

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; revising and providing definitions; amending s.
4 39.521, F.S.; authorizing the court to make certain
5 determinations regarding placement of a child with a
6 guardian; conforming a cross-reference; amending s.
7 39.5085, F.S.; authorizing the department to recover
8 financial assistance provided to nonrelative
9 caregivers under certain circumstances; terminating
10 the Relative Caregiver Program on a specified date;
11 providing for continuance of benefits to current
12 participants; amending s. 39.6221, F.S.; providing an
13 additional condition for court placement of a child in
14 permanent guardianship; creating s. 39.6225, F.S.;
15 requiring the department to establish and operate a
16 Guardianship Assistance Program to provide
17 guardianship assistance payments to certain guardians
18 beginning on a specified date; providing definitions;
19 providing eligibility requirements; authorizing
20 guardians to receive such payments for certain
21 siblings; requiring the department to annually
22 redetermine eligibility; providing conditions for
23 termination of benefits; requiring the department to
24 provide guardianship nonrecurring payments for certain
25 expenses; authorizing the use of certain state and

26 federal funds to operate the program; providing that
27 children receiving assistance under the program are
28 eligible for Medicaid coverage until they reach a
29 certain age; requiring case plans to include certain
30 information; requiring the department to adopt rules;
31 amending s. 39.6251, F.S.; requiring the case manager
32 for a young adult in foster care to consult the young
33 adult when updating case or the transition plans and
34 arrangements; deleting a provision authorizing case
35 management reviews to be conducted by telephone under
36 certain circumstances; amending s. 409.145, F.S.;
37 revising rates for room and board reimbursement of
38 certain family foster homes; revising provisions
39 relating to supplemental payments by community-based
40 care lead agencies; amending s. 409.166, F.S.;
41 providing definitions; providing conditions for the
42 department to provide adoption assistance payments to
43 adoptive parents of certain children; providing that
44 children and young adults receiving benefits through
45 the adoption assistance program are ineligible for
46 specified other benefits and services; providing
47 additional conditions for eligibility for adoption
48 assistance; amending s. 409.175, F.S.; revising and
49 providing definitions; requiring a guardian to apply
50 for a license with the department to be eligible for

51 the program; classifying family foster homes by
52 licensure type; exempting certain household members
53 from specified fingerprinting requirements;
54 authorizing the department to adopt rules relating to
55 certain summer camps; deleting references to
56 preservice training requirements for emergency shelter
57 parents; providing inservice training requirements for
58 certain foster parents; amending ss. 39.302, 39.6012,
59 394.495, 409.1676, and 960.065, F.S.; conforming
60 cross-references; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Subsection (29) of section 39.01, Florida
65 Statutes, is renumbered as subsection (30), subsections (30)
66 through (46) are renumbered as subsections (35) through (51),
67 respectively, subsections (47) through (81) are renumbered as
68 subsections (53) through (87), respectively, present subsections
69 (10) and (32) and paragraph (g) of present subsection (30) are
70 amended, and new subsections (29), (31), (32), (33), (34), and
71 (52) are added to that section, to read:

72 39.01 Definitions.—When used in this chapter, unless the
73 context otherwise requires:

74 (10) "Caregiver" means the parent, legal custodian,
75 permanent guardian, adult household member, or other person

76 responsible for a child's welfare as defined in subsection (54)
 77 ~~(48)~~.

78 (29) "Fictive kin" means a person unrelated by birth,
 79 marriage, or adoption who has an emotionally significant
 80 relationship, which possesses the characteristics of a family
 81 relationship, to a child.

82 (31) "Guardian" means a relative, nonrelative, next of
 83 kin, or fictive kin who is awarded physical custody of a child
 84 in a proceeding brought pursuant to this chapter.

85 (32) "Guardianship assistance payment" means a monthly
 86 cash payment made by the department to a guardian on behalf of
 87 an eligible child or young adult.

88 (33) "Guardianship Assistance Program" means a program
 89 that provides benefits to a child's guardian on behalf of the
 90 child. Benefits may be in the form of a guardianship assistance
 91 payment, a guardianship nonrecurring payment, or Medicaid
 92 coverage.

93 (34) "Guardianship nonrecurring payment" means a one-time
 94 payment of up to \$2,000 made by the department to a guardian to
 95 assist with the expenses associated with obtaining legal
 96 guardianship of a child who is eligible for the Guardianship
 97 Assistance Program pursuant to s. 39.6225.

