification efforts of the department will
523 allow the child to remain safely at home or be safely returned
524 to the home, the court shall allow the child to remain in or
525 return to the home after making a specific finding of fact that
526 the reasons for the creation of the case plan have been remedied
527 to the extent that the child's safety, well-being, and physical,
528 mental, and emotional health will not be endangered.

529 2. The court shall return the child to the custody of the
530 parents at any time it determines that they have substantially
531 complied with the case plan, if the court is satisfied that
532 reunification will not be detrimental to the child's safety,
533 well-being, and physical, mental, and emotional health.

534 3. If, in the opinion of the court, the social service
535 agency has not complied with its obligations as specified in the
536 written case plan, the court may find the social service agency

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537 in contempt, shall order the social service agency to submit its
538 plans for compliance with the agreement, and shall require the
539 social service agency to show why the child could not safely be
540 returned to the home of the parents.

541 4. If, at any judicial review, the court finds that the
542 parents have failed to substantially comply with the case plan
543 to the degree that further reunification efforts are without
544 merit and not in the best interest of the child, on its own
545 motion, the court may order the filing of a petition for
546 termination of parental rights, whether or not the time period
547 as contained in the case plan for substantial compliance has
548 expired.

549 5. Within 6 months after the date that the child was
550 placed in shelter care, the court shall conduct a judicial
551 review hearing to review the child's permanency goal as
552 identified in the case plan. At the hearing the court shall make
553 findings regarding the likelihood of the child's reunification
554 with the parent or legal custodian. In making such findings, the
555 court shall consider the level of the parent or legal
556 custodian's compliance with the case plan and demonstrated
557 change in protective capacities compared to that necessary to
558 achieve timely reunification within 12 months after the removal
559 of the child from the home. The court shall also consider the
560 frequency, duration, manner, and level of engagement of the
561 parent or legal custodian's visitation with the child in

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562 compliance with the case plan. If the court makes a written
563 finding that it is not likely that the child will be reunified
564 with the parent or legal custodian within 12 months after the
565 child was removed from the home, the department must file with
566 the court, and serve on all parties, a motion to amend the case
567 plan under s. 39.6013 and declare that it will use concurrent
568 planning for the case plan. The department must file the motion
569 within 10 business days after receiving the written finding of
570 the court. The department must attach the proposed amended case
571 plan to the motion. If concurrent planning is already being
572 used, the case plan must document the efforts the department is
573 taking to complete the concurrent goal.

574 6. The court may issue a protective order in assistance,
575 or as a condition, of any other order made under this part. In
576 addition to the requirements included in the case plan, the
577 protective order may set forth requirements relating to
578 reasonable conditions of behavior to be observed for a specified
579 period of time by a person or agency who is before the court;
580 and the order may require any person or agency to make periodic
581 reports to the court containing such information as the court in
582 its discretion may prescribe.

583 Section 13. Paragraphs (b) and (e) of subsection (3) of
584 section 63.092, Florida Statutes, are amended to read:

585 63.092 Report to the court of intended placement by an
586 adoption entity; at-risk placement; preliminary study.—

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587 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
588 the intended adoptive home, a preliminary home study must be
589 performed by a licensed child-placing agency, a child-caring
590 agency registered under s. 409.176, a licensed professional, or
591 an agency described in s. 61.20(2), unless the adoptee is an
592 adult or the petitioner is a stepparent or a relative. If the
593 adoptee is an adult or the petitioner is a stepparent or a
594 relative, a preliminary home study may be required by the court
595 for good cause shown. The department is required to perform the
596 preliminary home study only if there is no licensed child-
597 placing agency, child-caring agency registered under s. 409.176,
598 licensed professional, or agency described in s. 61.20(2), in
599 the county where the prospective adoptive parents reside. The
600 preliminary home study must be made to determine the suitability
601 of the intended adoptive parents and may be completed prior to
602 identification of a prospective adoptive minor. A favorable
603 preliminary home study is valid for 1 year after the date of its
604 completion. Upon its completion, a signed copy of the home study
605 must be provided to the intended adoptive parents who were the
606 subject of the home study. A minor may not be placed in an
607 intended adoptive home before a favorable preliminary home study
608 is completed unless the adoptive home is also a licensed foster
609 home under s. 409.175. The preliminary home study must include,
610 at a minimum:

611 (b) Records checks of the department's central abuse

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612 registry, which the department shall provide to the entity
613 conducting the preliminary home study, and criminal records
614 correspondence checks under s. 39.0138 through the Department of
615 Law Enforcement on the intended adoptive parents;

616 (e) Documentation of counseling and education of the
617 intended adoptive parents on adoptive parenting, as determined
618 by the entity conducting the preliminary home study. The
619 training specified in s. 409.175(14) shall only be required for
620 persons who adopt children from the department;

621

622 If the preliminary home study is favorable, a minor may be
623 placed in the home pending entry of the judgment of adoption. A
624 minor may not be placed in the home if the preliminary home
625 study is unfavorable. If the preliminary home study is
626 unfavorable, the adoption entity may, within 20 days after
627 receipt of a copy of the written recommendation, petition the
628 court to determine the suitability of the intended adoptive
629 home. A determination as to suitability under this subsection
630 does not act as a presumption of suitability at the final
631 hearing. In determining the suitability of the intended adoptive
632 home, the court must consider the totality of the circumstances
633 in the home. A minor may not be placed in a home in which there
634 resides any person determined by the court to be a sexual
635 predator as defined in s. 775.21 or to have been convicted of an
636 offense listed in s. 63.089(4)(b)2.

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637 Section 14. Subsection (4) of section 322.09, Florida
638 Statutes, is amended to read:

639 322.09 Application of minors; responsibility for
640 negligence or misconduct of minor.—

641 (4) Notwithstanding subsections (1) and (2), if a
642 caregiver ~~foster parent~~ of a minor who is under the age of 18
643 years and is in out-of-home ~~foster~~ care as defined in s.
644 39.01(49) ~~s. 39.01~~, an authorized representative of a
645 residential group home at which such a minor resides, the
646 caseworker at the agency at which the state has placed the
647 minor, or a guardian ad litem specifically authorized by the
648 minor's caregiver to sign for a learner's driver license signs
649 the minor's application for a learner's driver license, that
650 caregiver ~~foster parent~~, group home representative, caseworker,
651 or guardian ad litem does not assume any obligation or become
652 liable for any damages caused by the negligence or willful
653 misconduct of the minor by reason of having signed the
654 application. Before signing the application, the caseworker,
655 authorized group home representative, or guardian ad litem shall
656 notify the caregiver ~~foster parent~~ or other responsible party of
657 his or her intent to sign and verify the application.

658 Section 15. Paragraph (p) of subsection (4) of section
659 394.495, Florida Statutes, is amended to read:

660 394.495 Child and adolescent mental health system of care;
661 programs and services.—

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662 (4) The array of services may include, but is not limited
663 to:

664 (p) Trauma-informed services for children who have
665 suffered sexual exploitation as defined in s. 39.01(77)(g) ~~s.~~
666 ~~39.01(71)(g)~~.

667 Section 16. Paragraphs (b) through (f) of subsection (2)
668 of section 402.305, Florida Statutes, are redesignated as
669 paragraphs (c) through (g), respectively, paragraph (a) of
670 subsection (2) and subsections (9) and (10) are amended, and a
671 new paragraph (b) is added to that subsection (2), to read:

672 402.305 Licensing standards; child care facilities.—

673 (2) PERSONNEL.—Minimum standards for child care personnel
674 shall include minimum requirements as to:

675 (a) Good moral character based upon screening as defined
676 in s. 402.302(15). This screening shall be conducted as provided
677 in chapter 435, using the level 2 standards for screening set
678 forth in that chapter, and include employment history checks, a
679 search of criminal history records, sexual predator and sexual
680 offender registries, and child abuse and neglect registry of any
681 state in which the current or prospective child care personnel
682 resided during the preceding 5 years.

683 (b) Fingerprint submission for child care personnel, which
684 shall comply with s. 435.12.

685 (9) ADMISSIONS AND RECORDKEEPING.—

686 (a) Minimum standards shall include requirements for

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687 preadmission and periodic health examinations, requirements for
688 immunizations, and requirements for maintaining emergency
689 information and health records on all children.

690 (b) During the months of August and September of each
691 year, each child care facility shall provide parents of children
692 enrolled in the facility detailed information regarding the
693 causes, symptoms, and transmission of the influenza virus in an
694 effort to educate those parents regarding the importance of
695 immunizing their children against influenza as recommended by
696 the Advisory Committee on Immunization Practices of the Centers
697 for Disease Control and Prevention.

698 (c) During the months of April and September of each year,
699 at a minimum, each facility shall provide parents of children
700 enrolled in the facility information regarding the potential for
701 a distracted adult to fail to drop off a child at the facility
702 and instead leave the child in the adult's vehicle upon arrival
703 at the adult's destination. The child care facility shall also
704 give parents information about resources with suggestions to
705 avoid this occurrence. The department shall develop a flyer or
706 brochure with this information that shall be posted to the
707 department's website, which child care facilities may choose to
708 reproduce and provide to parents to satisfy the requirements of
709 this paragraph.

710 (d)-(e) Because of the nature and duration of drop-in child
711 care, requirements for preadmission and periodic health

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712 examinations and requirements for medically signed records of
713 immunization required for child care facilities shall not apply.
714 A parent of a child in drop-in child care shall, however, be
715 required to attest to the child's health condition and the type
716 and current status of the child's immunizations.

717 (e) ~~(d)~~ Any child shall be exempt from medical or physical
718 examination or medical or surgical treatment upon written
719 request of the parent or guardian of such child who objects to
720 the examination and treatment. However, the laws, rules, and
721 regulations relating to contagious or communicable diseases and
722 sanitary matters shall not be violated because of any exemption
723 from or variation of the health and immunization minimum
724 standards.

725 (10) TRANSPORTATION SAFETY.—Minimum standards shall
726 include requirements for child restraints or seat belts in
727 vehicles used by child care facilities and large family child
728 care homes to transport children, requirements for annual
729 inspections of the vehicles, limitations on the number of
730 children in the vehicles, procedures to avoid leaving children
731 in vehicles when transported by the facility, and accountability
732 for children ~~being~~ transported by the child care facility. A
733 child care facility is not responsible for children when they
734 are transported by a parent or guardian.

735 Section 17. Section 402.30501, Florida Statutes, is
736 amended to read:

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737 402.30501 Modification of introductory child care course
738 for community college credit authorized.—The Department of
739 Children and Families may modify the 40-clock-hour introductory
740 course in child care under s. 402.305 or s. 402.3131 to meet the
741 requirements of articulating the course to community college
742 credit. Any modification must continue to provide that the
743 course satisfies the requirements of s. 402.305(2)(e) ~~s.~~
744 ~~402.305(2)(d)~~.

745 Section 18. Subsection (15) is added to section 402.313,
746 Florida Statutes, to read:

747 402.313 Family day care homes.—

748 (15) During the months of April and September of each
749 year, at a minimum, each family day care home shall provide
750 parents of children attending the family day care home
751 information regarding the potential for a distracted adult to
752 fail to drop off a child at the family day care home and instead
753 leave the child in the adult's vehicle upon arrival at the
754 adult's destination. The family day care home shall also give
755 parents information about resources with suggestions to avoid
756 this occurrence. The department shall develop a flyer or
757 brochure with this information that shall be posted to the
758 department's website, which family day care homes may choose to
759 reproduce and provide to parents to satisfy the requirements of
760 this subsection.

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761 Section 19. Subsection (10) is added to section 402.3131,
762 Florida Statutes, to read:

763 402.3131 Large family child care homes.—

764 (10) During the months of April and September of each
765 year, at a minimum, each large family child care home shall
766 provide parents of children attending the large family child
767 care home information regarding the potential for a distracted
768 adult to fail to drop off a child at the large family child care
769 home and instead leave the child in the adult's vehicle upon
770 arrival at the adult's destination. The large family child care
771 home shall also give parents information about resources with
772 suggestions to avoid this occurrence. The department shall
773 develop a flyer or brochure with this information that shall be
774 posted to the department's website, which large family child
775 care homes may choose to reproduce and provide to parents to
776 satisfy the requirements of this subsection.

777 Section 20. Subsection (4) of section 409.145, Florida
778 Statutes, is amended to read:

779 409.145 Care of children; quality parenting; "reasonable
780 and prudent parent" standard.—The child welfare system of the
781 department shall operate as a coordinated community-based system
782 of care which empowers all caregivers for children in foster
783 care to provide quality parenting, including approving or
784 disapproving a child's participation in activities based on the
785 caregiver's assessment using the "reasonable and prudent parent"

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786 standard.

787 (4) FOSTER CARE ~~PARENT~~ ROOM AND BOARD RATES.—

788

789 (a) Effective July 1, 2018 ~~January 1, 2014~~, room and board
790 rates shall be paid to foster parents ~~are~~ as follows:

791

Monthly Foster Care Rate

792

0-5 Years	6-12 Years	13-21 Years
Age	Age	Age

793

<u>\$457.95</u> \$429	<u>\$469.68</u> \$440	<u>\$549.74</u> \$515
----------------------------------	----------------------------------	----------------------------------

794

795 (b) Each January, foster parents shall receive an annual
796 cost of living increase. The department shall calculate the new
797 room and board rate increase equal to the percentage change in
798 the Consumer Price Index for All Urban Consumers, U.S. City
799 Average, All Items, not seasonally adjusted, or successor
800 reports, for the preceding December compared to the prior
801 December as initially reported by the United States Department
802 of Labor, Bureau of Labor Statistics. The department shall make
803 available the adjusted room and board rates annually.

804 (c) Effective July 1, 2019, foster parents of level I
805 family foster homes, as defined in under s. 409.175(5)(a) shall
806 receive a room and board rate of \$333.

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807 (d) Effective July 1, 2019, the foster care room and board
808 rate for level II family foster homes as defined in s.
809 409.175(5) (a) shall be the same as the new rate established for
810 family foster homes as of January 1, 2019.