98 (35)~~(30)~~ "Harm" to a child's health or welfare can occur
 99 when any person:

100 (g) Exposes a child to a controlled substance or alcohol.

101 Exposure to a controlled substance or alcohol is established by:

102 1. A test, administered at birth, which indicated that the
 103 child's blood, urine, or meconium contained any amount of
 104 alcohol or a controlled substance or metabolites of such
 105 substances, the presence of which was not the result of medical
 106 treatment administered to the mother or the newborn infant; or

107 2. Evidence of extensive, abusive, and chronic use of a
 108 controlled substance or alcohol by a parent to the extent that
 109 the parent's ability to provide supervision and care for the
 110 child has been or is likely to be severely compromised ~~when the~~
 111 ~~child is demonstrably adversely affected by such usage.~~

112
 113 As used in this paragraph, the term "controlled substance" means
 114 prescription drugs not prescribed for the parent or not
 115 administered as prescribed and controlled substances as outlined
 116 in Schedule I or Schedule II of s. 893.03.

117 (37) ~~(32)~~ "Institutional child abuse or neglect" means
 118 situations of known or suspected child abuse or neglect in which
 119 the person allegedly perpetrating the child abuse or neglect is
 120 an employee of a private school, public or private day care
 121 center, residential home, institution, facility, or agency or
 122 any other person at such institution responsible for the child's
 123 care as defined in subsection (54) ~~(48)~~.

124 (52) "Nonrelative" means a person unrelated by blood or
 125 marriage or a relative outside the fifth degree of

126 consanguinity.

127 Section 2. Subsection (1) of section 39.302, Florida
128 Statutes, is amended to read:

129 39.302 Protective investigations of institutional child
130 abuse, abandonment, or neglect.—

131 (1) The department shall conduct a child protective
132 investigation of each report of institutional child abuse,
133 abandonment, or neglect. Upon receipt of a report that alleges
134 that an employee or agent of the department, or any other entity
135 or person covered by s. 39.01(37) or (54) ~~s. 39.01(32) or (48)~~,
136 acting in an official capacity, has committed an act of child
137 abuse, abandonment, or neglect, the department shall initiate a
138 child protective investigation within the timeframe established
139 under s. 39.201(5) and notify the appropriate state attorney,
140 law enforcement agency, and licensing agency, which shall
141 immediately conduct a joint investigation, unless independent
142 investigations are more feasible. When conducting investigations
143 or having face-to-face interviews with the child, investigation
144 visits shall be unannounced unless it is determined by the
145 department or its agent that unannounced visits threaten the
146 safety of the child. If a facility is exempt from licensing, the
147 department shall inform the owner or operator of the facility of
148 the report. Each agency conducting a joint investigation is
149 entitled to full access to the information gathered by the
150 department in the course of the investigation. A protective

151 investigation must include an interview with the child's parent
152 or legal guardian. The department shall make a full written
153 report to the state attorney within 3 working days after making
154 the oral report. A criminal investigation shall be coordinated,
155 whenever possible, with the child protective investigation of
156 the department. Any interested person who has information
157 regarding the offenses described in this subsection may forward
158 a statement to the state attorney as to whether prosecution is
159 warranted and appropriate. Within 15 days after the completion
160 of the investigation, the state attorney shall report the
161 findings to the department and shall include in the report a
162 determination of whether or not prosecution is justified and
163 appropriate in view of the circumstances of the specific case.

164 Section 3. Paragraph (c) of subsection (1) of section
165 39.521, Florida Statutes, is amended to read:

166 39.521 Disposition hearings; powers of disposition.—

167 (1) A disposition hearing shall be conducted by the court,
168 if the court finds that the facts alleged in the petition for
169 dependency were proven in the adjudicatory hearing, or if the
170 parents or legal custodians have consented to the finding of
171 dependency or admitted the allegations in the petition, have
172 failed to appear for the arraignment hearing after proper
173 notice, or have not been located despite a diligent search
174 having been conducted.