811 (e) Effective January 1, 2020, paragraph (b) shall only
812 apply to level II through level V family foster homes, as
813 defined in s. 409.175(5) (a).

814 (f)-(e) The amount of the monthly foster care room and
815 board rate may be increased upon agreement among the department,
816 the community-based care lead agency, and the foster parent.

817 (g)-(d) From July 1, 2018, through June 30, 2019,
818 community-based care lead agencies providing care under contract
819 with the department shall pay a supplemental room and board
820 payment to foster care parents of all family foster homes, on a
821 per-child basis, for providing independent life skills and
822 normalcy supports to children who are 13 through 17 years of age
823 placed in their care. The supplemental payment shall be paid
824 monthly to the foster care parents ~~on a per-child basis~~ in
825 addition to the current monthly room and board rate payment. The
826 supplemental monthly payment shall be based on 10 percent of the
827 monthly room and board rate for children 13 through 21 years of
828 age as provided under this section and adjusted annually.
829 Effective July 1, 2019, such supplemental payments shall only be
830 paid to foster parents of level II through level V family foster
831 homes.

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832 Section 21. Subsections (4) and (5) of section 409.166,
833 Florida Statutes, are amended to read:

834 409.166 Children within the child welfare system; adoption
835 assistance program.—

836 (4) ADOPTION ASSISTANCE.—

837 (a) For purposes of administering payments under paragraph
838 (d), the term:

839 1. "Child" means an individual who has not attained 21
840 years of age.

841 2. "Young adult" means an individual who has attained 18
842 years of age but who has not attained 21 years of age.

843 (b) ~~(a)~~ A maintenance subsidy shall be granted only when
844 all other resources available to a child have been thoroughly
845 explored and it can be clearly established that this is the most
846 acceptable plan for providing permanent placement for the child.
847 The maintenance subsidy may not be used as a substitute for
848 adoptive parent recruitment or as an inducement to adopt a child
849 who might be placed without providing a subsidy. However, it
850 shall be the policy of the department that no child be denied
851 adoption if providing a maintenance subsidy would make adoption
852 possible. The best interest of the child shall be the deciding
853 factor in every case. This section does not prohibit foster
854 parents from applying to adopt a child placed in their care.
855 Foster parents or relative caregivers must be asked if they
856 would adopt without a maintenance subsidy.

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857 ~~(c) (b)~~ The department shall provide adoption assistance to
858 the adoptive parents, subject to specific appropriation, in the
859 amount of \$5,000 annually, paid on a monthly basis, for the
860 support and maintenance of a child until the 18th birthday of
861 such child or in an amount other than \$5,000 annually as
862 determined by the adoptive parents and the department and
863 memorialized in a written agreement between the adoptive parents
864 and the department. The agreement shall take into consideration
865 the circumstances of the adoptive parents and the needs of the
866 child being adopted. The amount of subsidy may be adjusted based
867 upon changes in the needs of the child or circumstances of the
868 adoptive parents. Changes shall not be made without the
869 concurrence of the adoptive parents. However, in no case shall
870 the amount of the monthly payment exceed the foster care
871 maintenance payment that would have been paid during the same
872 period if the child had been in a foster family home.

873 (d) Effective January 1, 2019, adoption assistance
874 payments may be made for a child whose adoptive parent entered
875 into an initial adoption assistance agreement after the child
876 reached 16 years of age but before the child reached 18 years of
877 age. Such payments may be made until the child reaches age 21 if
878 the child is:

879 1. Completing secondary education or a program leading to
880 an equivalent credential;

881 2. Enrolled in an institution that provides postsecondary

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882 | or vocational education;

883 | 3. Participating in a program or activity designed to

884 | promote or eliminate barriers to employment;

885 | 4. Employed for at least 80 hours per month; or

886 | 5. Unable to participate in programs or activities listed

887 | in subparagraphs 1.-4. full time due to a physical,

888 | intellectual, emotional, or psychiatric condition that limits

889 | participation. Any such barrier to participation must be

890 | supported by documentation in the child's case file or school or

891 | medical records of a physical, intellectual, emotional, or

892 | psychiatric condition that impairs the child's ability to

893 | perform one or more life activities.

894 | (e) A child or young adult receiving benefits through the

895 | adoption assistance program is not eligible to simultaneously

896 | receive relative caregiver benefits under s. 39.5085 or

897 | postsecondary education services and support under s. 409.1451.

898 | (f)~~(e)~~ The department may provide adoption assistance to

899 | the adoptive parents, subject to specific appropriation, for

900 | medical assistance initiated after the adoption of the child for

901 | medical, surgical, hospital, and related services needed as a

902 | result of a physical or mental condition of the child which

903 | existed before the adoption and is not covered by Medicaid,

904 | Children's Medical Services, or Children's Mental Health

905 | Services. Such assistance may be initiated at any time but shall

906 | terminate on or before the child's 18th birthday.

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(5) ELIGIBILITY FOR SERVICES.—

(a) As a condition of receiving ~~providing~~ adoption assistance under this section, the adoptive parents must have an approved adoption home study before the adoption is finalized and must enter into an adoption-assistance agreement with the department before the adoption is finalized which specifies the financial assistance and other services to be provided.

(b) A child who is handicapped at the time of adoption shall be eligible for services through the Children's Medical Services network established under part I of chapter 391 if the child was eligible for such services prior to the adoption.

Section 22. Paragraph (b) of subsection (2) of section 409.1676, Florida Statutes, is amended to read:

409.1676 Comprehensive residential group care services to children who have extraordinary needs.—

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

(b) "Residential group care" means a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. Each facility must be appropriately licensed in this state as a residential child caring agency as defined in s. 409.175(2)(1) ~~s. 409.175(2)(j)~~ and must be accredited by July 1, 2005. A residential group care facility serving children having a serious behavioral problem as defined in this section must have

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932 available staff or contract personnel with the clinical
933 expertise, credentials, and training to provide services
934 identified in subsection (4).

935 Section 23. Subsection (3) of section 409.1678, Florida
936 Statutes, is amended to read:

937 409.1678 Specialized residential options for children who
938 are victims of commercial sexual exploitation.—

939 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
940 HOSPITAL.—Residential treatment centers licensed under s.
941 394.875, and hospitals licensed under chapter 395 that provide
942 residential mental health treatment, shall provide specialized
943 treatment for commercially sexually exploited children in the
944 custody of the department who are placed in these facilities
945 pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

946 (a) The specialized treatment must meet the requirements
947 of subparagraphs (2)(c)1., 3., 6., and 7. ~~(2)(c)1. and 3.-7.,~~
948 paragraph (2)(d), and the department's treatment standards
949 adopted pursuant to this section. However, a residential
950 treatment center or hospital may prioritize the delivery of
951 certain services among those required under paragraph (2)(d) to
952 meet the specific treatment needs of the child.

953 (b) The facilities shall ensure that children are served
954 in single-sex groups and that staff working with such children
955 are adequately trained in the effects of trauma and sexual
956 exploitation, the needs of child victims of commercial sexual

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957 exploitation, and how to address those needs using strength-
958 based and trauma-informed approaches.