175 (c) When any child is adjudicated by a court to be

176 dependent, the court having jurisdiction of the child has the
177 power by order to:

178 1. Require the parent and, when appropriate, the legal
179 guardian or custodian and the child to participate in treatment
180 and services identified as necessary. The court may require the
181 person who has custody or who is requesting custody of the child
182 to submit to a mental health or substance abuse disorder
183 assessment or evaluation. The order may be made only upon good
184 cause shown and pursuant to notice and procedural requirements
185 provided under the Florida Rules of Juvenile Procedure. The
186 mental health assessment or evaluation must be administered by a
187 qualified professional as defined in s. 39.01, and the substance
188 abuse assessment or evaluation must be administered by a
189 qualified professional as defined in s. 397.311. The court may
190 also require such person to participate in and comply with
191 treatment and services identified as necessary, including, when
192 appropriate and available, participation in and compliance with
193 a mental health court program established under chapter 394 or a
194 treatment-based drug court program established under s. 397.334.
195 Adjudication of a child as dependent based upon evidence of harm
196 as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good
197 cause, and the court shall require the parent whose actions
198 caused the harm to submit to a substance abuse disorder
199 assessment or evaluation and to participate and comply with
200 treatment and services identified in the assessment or

201 evaluation as being necessary. In addition to supervision by the
202 department, the court, including the mental health court program
203 or the treatment-based drug court program, may oversee the
204 progress and compliance with treatment by a person who has
205 custody or is requesting custody of the child. The court may
206 impose appropriate available sanctions for noncompliance upon a
207 person who has custody or is requesting custody of the child or
208 make a finding of noncompliance for consideration in determining
209 whether an alternative placement of the child is in the child's
210 best interests. Any order entered under this subparagraph may be
211 made only upon good cause shown. This subparagraph does not
212 authorize placement of a child with a person seeking custody of
213 the child, other than the child's parent or legal custodian, who
214 requires mental health or substance abuse disorder treatment.

215 2. Require, if the court deems necessary, the parties to
216 participate in dependency mediation.

217 3. Require placement of the child either under the
218 protective supervision of an authorized agent of the department
219 in the home of one or both of the child's parents or in the home
220 of a relative of the child or another adult approved by the
221 court, or in the custody of the department. Protective
222 supervision continues until the court terminates it or until the
223 child reaches the age of 18, whichever date is first. Protective
224 supervision shall be terminated by the court whenever the court
225 determines that permanency has been achieved for the child,

226 whether with a parent, another relative, or a legal custodian,
227 and that protective supervision is no longer needed. The
228 termination of supervision may be with or without retaining
229 jurisdiction, at the court's discretion, and shall in either
230 case be considered a permanency option for the child. The order
231 terminating supervision by the department must set forth the
232 powers of the custodian of the child and include the powers
233 ordinarily granted to a guardian of the person of a minor unless
234 otherwise specified. Upon the court's termination of supervision
235 by the department, further judicial reviews are not required if
236 permanency has been established for the child.

237 4. Determine whether the child has a strong attachment to
238 the prospective permanent guardian and whether such guardian has
239 a strong commitment to permanently caring for the child.

240 Section 4. Paragraph (h) is added to subsection (2) of
241 section 39.5085, Florida Statutes, and subsection (3) is added
242 to that section, to read:

243 39.5085 Relative Caregiver Program.—

244 (2)

245 (h) If the department determines that a nonrelative
246 caregiver has received financial assistance under this section
247 to which he or she is not entitled, the department shall take
248 all necessary steps to recover such payment. The department may
249 make appropriate settlements and may adopt rules to calculate
250 and recover such payments.

251 (3) The Relative Caregiver Program may not accept initial
 252 applications after June 30, 2019. Relative Caregiver Program
 253 benefits shall continue to be provided to caregivers currently
 254 participating in the program pursuant to this section until the
 255 child reaches 18 years of age if the caregiver continues to meet
 256 the eligibility requirements specified in subsection (2).

257 Section 5. Paragraph (c) of subsection (1) of section
 258 39.6012, Florida Statutes, is amended to read:

259 39.6012 Case plan tasks; services.—

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

262 (c) If there is evidence of harm as defined in s.
 263 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a
 264 required task for the parent whose actions caused the harm that
 265 the parent submit to a substance abuse disorder assessment or
 266 evaluation and participate and comply with treatment and
 267 services identified in the assessment or evaluation as being
 268 necessary.

269 Section 6. Paragraph (f) is added to subsection (1) of
 270 section 39.6221, Florida Statutes, to read:

271 39.6221 Permanent guardianship of a dependent child.—

272 (1) If a court determines that reunification or adoption
 273 is not in the best interest of the child, the court may place
 274 the child in a permanent guardianship with a relative or other
 275 adult approved by the court if all of the following conditions

276 are met:

277 (f) The child demonstrates a strong attachment to the
278 prospective permanent guardian and such guardian has a strong
279 commitment to permanently caring for the child.