959 Section 24. Subsections (2) and (5), paragraphs (a) and
960 (k) of subsection (6), paragraph (b) of subsection (9),
961 paragraphs (a) and (b) of subsection (10), paragraph (a) of
962 subsection (11), paragraph (b) of subsection (12), and
963 subsection (14) of section 409.175, Florida Statutes, are
964 amended to read:

965 409.175 Licensure of family foster homes, residential
966 child-caring agencies, and child-placing agencies; public
967 records exemption.—

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

969 (a) "Agency" means a residential child-caring agency or a
970 child-placing agency.

971 (b) "Boarding school" means a school that is registered
972 with the Department of Education as a school that provides a
973 residential service for students and that is either:

974 1. Accredited for academic programs by the Florida Council
975 of Independent Schools, the Southern Association of Colleges and
976 Schools, an accrediting association that is a member of the
977 National Council for Private School Accreditation, or an
978 accrediting association that is a member of the Florida
979 Association of Academic Nonpublic Schools, and that is
980 accredited for residential programs by the Council on
981 Accreditation, the Commission on Accreditation of Rehabilitation

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982 Facilities, or the Coalition for Residential Education; or

983 2. Accredited by one of the organizations specified in
984 subparagraph 1. as a boarding school that includes both an
985 academic and residential component in its accreditation.

986 (c) "Child" means any unmarried person under the age of 18
987 years.

988 (d) "Child-placing agency" means any person, corporation,
989 or agency, public or private, other than the parent or legal
990 guardian of the child or an intermediary acting pursuant to
991 chapter 63, that receives a child for placement and places or
992 arranges for the placement of a child in a family foster home,
993 residential child-caring agency, or adoptive home.

994 (e) "Family foster home" means a private residence in
995 which children who are unattended by a parent or legal guardian
996 are provided 24-hour care. The term does not include an adoptive
997 home that has been approved by the department or approved by a
998 licensed child-placing agency for children placed for adoption.

999 ~~Such homes include emergency shelter family homes and~~
1000 ~~specialized foster homes for children with special needs. A~~
1001 ~~person who cares for a child of a friend for a period not to~~
1002 ~~exceed 90 days, a relative who cares for a child and does not~~
1003 ~~receive reimbursement for such care from the state or federal~~
1004 ~~government, or an adoptive home which has been approved by the~~
1005 ~~department or by a licensed child-placing agency for children~~
1006 ~~placed for adoption is not considered a family foster home.~~

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1007 (f) "License" means "license" as defined in s. 120.52(10).
1008 A license under this section is issued to a family foster home
1009 or other facility and is not a professional license of any
1010 individual. Receipt of a license under this section shall not
1011 create a property right in the recipient. A license under this
1012 act is a public trust and a privilege, and is not an
1013 entitlement. This privilege must guide the finder of fact or
1014 trier of law at any administrative proceeding or court action
1015 initiated by the department.

1016 (g) "Licensing home study" means a documented assessment,
1017 as defined by department rule, to determine the safety and
1018 appropriateness of any 24-hour living arrangement for a child
1019 who is unattended by a parent or legal guardian. A primary
1020 caregiver issued a license for a specific child may apply for a
1021 waiver of the non-safety-related and non-health-related elements
1022 of a licensing home study under the Guardianship Assistance
1023 Program established in s. 39.6225.

1024 (h) ~~(g)~~ "Operator" means any onsite person ultimately
1025 responsible for the overall operation of a child-placing agency,
1026 family foster home, or residential child-caring agency, whether
1027 or not she or he is the owner or administrator of such an agency
1028 or home.

1029 (i) ~~(h)~~ "Owner" means the person who is licensed to operate
1030 the child-placing agency, family foster home, or residential
1031 child-caring agency.

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1032 (j)~~(i)~~ "Personnel" means all owners, operators, employees,
1033 and volunteers working in a child-placing agency, family foster
1034 home, or residential child-caring agency who may be employed by
1035 or do volunteer work for a person, corporation, or agency that
1036 holds a license as a child-placing agency or a residential
1037 child-caring agency, but the term does not include those who do
1038 not work on the premises where child care is furnished and have
1039 no direct contact with a child or have no contact with a child
1040 outside of the presence of the child's parent or guardian. For
1041 purposes of screening, the term includes any member, over the
1042 age of 12 years, of the family of the owner or operator or any
1043 person other than a client, over the age of 12 years, residing
1044 with the owner or operator if the agency or family foster home
1045 is located in or adjacent to the home of the owner or operator
1046 or if the family member of, or person residing with, the owner
1047 or operator has any direct contact with the children. Members of
1048 the family of the owner or operator, or persons residing with
1049 the owner or operator, who are between the ages of 12 years and
1050 18 years are not required to be fingerprinted, but must be
1051 screened for delinquency records. For purposes of screening, the
1052 term also includes owners, operators, employees, and volunteers
1053 working in summer day camps, or summer 24-hour camps providing
1054 care for children. A volunteer who assists on an intermittent
1055 basis for less than 10 hours per month shall not be included in
1056 the term "personnel" for the purposes of screening if a person

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1057 who meets the screening requirement of this section is always
1058 present and has the volunteer in his or her line of sight.

1059 (k) "Placement screening" means the act of assessing the
1060 background of household members in the family foster home and
1061 includes, but is not limited to, criminal history records checks
1062 as provided in s. 39.0138 using the standards for screening set
1063 forth in that section. The term "household member" means a
1064 member of the family or a person, other than the child being
1065 placed, over the age of 12 years who resides with the owner who
1066 operates the family foster home if such family member or person
1067 has any direct contact with the child. Household members who are
1068 between the ages of 12 and 18 years are not required to be
1069 fingerprinted but must be screened for delinquency records.

1070 (l)~~(j)~~ "Residential child-caring agency" means any person,
1071 corporation, or agency, public or private, other than the
1072 child's parent or legal guardian, that provides staffed 24-hour
1073 care for children in facilities maintained for that purpose,
1074 regardless of whether operated for profit or whether a fee is
1075 charged. Such residential child-caring agencies include, but are
1076 not limited to, maternity homes, runaway shelters, group homes
1077 that are administered by an agency, emergency shelters that are
1078 not in private residences, and wilderness camps. Residential
1079 child-caring agencies do not include hospitals, boarding
1080 schools, summer or recreation camps, nursing homes, or
1081 facilities operated by a governmental agency for the training,

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1082 treatment, or secure care of delinquent youth, or facilities
1083 licensed under s. 393.067 or s. 394.875 or chapter 397.

1084 (m)~~(k)~~ "Screening" means the act of assessing the
1085 background of personnel and includes, but is not limited to,
1086 employment history checks as provided in chapter 435, using the
1087 level 2 standards for screening set forth in that chapter.

1088 (n) "Severe disability" means a physical, developmental,
1089 or cognitive limitation affecting an individual's ability to
1090 safely submit fingerprints.

1091 (o)~~(l)~~ "Summer day camp" means recreational, educational,
1092 and other enrichment programs operated during summer vacations
1093 for children who are 5 years of age on or before September 1 and
1094 older.