280 Section 7. Section 39.6225, Florida Statutes, is created
281 to read:

282 39.6225 Guardianship Assistance Program.—

283 (1) The department shall establish and operate the
284 Guardianship Assistance Program to provide guardianship
285 assistance payments to relatives, next of kin, and fictive kin
286 who meet the eligibility requirements established in this
287 section. For purposes of administering the program, the term:

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

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

292 (2) To approve an application for the program, the
293 department shall determine that all of the following
294 requirements have been met:

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

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

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

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

305 (3) A guardian who has entered into a guardianship
306 agreement for a dependent child may also receive guardianship
307 assistance payments for a dependent sibling of that dependent
308 child as a result of a court determination of child abuse,
309 neglect, or abandonment and subsequent placement of the child
310 with the relative under this part.

311 (4) The department shall complete an annual
312 redetermination of eligibility for recipients of guardianship
313 assistance benefits. If the department determines that a
314 recipient is no longer eligible for guardianship assistance
315 benefits, such benefits shall be terminated.

316 (5) A guardian with an application approved pursuant to
317 subsection (2) who is caring for a child placed with the
318 guardian by the court pursuant to this part may receive
319 guardianship assistance payments based on the following
320 criteria:

321 (a) A child eligible for cash benefits through the program
322 is not eligible to simultaneously have payments made on the
323 child's behalf through the Relative Caregiver Program under s.
324 39.5085, postsecondary education services and supports under s.
325 409.1451, or child-only cash assistance under chapter 414.

326 (b) Guardianship assistance payments are not contingent
327 upon continued residency in the state. Guardianship assistance
328 payments must continue for court-approved permanent guardians
329 who move out of state and continue to meet the requirements of
330 this subsection and as specified in department rule. Relicensure
331 of the out-of-state guardian's home is not required for
332 continuity of payments.

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

336 (d) The department shall provide guardianship assistance
337 payments in the amount of \$4,000 annually, paid on a monthly
338 basis, or in an amount other than \$4,000 annually as determined
339 by the guardian and the department and memorialized in a written
340 agreement between the guardian and the department. The agreement
341 shall take into consideration the circumstances of the guardian
342 and the needs of the child. Changes may not be made without the
343 concurrence of the guardian. However, in no case shall the
344 amount of the monthly payment exceed the foster care maintenance
345 payment that would have been paid during the same period if the
346 child had been in licensed care at his or her designated level
347 of care at the rate established in s. 409.145(4).

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

351 (6) Guardianship assistance benefits shall be terminated
352 if:

353 (a) The child is absent from the home of the guardian for
354 a period of at least 60 consecutive calendar days, unless the
355 child:

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

359 2. Continues to be under the care and custody of the
360 guardian.

361 (b) The court modifies the placement of the child and the
362 guardian is no longer eligible to receive guardianship
363 assistance benefits.

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

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

373 (9) Guardianship assistance payments shall only be made
374 for a young adult whose permanent guardian entered into a
375 guardianship assistance agreement after the child attained 16

376 years of age but before the child attained 18 years of age if
377 the child is:

378 (a) Completing secondary education or a program leading to
379 an equivalent credential;

380 (b) Enrolled in an institution that provides postsecondary
381 or vocational education;

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

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

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

388 Any such barrier to participation must be supported by
389 documentation in the child's case file or school or medical
390 records of a physical, intellectual, emotional, or psychiatric
391 condition that impairs the child's ability to perform one or
392 more life activities.

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

396 (a) The manner in which the child meets program
397 eligibility requirements.

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

400 (c) Efforts to discuss adoption with the child's permanent
401 guardian.

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

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

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

408 (g) Efforts to consult the child, if the child is 14 years
409 of age or older, regarding the permanent guardianship
410 arrangement.

411 (11) The department shall adopt rules to administer the
412 program.

413 (12) The program shall take effect July 1, 2019.

414 Section 8. Paragraph (b) of subsection (6) and subsection
415 (7) of section 39.6251, Florida Statutes, are amended to read:

416 39.6251 Continuing care for young adults.—

417 (6) A young adult who is between the ages of 18 and 21 and
418 who has left care may return to care by applying to the
419 community-based care lead agency for readmission. The community-
420 based care lead agency shall readmit the young adult if he or
421 she continues to meet the eligibility requirements in this
422 section.

423 (b) Within 30 days after the young adult has been
424 readmitted to care, the community-based care lead agency shall

425 assign a case manager to update the case plan and the transition
426 plan and to arrange for the required services. Updates to the
427 case plan and the transition plan and arrangements for the
428 required services ~~Such activities~~ shall be undertaken in
429 consultation with the young adult. The department shall petition
430 the court to reinstate jurisdiction over the young adult.
431 Notwithstanding s. 39.013(2), the court shall resume
432 jurisdiction over the young adult if the department establishes
433 that he or she continues to meet the eligibility requirements in
434 this section.

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

441 Section 9. Paragraph (p) of subsection (4) of section
442 394.495, Florida Statutes, is amended to read:

443 394.495 Child and adolescent mental health system of care;
444 programs and services.—

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

447 (p) Trauma-informed services for children who have
448 suffered sexual exploitation as defined in s. 39.01(77)(g) ~~s.~~
449 ~~39.01(71)(g)~~.

450 Section 10. Subsection (4) of section 409.145, Florida
 451 Statutes, is amended to read:

452 409.145 Care of children; quality parenting; "reasonable
 453 and prudent parent" standard.—The child welfare system of the
 454 department shall operate as a coordinated community-based system
 455 of care which empowers all caregivers for children in foster
 456 care to provide quality parenting, including approving or
 457 disapproving a child's participation in activities based on the
 458 caregiver's assessment using the "reasonable and prudent parent"
 459 standard.

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

461
 462 (a) Effective July 1, 2018 ~~January 1, 2014~~, room and board
 463 rates shall be paid to foster parents ~~are~~ as follows:
 464

Monthly Foster Care Rate

465	0-5 Years	6-12 Years	13-21 Years
	Age	Age	Age
466	<u>\$457.95</u> \$429	<u>\$469.68</u> \$440	<u>\$549.74</u> \$515

467
 468 (b) Each January, foster parents shall receive an annual
 469 cost of living increase. The department shall calculate the new
 470 room and board rate increase equal to the percentage change in

471 the Consumer Price Index for All Urban Consumers, U.S. City
472 Average, All Items, not seasonally adjusted, or successor
473 reports, for the preceding December compared to the prior
474 December as initially reported by the United States Department
475 of Labor, Bureau of Labor Statistics. The department shall make
476 available the adjusted room and board rates annually.

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

480 (d) Effective July 1, 2019, the foster care room and board
481 rate for level II family foster homes as defined in s.
482 409.175(5) (a) shall be the same as the new rate established for
483 family foster homes as of January 1, 2019.

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

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

490 (g)~~(d)~~ From July 1, 2018, through June 30, 2019,
491 community-based care lead agencies providing care under contract
492 with the department shall pay a supplemental room and board
493 payment to foster care parents of all family foster homes, on a
494 per-child basis, for providing independent life skills and
495 normalcy supports to children who are 13 through 17 years of age

496 placed in their care. The supplemental payment shall be paid
497 monthly to the foster care parents ~~on a per-child basis~~ in
498 addition to the current monthly room and board rate payment. The
499 supplemental monthly payment shall be based on 10 percent of the
500 monthly room and board rate for children 13 through 21 years of
501 age as provided under this section and adjusted annually.
502 Effective July 1, 2019, such supplemental payments shall only be
503 paid to foster parents of level II through level V family foster
504 homes.

505 Section 11. Subsections (4) and (5) of section 409.166,
506 Florida Statutes, are amended to read:

507 409.166 Children within the child welfare system; adoption
508 assistance program.—

509 (4) ADOPTION ASSISTANCE.—

510 (a) For purposes of administering payments under paragraph
511 (d), the term:

512 1. "Child" means an individual who has not attained 21
513 years of age.

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

516 (b)-(a) A maintenance subsidy shall be granted only when
517 all other resources available to a child have been thoroughly
518 explored and it can be clearly established that this is the most
519 acceptable plan for providing permanent placement for the child.
520 The maintenance subsidy may not be used as a substitute for

521 adoptive parent recruitment or as an inducement to adopt a child
522 who might be placed without providing a subsidy. However, it
523 shall be the policy of the department that no child be denied
524 adoption if providing a maintenance subsidy would make adoption
525 possible. The best interest of the child shall be the deciding
526 factor in every case. This section does not prohibit foster
527 parents from applying to adopt a child placed in their care.
528 Foster parents or relative caregivers must be asked if they
529 would adopt without a maintenance subsidy.