1095 (p)~~(m)~~ "Summer 24-hour camp" means recreational,
1096 educational, and other enrichment programs operated on a 24-hour
1097 basis during summer vacation for children who are 5 years of age
1098 on or before September 1 and older, that are not exclusively
1099 educational.

1100 (5)~~(a)~~ The department shall adopt and amend ~~licensing~~
1101 rules for the levels of licensed care associated with the
1102 licensure of family foster homes, residential child-caring
1103 agencies, and child-placing agencies. The rules may include
1104 criteria to approve waivers to licensing requirements when
1105 applying for a child-specific license.

1106 (a) Family foster homes shall be classified by levels of

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1107 licensure, as follows:

1108 1. Level I.-

1109 a. Type of licensure.-Child-specific foster home.

1110 b. Licensure requirements.-The caregiver must meet all
1111 level II requirements pursuant to this section. However,
1112 requirements not directly related to safety may be waived.

1113 2. Level II.-

1114 a. Type of licensure.-Non-child-specific foster home.

1115 b. Licensure requirements.-The caregiver must meet all
1116 licensing requirements pursuant to paragraph (b).

1117 3. Level III.-

1118 a. Type of licensure.-Safe foster home for victims of
1119 human trafficking.

1120 b. Licensure requirements.-The caregiver must meet all
1121 licensing requirements pursuant to paragraph (b) and all
1122 certification requirements pursuant to s. 409.1678.

1123 4. Level IV.-

1124 a. Type of licensure.-Therapeutic foster home.

1125 b. Licensure requirements.-The caregiver must meet all
1126 licensing requirements pursuant to paragraph (b) and all
1127 certification requirements established in rule by the Agency for
1128 Health Care Administration.

1129 5. Level V.-

1130 a. Type of licensure.-Medical foster home.

1131 b. Licensure requirements.-The caregiver must meet all

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1132 licensing requirements pursuant to paragraph (b) and all
1133 certification requirements established in rule by the Agency for
1134 Health Care Administration. ~~The department may also adopt rules~~
1135 ~~relating to the screening requirements for summer day camps and~~
1136 ~~summer 24-hour camps.~~

1137 (b) The requirements for licensure and operation of family
1138 foster homes, residential child-caring agencies, and child-
1139 placing agencies shall include:

1140 1. The operation, conduct, and maintenance of these homes
1141 and agencies and the responsibility which they assume for
1142 children served and the evidence of need for that service.

1143 2. The provision of food, clothing, educational
1144 opportunities, services, equipment, and individual supplies to
1145 assure the healthy physical, emotional, and mental development
1146 of the children served.

1147 3. The appropriateness, safety, cleanliness, and general
1148 adequacy of the premises, including fire prevention and health
1149 standards, to provide for the physical comfort, care, and well-
1150 being of the children served.

1151 4. The ratio of staff to children required to provide
1152 adequate care and supervision of the children served and, in the
1153 case of foster homes, the maximum number of children in the
1154 home.

1155 5. The good moral character based upon screening,
1156 education, training, and experience requirements for personnel.

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1157 6. The department may grant exemptions from
1158 disqualification from working with children or the
1159 developmentally disabled as provided in s. 435.07.

1160 7. The provision of preservice and inservice training for
1161 all foster parents and agency staff.

1162 8. Satisfactory evidence of financial ability to provide
1163 care for the children in compliance with licensing requirements.

1164 9. The maintenance by the agency of records pertaining to
1165 admission, progress, health, and discharge of children served,
1166 including written case plans and reports to the department.

1167 10. The provision for parental involvement to encourage
1168 preservation and strengthening of a child's relationship with
1169 the family.

1170 11. The transportation safety of children served.

1171 12. The provisions for safeguarding the cultural,
1172 religious, and ethnic values of a child.

1173 13. Provisions to safeguard the legal rights of children
1174 served.

1175 (c)~~(b)~~ The requirements for the licensure and operation of
1176 a child-placing agency shall also include compliance with the
1177 requirements of ss. 63.0422 and 790.335.

1178 (d)~~(e)~~ The department shall randomly drug test a licensed
1179 foster parent if there is a reasonable suspicion that he or she
1180 is using illegal drugs. The cost of testing shall be paid by the
1181 foster parent but shall be reimbursed by the department if the

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1182 test is negative. The department may adopt rules necessary to
1183 administer this paragraph.

1184 ~~(e)-(d)~~ In adopting ~~promulgating~~ licensing rules pursuant
1185 to this section, the department may make distinctions among
1186 types of care; numbers of children served; and the physical,
1187 mental, emotional, and educational needs of the children to be
1188 served by a home or agency.

1189 ~~(f)-(e)~~ The department may ~~shall~~ not adopt rules which
1190 interfere with the free exercise of religion or which regulate
1191 religious instruction or teachings in any child-caring or child-
1192 placing home or agency. This section may not; ~~however, nothing~~
1193 ~~herein shall~~ be construed to allow religious instruction or
1194 teachings that are inconsistent with the health, safety, or
1195 well-being of any child; with public morality; or with the
1196 religious freedom of children, parents, or legal guardians who
1197 place their children in such homes or agencies.

1198 ~~(g)-(f)~~ The department's rules shall include adoption of a
1199 form to be used by child-placing agencies during an adoption
1200 home study that requires all prospective adoptive applicants to
1201 acknowledge in writing the receipt of a document containing
1202 solely and exclusively the language provided for in s. 790.174
1203 verbatim.

1204 (6) (a) An application for a license shall be made on forms
1205 provided, and in the manner prescribed, by the department. The
1206 department shall make a determination as to the good moral

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1207 character of the applicant based upon screening. The department
1208 may grant an exemption from fingerprinting requirements,
1209 pursuant to s. 39.0138, for an adult household member who has a
1210 severe disability.

1211 (k) The department may not license summer day camps or
1212 summer 24-hour camps. However, the department shall have access
1213 to the personnel records of such facilities to ensure compliance
1214 with the screening requirements. The department may adopt rules
1215 relating to the screening requirements for summer day camps and
1216 summer 24-hour camps.

1217 (9)

1218 (b) Any of the following actions by a home or agency or
1219 its personnel is a ground for denial, suspension, or revocation
1220 of a license:

1221 1. An intentional or negligent act materially affecting
1222 the health or safety of children in the home or agency.

1223 2. A violation of the provisions of this section or of
1224 licensing rules promulgated pursuant to this section.

1225 3. Noncompliance with the requirements for good moral
1226 character as specified in paragraph (5)(b) ~~(5)(a)~~.

1227 4. Failure to dismiss personnel found in noncompliance
1228 with requirements for good moral character.

1229 5. Failure to comply with the requirements of ss. 63.0422
1230 and 790.335.

1231 (10)(a) The department may institute injunctive

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1232 proceedings in a court of competent jurisdiction to:

1233 1. Enforce the provisions of this section or any license
1234 requirement, rule, or order issued or entered into pursuant
1235 thereto; or

1236 2. Terminate the operation of an agency in which any of
1237 the following conditions exist:

1238 a. The licensee has failed to take preventive or
1239 corrective measures in accordance with any order of the
1240 department to maintain conformity with licensing requirements.