530 (c) ~~(b)~~ The department shall provide adoption assistance to
531 the adoptive parents, subject to specific appropriation, in the
532 amount of \$5,000 annually, paid on a monthly basis, for the
533 support and maintenance of a child until the 18th birthday of
534 such child or in an amount other than \$5,000 annually as
535 determined by the adoptive parents and the department and
536 memorialized in a written agreement between the adoptive parents
537 and the department. The agreement shall take into consideration
538 the circumstances of the adoptive parents and the needs of the
539 child being adopted. The amount of subsidy may be adjusted based
540 upon changes in the needs of the child or circumstances of the
541 adoptive parents. Changes shall not be made without the
542 concurrence of the adoptive parents. However, in no case shall
543 the amount of the monthly payment exceed the foster care
544 maintenance payment that would have been paid during the same
545 period if the child had been in a foster family home.

546 (d) Effective January 1, 2019, adoption assistance
547 payments may be made for a child whose adoptive parent entered
548 into an adoption assistance agreement after the child reached 16
549 years of age but before the child reached 18 years of age. Such
550 payments may be made until the child reaches age 21 if the child
551 is:

552 1. Completing secondary education or a program leading to
553 an equivalent credential;

554 2. Enrolled in an institution that provides postsecondary
555 or vocational education;

556 3. Participating in a program or activity designed to
557 promote or eliminate barriers to employment;

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

559 5. Unable to participate in programs or activities listed
560 in subparagraphs 1.-4. full time due to a physical,
561 intellectual, emotional, or psychiatric condition that limits
562 participation. Any such barrier to participation must be
563 supported by documentation in the child's case file or school or
564 medical records of a physical, intellectual, emotional, or
565 psychiatric condition that impairs the child's ability to
566 perform one or more life activities.

567 (e) A child or young adult receiving benefits through the
568 adoption assistance program is not eligible to simultaneously
569 receive relative caregiver benefits under s. 39.5085 or
570 postsecondary education services and support under s. 409.1451.

571 ~~(e)~~ (f) The department may provide adoption assistance to
 572 the adoptive parents, subject to specific appropriation, for
 573 medical assistance initiated after the adoption of the child for
 574 medical, surgical, hospital, and related services needed as a
 575 result of a physical or mental condition of the child which
 576 existed before the adoption and is not covered by Medicaid,
 577 Children's Medical Services, or Children's Mental Health
 578 Services. Such assistance may be initiated at any time but shall
 579 terminate on or before the child's 18th birthday.

580 (5) ELIGIBILITY FOR SERVICES.—

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

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

591 Section 12. Paragraph (b) of subsection (2) of section
 592 409.1676, Florida Statutes, is amended to read:

593 409.1676 Comprehensive residential group care services to
 594 children who have extraordinary needs.—

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

596 (b) "Residential group care" means a living environment
597 for children who have been adjudicated dependent and are
598 expected to be in foster care for at least 6 months with 24-
599 hour-awake staff or live-in group home parents or staff. Each
600 facility must be appropriately licensed in this state as a
601 residential child caring agency as defined in s. 409.175(2)(1)
602 ~~s. 409.175(2)(j)~~ and must be accredited by July 1, 2005. A
603 residential group care facility serving children having a
604 serious behavioral problem as defined in this section must have
605 available staff or contract personnel with the clinical
606 expertise, credentials, and training to provide services
607 identified in subsection (4).

608 Section 13. Subsections (2) and (5), paragraph (k) of
609 subsection (6), paragraph (b) of subsection (9), paragraphs (a)
610 and (b) of subsection (10), paragraph (a) of subsection (11),
611 paragraph (b) of subsection (12), and subsection (14) of section
612 409.175, Florida Statutes, are amended to read:

613 409.175 Licensure of family foster homes, residential
614 child-caring agencies, and child-placing agencies; public
615 records exemption.—

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

617 (a) "Agency" means a residential child-caring agency or a
618 child-placing agency.