1241 b. There is a violation of any of the provisions of this
1242 section, or of any licensing requirement promulgated pursuant to
1243 this section, which violation threatens harm to any child or
1244 which constitutes an emergency requiring immediate action.

1245 3. Terminate the operation of a summer day camp or summer
1246 24-hour camp providing care for children when such camp has
1247 willfully and knowingly refused to comply with the screening
1248 requirements for personnel or has refused to terminate the
1249 employment of personnel found to be in noncompliance with the
1250 requirements for good moral character as determined in paragraph
1251 (5) (b) ~~(5) (a)~~.

1252 (b) If the department finds, within 30 days after written
1253 notification by registered mail of the requirement for
1254 licensure, that a person or agency continues to care for or to
1255 place children without a license or, within 30 days after
1256 written notification by registered mail of the requirement for

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1257 screening of personnel and compliance with paragraph (5) (b)
1258 ~~(5) (a)~~ for the hiring and continued employment of personnel,
1259 that a summer day camp or summer 24-hour camp continues to
1260 provide care for children without complying, the department
1261 shall notify the appropriate state attorney of the violation of
1262 law and, if necessary, shall institute a civil suit to enjoin
1263 the person or agency from continuing the placement or care of
1264 children or to enjoin the summer day camp or summer 24-hour camp
1265 from continuing the care of children.

1266 (12)

1267 (b) It is unlawful for any person, agency, summer day
1268 camp, or summer 24-hour camp providing care for children to:

1269 1. Willfully or intentionally fail to comply with the
1270 requirements for the screening of personnel or the dismissal of
1271 personnel found not to be in compliance with the requirements
1272 for good moral character as specified in paragraph (5) (b)
1273 ~~(5) (a)~~.

1274 2. Use information from the criminal records obtained
1275 under this section for any purpose other than screening a person
1276 for employment as specified in this section or to release such
1277 information to any other person for any purpose other than
1278 screening for employment as specified in this section.

1279 (11) (a) The department is authorized to seek compliance
1280 with the licensing requirements of this section to the fullest
1281 extent possible by reliance on administrative sanctions and

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1282 civil actions and may provide an exception of those standards
1283 for which a waiver has been granted pursuant to this section.

1284 (14) (a) In order to provide improved services to children,
1285 the department shall provide or cause to be provided preservice
1286 training for prospective foster parents ~~and emergency shelter~~
1287 ~~parents~~ and inservice training for foster parents ~~and emergency~~
1288 ~~shelter parents~~ who are licensed and supervised by the
1289 department.

1290 (b) As a condition of licensure, foster parents ~~and~~
1291 ~~emergency shelter parents~~ shall successfully complete a minimum
1292 of 21 hours of preservice training. The preservice training
1293 shall be uniform statewide and shall include, but not be limited
1294 to, such areas as:

- 1295 1. Orientation regarding agency purpose, objectives,
1296 resources, policies, and services;
- 1297 2. Role of the foster parent ~~and the emergency shelter~~
1298 ~~parent~~ as a treatment team member;
- 1299 3. Transition of a child into and out of foster care ~~and~~
1300 ~~emergency shelter care~~, including issues of separation, loss,
1301 and attachment;
- 1302 4. Management of difficult child behavior that can be
1303 intensified by placement, by prior abuse or neglect, and by
1304 prior placement disruptions;
- 1305 5. Prevention of placement disruptions;
- 1306 6. Care of children at various developmental levels,

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1307 including appropriate discipline; and

1308 7. Effects of foster parenting on the family of the foster
1309 parent ~~and the emergency shelter parent.~~

1310 (c) In consultation with foster parents, each region
1311 ~~district~~ or lead agency shall develop a plan for making the
1312 completion of the required training as convenient as possible
1313 for potential foster parents ~~and emergency shelter parents.~~ The
1314 plan should include, without limitation, such strategies as
1315 providing training in nontraditional locations and at
1316 nontraditional times. The plan must be revised at least annually
1317 and must be included in the information provided to each person
1318 applying to become a foster parent ~~or emergency shelter parent.~~

1319 (d) Prior to licensure renewal, each level II through
1320 level V foster parent ~~and emergency shelter parent~~ shall
1321 successfully complete 8 hours of inservice training. Each level
1322 I foster parent shall successfully complete 4 hours of inservice
1323 training. Periodic time-limited training courses shall be made
1324 available for selective use by foster parents ~~and emergency~~
1325 ~~shelter parents.~~ Such inservice training shall include subjects
1326 affecting the daily living experiences of foster parenting as a
1327 foster parent ~~or as an emergency shelter parent, whichever is~~
1328 ~~appropriate.~~ For a foster parent ~~or emergency shelter parent~~
1329 participating in the required inservice training, the department
1330 shall reimburse such parent for travel expenditures and, if both
1331 parents in a home are attending training or if the absence of

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1332 the parent would leave the children without departmentally
1333 approved adult supervision, ~~either~~ the department shall make
1334 provision for child care or shall reimburse the foster ~~or~~
1335 ~~emergency shelter~~ parents for child care purchased by the
1336 parents for children in their care.

1337 Section 25. Paragraph (e) of subsection (1) and
1338 subsections (2) and (4) of section 409.991, Florida Statutes,
1339 are amended to read:

1340 409.991 Allocation of funds for community-based care lead
1341 agencies.—

1342 (1) As used in this section, the term:

1343 (e) "Proportion of children in care" means the proportion
1344 of the number of children in care receiving in-home services
1345 over the most recent 12-month period, the number of children
1346 whose families are receiving family support services over the
1347 most recent 12-month period, and the number of children who have
1348 entered into ~~in~~ out-of-home care with a case management overlay
1349 during the most recent 24-month ~~12-month~~ period. This
1350 subcomponent shall be weighted as follows:

1351 1. Fifteen percent shall be based on children whose
1352 families are receiving family support services.

1353 2.1. Fifty-five ~~Sixty~~ percent shall be based on children
1354 in out-of-home care.

1355 3.2. Thirty ~~Forty~~ percent shall be based on children in
1356 in-home care.

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1357 (2) The equity allocation of core services funds shall be
1358 calculated based on the following weights:

1359 (a) Proportion of the child population shall be weighted
1360 as 5 percent of the total. ~~7~~

1361 (b) Proportion of child abuse hotline workload shall be
1362 weighted as 35 ~~15~~ percent of the total. ~~7~~ ~~and~~

1363 (c) Proportion of children in care shall be weighted as 60
1364 ~~80~~ percent of the total.

1365 (4) Unless otherwise specified in the General
1366 Appropriations Act, any new core services funds shall be
1367 allocated based on the equity allocation model as follows:

1368 (a) Seventy ~~Twenty~~ percent of new funding shall be
1369 allocated among all community-based care lead agencies.

1370 (b) Thirty ~~Eighty~~ percent of new funding shall be
1371 allocated among community-based care lead agencies that are
1372 funded below their equitable share. Funds allocated pursuant to
1373 this paragraph shall be weighted based on each community-based
1374 care lead agency's relative proportion of the total amount of
1375 funding below the equitable share.

1376 Section 26. Subsection (4) of section 435.07, Florida
1377 Statutes, is amended to read:

1378 435.07 Exemptions from disqualification.—Unless otherwise
1379 provided by law, the provisions of this section apply to
1380 exemptions from disqualification for disqualifying offenses
1381 revealed pursuant to background screenings required under this

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1382 chapter, regardless of whether those disqualifying offenses are
1383 listed in this chapter or other laws.

1384 (4) (a) Disqualification from employment under this chapter
1385 may not be removed from, nor may an exemption be granted to, any
1386 personnel who is found guilty of, regardless of adjudication, or
1387 who has entered a plea of nolo contendere or guilty to, any
1388 felony covered by s. 435.03 or s. 435.04 solely by reason of any
1389 pardon, executive clemency, or restoration of civil rights.

1390 (b) Disqualification from employment under this chapter
1391 may not be removed from, nor may an exemption be granted to, any
1392 person who is a:

- 1393 1. Sexual predator as designated pursuant to s. 775.21;
- 1394 2. Career offender pursuant to s. 775.261; or
- 1395 3. Sexual offender pursuant to s. 943.0435, unless the
1396 requirement to register as a sexual offender has been removed
1397 pursuant to s. 943.04354.

1398 (c) Disqualification from employment under this chapter
1399 may not be removed from, and an exemption may not be granted to,
1400 any current or prospective child care personnel, as defined in
1401 s. 402.302(3), and such a person is disqualified from employment
1402 as child care personnel, regardless of any previous exemptions
1403 from disqualification, if the person has been registered as a
1404 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has
1405 been arrested for and is awaiting final disposition of, has been
1406 convicted or found guilty of, or entered a plea of guilty or

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1407 nolo contendere to, regardless of adjudication, or has been
1408 adjudicated delinquent and the record has not been sealed or
1409 expunged for, any offense prohibited under any of the following
1410 provisions of state law or a similar law of another

1411 jurisdiction:

1412 1. A felony offense prohibited under any of the following
1413 statutes:

1414 a. Chapter 741, relating to domestic violence.

1415 b. Section 782.04, relating to murder.

1416 c. Section 782.07, relating to manslaughter, aggravated
1417 manslaughter of an elderly person or disabled adult, aggravated
1418 manslaughter of a child, or aggravated manslaughter of an
1419 officer, a firefighter, an emergency medical technician, or a
1420 paramedic.

1421 d. Section 784.021, relating to aggravated assault.

1422 e. Section 784.045, relating to aggravated battery.

1423 f. Section 787.01, relating to kidnapping.

1424 g. Section 787.025, relating to luring or enticing a
1425 child.

1426 h. Section 787.04(2), relating to leading, taking,
1427 enticing, or removing a minor beyond the state limits, or
1428 concealing the location of a minor, with criminal intent pending
1429 custody proceedings.

1430 i. Section 787.04(3), relating to leading, taking,
1431 enticing, or removing a minor beyond the state limits, or

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1432 concealing the location of a minor, with criminal intent pending
1433 dependency proceedings or proceedings concerning alleged abuse
1434 or neglect of a minor.

1435 j. Section 794.011, relating to sexual battery.

1436 k. Former s. 794.041, relating to sexual activity with or
1437 solicitation of a child by a person in familial or custodial
1438 authority.

1439 l. Section 794.05, relating to unlawful sexual activity
1440 with certain minors.

1441 m. Section 794.08, relating to female genital mutilation.

1442 n. Section 806.01, relating to arson.

1443 o. Section 826.04, relating to incest.

1444 p. Section 827.03, relating to child abuse, aggravated
1445 child abuse, or neglect of a child.

1446 q. Section 827.04, relating to contributing to the
1447 delinquency or dependency of a child.

1448 r. Section 827.071, relating to sexual performance by a
1449 child.

1450 s. Chapter 847, relating to child pornography.

1451 t. Chapter 893, relating to a drug abuse prevention and
1452 control offense, if that offense was committed in the preceding
1453 5 years.

1454 ~~u.~~ Section 985.701, relating to sexual misconduct in
1455 juvenile justice programs.

1456 2. A misdemeanor offense prohibited under any of the

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1457 following statutes:

1458 a. Section 784.03, relating to battery, if the victim of
1459 the offense was a minor.

1460 b. Section 787.025, relating to luring or enticing a
1461 child.

1462 c. Chapter 847, relating to child pornography.

1463 3. A criminal act committed in another state or under
1464 federal law which, if committed in this state, constitutes an
1465 offense prohibited under any statute listed in subparagraph 1.
1466 or subparagraph 2.

1467 Section 27. Section 627.746, Florida Statutes, is amended
1468 to read:

1469 627.746 Coverage for minors who have a learner's driver
1470 license; additional premium prohibited.—An insurer that issues
1471 an insurance policy on a private passenger motor vehicle to a
1472 named insured who is a caregiver ~~foster parent~~ of a minor who is
1473 under the age of 18 years and is in out-of-home care as defined
1474 in s. 39.01(49) child may not charge an additional premium for
1475 coverage of the minor ~~child~~ while the minor ~~child~~ is operating
1476 the insured vehicle, for the period of time that the minor has a
1477 learner's driver license, until such time as the minor obtains a
1478 driver license.

1479 Section 28. Subsection (5) of section 960.065, Florida
1480 Statutes, is amended to read:

1481 960.065 Eligibility for awards.—

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1482 (5) A person is not ineligible for an award pursuant to
1483 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
1484 person is a victim of sexual exploitation of a child as defined
1485 in s. 39.01(77) (g) ~~s. 39.01(71) (g)~~.

1486 Section 29. Paragraph (g) of subsection (3) of section
1487 1002.55, Florida Statutes, is amended to read:

1488 1002.55 School-year prekindergarten program delivered by
1489 private prekindergarten providers.—

1490 (3) To be eligible to deliver the prekindergarten program,
1491 a private prekindergarten provider must meet each of the
1492 following requirements:

1493 (g) The private prekindergarten provider must have a
1494 prekindergarten director who has a prekindergarten director
1495 credential that is approved by the office as meeting or
1496 exceeding the minimum standards adopted under s. 1002.57.
1497 Successful completion of a child care facility director
1498 credential under s. 402.305(2) (g) ~~s. 402.305(2) (f)~~ before the
1499 establishment of the prekindergarten director credential under
1500 s. 1002.57 or July 1, 2006, whichever occurs later, satisfies
1501 the requirement for a prekindergarten director credential under
1502 this paragraph.

1503 Section 30. Subsections (3) and (4) of section 1002.57,
1504 Florida Statutes, are amended to read:

1505 1002.57 Prekindergarten director credential.—

1506 (3) The prekindergarten director credential must meet or

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1507 exceed the requirements of the Department of Children and
1508 Families for the child care facility director credential under
1509 s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of
1510 the prekindergarten director credential satisfies these
1511 requirements for the child care facility director credential.

1512 (4) The department shall, to the maximum extent
1513 practicable, award credit to a person who successfully completes
1514 the child care facility director credential under s.
1515 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the
1516 prekindergarten director credential which are duplicative of
1517 requirements for the child care facility director credential.