619 (b) "Boarding school" means a school that is registered
620 with the Department of Education as a school that provides a

621 residential service for students and that is either:

622 1. Accredited for academic programs by the Florida Council
623 of Independent Schools, the Southern Association of Colleges and
624 Schools, an accrediting association that is a member of the
625 National Council for Private School Accreditation, or an
626 accrediting association that is a member of the Florida
627 Association of Academic Nonpublic Schools, and that is
628 accredited for residential programs by the Council on
629 Accreditation, the Commission on Accreditation of Rehabilitation
630 Facilities, or the Coalition for Residential Education; or

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

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

636 (d) "Child-placing agency" means any person, corporation,
637 or agency, public or private, other than the parent or legal
638 guardian of the child or an intermediary acting pursuant to
639 chapter 63, that receives a child for placement and places or
640 arranges for the placement of a child in a family foster home,
641 residential child-caring agency, or adoptive home.

642 (e) "Family foster home" means a private residence in
643 which children who are unattended by a parent or legal guardian
644 are provided 24-hour care. The term does not include an adoptive
645 home that has been approved by the department or approved by a

646 licensed child-placing agency for children placed for adoption.
647 ~~Such homes include emergency shelter family homes and~~
648 ~~specialized foster homes for children with special needs. A~~
649 ~~person who cares for a child of a friend for a period not to~~
650 ~~exceed 90 days, a relative who cares for a child and does not~~
651 ~~receive reimbursement for such care from the state or federal~~
652 ~~government, or an adoptive home which has been approved by the~~
653 ~~department or by a licensed child-placing agency for children~~
654 ~~placed for adoption is not considered a family foster home.~~

655 (f) "License" means "license" as defined in s. 120.52(10).
656 A license under this section is issued to a family foster home
657 or other facility and is not a professional license of any
658 individual. Receipt of a license under this section shall not
659 create a property right in the recipient. A license under this
660 act is a public trust and a privilege, and is not an
661 entitlement. This privilege must guide the finder of fact or
662 trier of law at any administrative proceeding or court action
663 initiated by the department.

664 (g) "Licensing home study" means a documented assessment,
665 as defined by department rule, to determine the safety and
666 appropriateness of any 24-hour living arrangement for a child
667 who is unattended by a parent or legal guardian. A primary
668 caregiver issued a license for a specific child may apply for a
669 waiver of the non-safety-related and non-health-related elements
670 of a licensing home study under the Guardianship Assistance

671 Program established in s. 39.6225.

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

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

680 (j)~~(i)~~ "Personnel" means all owners, operators, employees,
681 and volunteers working in a child-placing agency, family foster
682 home, or residential child-caring agency who may be employed by
683 or do volunteer work for a person, corporation, or agency that
684 holds a license as a child-placing agency or a residential
685 child-caring agency, but the term does not include those who do
686 not work on the premises where child care is furnished and have
687 no direct contact with a child or have no contact with a child
688 outside of the presence of the child's parent or guardian. For
689 purposes of screening, the term includes any member, over the
690 age of 12 years, of the family of the owner or operator or any
691 person other than a client, over the age of 12 years, residing
692 with the owner or operator if the agency or family foster home
693 is located in or adjacent to the home of the owner or operator
694 or if the family member of, or person residing with, the owner
695 or operator has any direct contact with the children. Members of

696 the family of the owner or operator, or persons residing with
697 the owner or operator, who are between the ages of 12 years and
698 18 years are not required to be fingerprinted, but must be
699 screened for delinquency records. For purposes of screening, the
700 term also includes owners, operators, employees, and volunteers
701 working in summer day camps, or summer 24-hour camps providing
702 care for children. A volunteer who assists on an intermittent
703 basis for less than 10 hours per month shall not be included in
704 the term "personnel" for the purposes of screening if a person
705 who meets the screening requirement of this section is always
706 present and has the volunteer in his or her line of sight.

707 (k) "Placement screening" means the act of assessing the
708 background of household members in the family foster home and
709 includes, but is not limited to, criminal history records checks
710 as provided in s. 39.0138 using the standards for screening set
711 forth in that section. The term "household member" means a
712 member of the family or a person, other than the child being
713 placed, over the age of 12 years who resides with the owner who
714 operates the family foster home if such family member or person
715 has any direct contact with the child. Household members who are
716 between the ages of 12 and 18 years are not required to be
717 fingerprinted but must be screened for delinquency records.

718 (l)~~(j)~~ "Residential child-caring agency" means any person,
719 corporation, or agency, public or private, other than the
720 child's parent or legal guardian, that provides staffed 24-hour

721 care for children in facilities maintained for that purpose,
722 regardless of whether operated for profit or whether a fee is
723 charged. Such residential child-caring agencies include, but are
724 not limited to, maternity homes, runaway shelters, group homes
725 that are administered by an agency, emergency shelters that are
726 not in private residences, and wilderness camps. Residential
727 child-caring agencies do not include hospitals, boarding
728 schools, summer or recreation camps, nursing homes, or
729 facilities operated by a governmental agency for the training,
730 treatment, or secure care of delinquent youth, or facilities
731 licensed under s. 393.067 or s. 394.875 or chapter 397.