1518 Section 31. Subsection (1) of section 1002.59, Florida
1519 Statutes, is amended to read:

1520 1002.59 Emergent literacy and performance standards
1521 training courses.—

1522 (1) The office shall adopt minimum standards for one or
1523 more training courses in emergent literacy for prekindergarten
1524 instructors. Each course must comprise 5 clock hours and provide
1525 instruction in strategies and techniques to address the age-
1526 appropriate progress of prekindergarten students in developing
1527 emergent literacy skills, including oral communication,
1528 knowledge of print and letters, phonemic and phonological
1529 awareness, and vocabulary and comprehension development. Each
1530 course must also provide resources containing strategies that
1531 allow students with disabilities and other special needs to

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1532 derive maximum benefit from the Voluntary Prekindergarten
1533 Education Program. Successful completion of an emergent literacy
1534 training course approved under this section satisfies
1535 requirements for approved training in early literacy and
1536 language development under ss. 402.305(2)(e)5. ~~402.305(2)(d)5.~~,
1537 402.313(6), and 402.3131(5).

1538 Section 32. The Division of Law Revision and Information
1539 is directed to prepare, with the assistance of the staffs of the
1540 appropriate substantive committees of the Senate and the House
1541 of Representatives, a reviser's bill for the 2019 Regular
1542 Session of the Legislature to capitalize each word of the term
1543 "child protection team" wherever it occurs in Florida Statutes.

1544 Section 33. This act shall take effect July 1, 2018.

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1547 **T I T L E A M E N D M E N T**

1548 Remove everything before the enacting clause and insert:

1549 A bill to be entitled

1550 An act relating to child welfare; amending s. 39.01,
1551 F.S.; revising and providing definitions; amending s.
1552 39.0138, F.S.; requiring the Department of Children
1553 and Families to establish rules for granting
1554 exemptions from criminal history and certain other
1555 records checks required for persons being considered
1556 for placement of a child; requiring level 1 screening

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1557 for persons granted such exemption; prohibiting
1558 placement of a child with persons convicted of a
1559 certain felony; amending s. 39.521, F.S.; authorizing
1560 the court to make certain determinations regarding
1561 placement of a child with a guardian; conforming a
1562 cross-reference; amending s. 39.5085, F.S.;
1563 authorizing the department to recover financial
1564 assistance provided to nonrelative caregivers under
1565 certain circumstances; amending s. 39.6012, F.S.;
1566 requiring parents to make proactive contact with case
1567 managers at regular intervals; conforming a cross-
1568 reference; amending s. 39.6013, F.S.; requiring the
1569 court to consider certain case details before amending
1570 a case plan; amending s. 39.621, F.S.; requiring the
1571 court, during permanency hearings, to determine case
1572 plan compliance; amending s. 39.6221, F.S.; providing
1573 an additional condition for court placement of a child
1574 in permanent guardianship; creating s. 39.6225, F.S.;
1575 requiring the department to establish and operate a
1576 Guardianship Assistance Program to provide
1577 guardianship assistance payments to certain guardians
1578 beginning on a specified date; providing definitions;
1579 providing eligibility requirements; authorizing
1580 guardians to receive such payments for certain
1581 siblings; requiring the department to annually

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1582 redetermine eligibility; providing conditions for
1583 termination of benefits; requiring the department to
1584 provide guardianship nonrecurring payments for certain
1585 expenses; authorizing the use of certain state and
1586 federal funds to operate the program; providing that
1587 children receiving assistance under the program are
1588 eligible for Medicaid coverage until they reach a
1589 certain age; requiring case plans to include certain
1590 information; requiring the department to adopt rules;
1591 requiring the Florida Institute for Child Welfare to
1592 evaluate the implementation of the Guardianship
1593 Assistance Program; requiring the institute to submit
1594 a report by a certain date; specifying the process for
1595 and elements of the evaluation; requiring the
1596 department to develop and implement a comprehensive
1597 communications strategy in support of relatives and
1598 fictive kin who are prospective caregivers; specifying
1599 information that shall be provided to such prospective
1600 caregivers; amending s. 39.6251, F.S.; requiring the
1601 case manager for a young adult in foster care to
1602 consult the young adult when updating case or the
1603 transition plans and arrangements; deleting a
1604 provision authorizing case management reviews to be
1605 conducted by telephone under certain circumstances;
1606 amending s. 39.701, F.S.; requiring the court, during

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1607 judicial review hearings, to determine case plan
1608 compliance; amending s. 63.092, F.S.; requiring the
1609 department to release specified records to entities
1610 conducting preliminary home studies; providing that
1611 certain specified training is not required for certain
1612 home studies; amending s. 322.09, F.S.; providing that
1613 a caregiver who signs for a minor's learner's driver
1614 license does not assume any obligation or liability
1615 for damages under certain circumstances; amending s.
1616 402.305, F.S.; revising minimum requirements for child
1617 care personnel related to screening and
1618 fingerprinting; requiring child care facilities to
1619 provide information to parents intended to prevent
1620 children from being left in vehicles; specifying the
1621 minimum standards the department must adopt regarding
1622 transportation of children by child care facilities;
1623 amending ss. 402.313 and 402.3131, F.S.; requiring
1624 family day care homes and large family child care
1625 homes to provide information to parents intended to
1626 prevent children from being left in vehicles; amending
1627 s. 409.145, F.S.; revising rates for room and board
1628 reimbursement of certain family foster homes; revising
1629 provisions relating to supplemental payments by
1630 community-based care lead agencies; amending s.
1631 409.166, F.S.; providing definitions; providing

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1632 conditions for the department to provide adoption
1633 assistance payments to adoptive parents of certain
1634 children; providing that children and young adults
1635 receiving benefits through the adoption assistance
1636 program are ineligible for specified other benefits
1637 and services; providing additional conditions for
1638 eligibility for adoption assistance; amending s.
1639 409.1678, F.S.; eliminating certain requirements for
1640 residential treatment centers that provide services to
1641 commercially sexually exploited children; amending s.
1642 409.175, F.S.; revising and providing definitions;
1643 requiring a guardian to apply for a license with the
1644 department to be eligible for the program; classifying
1645 family foster homes by licensure type; exempting
1646 certain household members from specified
1647 fingerprinting requirements; authorizing the
1648 department to adopt rules relating to certain summer
1649 camps; deleting references to preservice training
1650 requirements for emergency shelter parents; providing
1651 inservice training requirements for certain foster
1652 parents; amending s. 409.991, F.S.; revising the
1653 equity allocation formula for community-based care
1654 lead agencies; amending s. 435.07, F.S.; revising the
1655 offenses that disqualify certain child care personnel
1656 from specified employment; amending s. 627.746, F.S.;

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1657 prohibiting insurers that issue insurance policies for
1658 private passenger motor vehicles from charging an
1659 additional premium for a minor who operates his or her
1660 caregiver's vehicle, during the time that the minor
1661 has a learner's driver's license; amending ss. 39.302,
1662 394.495, 402.30501, 409.1676, 960.065, 1002.55,
1663 1002.57, and 1002.59, F.S.; conforming cross-
1664 references; providing a directive to the Division of
1665 Law Revision and Information; providing an effective
1666 date.

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