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

736 (n) ~~(l)~~ "Summer day camp" means recreational, educational,
737 and other enrichment programs operated during summer vacations
738 for children who are 5 years of age on or before September 1 and
739 older.

740 (o) ~~(m)~~ "Summer 24-hour camp" means recreational,
741 educational, and other enrichment programs operated on a 24-hour
742 basis during summer vacation for children who are 5 years of age
743 on or before September 1 and older, that are not exclusively
744 educational.

745 (5) ~~(a)~~ The department shall adopt and amend licensing

746 | rules for the levels of licensed care associated with the
747 | licensure of family foster homes, residential child-caring
748 | agencies, and child-placing agencies. The rules may include
749 | criteria to approve waivers to licensing requirements when
750 | applying for a child-specific license.

751 | (a) Family foster homes shall be classified by levels of
752 | licensure, as follows:

753 | 1. Level I.—

754 | a. Type of licensure.—Child-specific foster home.

755 | b. Licensure requirements.—The caregiver must meet all
756 | level II requirements pursuant to this section. However,
757 | requirements not directly related to safety may be waived.

758 | 2. Level II.—

759 | a. Type of licensure.—Non-child-specific foster home.

760 | b. Licensure requirements.—The caregiver must meet all
761 | licensing requirements pursuant to paragraph (b).

762 | 3. Level III.—

763 | a. Type of licensure.—Safe foster home for victims of
764 | human trafficking.

765 | b. Licensure requirements.—The caregiver must meet all
766 | licensing requirements pursuant to paragraph (b) and all
767 | certification requirements pursuant to s. 409.1678.

768 | 4. Level IV.—

769 | a. Type of licensure.—Therapeutic foster home.

770 | b. Licensure requirements.—The caregiver must meet all

771 licensing requirements pursuant to paragraph (b) and all
772 certification requirements established in rule by the Agency for
773 Health Care Administration.

774 5. Level V.—

775 a. Type of licensure.—Medical foster home.

776 b. Licensure requirements.—The caregiver must meet all
777 licensing requirements pursuant to paragraph (b) and all
778 certification requirements established in rule by the Agency for
779 Health Care Administration. ~~The department may also adopt rules~~
780 ~~relating to the screening requirements for summer day camps and~~
781 ~~summer 24-hour camps.~~

782 (b) The requirements for licensure and operation of family
783 foster homes, residential child-caring agencies, and child-
784 placing agencies shall include:

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

788 2. The provision of food, clothing, educational
789 opportunities, services, equipment, and individual supplies to
790 assure the healthy physical, emotional, and mental development
791 of the children served.

792 3. The appropriateness, safety, cleanliness, and general
793 adequacy of the premises, including fire prevention and health
794 standards, to provide for the physical comfort, care, and well-
795 being of the children served.

796 4. The ratio of staff to children required to provide
797 adequate care and supervision of the children served and, in the
798 case of foster homes, the maximum number of children in the
799 home.

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

802 6. The department may grant exemptions from
803 disqualification from working with children or the
804 developmentally disabled as provided in s. 435.07.

805 7. The provision of preservice and inservice training for
806 all foster parents and agency staff.

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

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

812 10. The provision for parental involvement to encourage
813 preservation and strengthening of a child's relationship with
814 the family.

815 11. The transportation safety of children served.

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

818 13. Provisions to safeguard the legal rights of children
819 served.

820 (c) ~~(b)~~ The requirements for the licensure and operation of

821 a child-placing agency shall also include compliance with the
 822 requirements of ss. 63.0422 and 790.335.

823 (d)~~(e)~~ The department shall randomly drug test a licensed
 824 foster parent if there is a reasonable suspicion that he or she
 825 is using illegal drugs. The cost of testing shall be paid by the
 826 foster parent but shall be reimbursed by the department if the
 827 test is negative. The department may adopt rules necessary to
 828 administer this paragraph.

829 (e)~~(d)~~ In adopting ~~promulgating~~ licensing rules pursuant
 830 to this section, the department may make distinctions among
 831 types of care; numbers of children served; and the physical,
 832 mental, emotional, and educational needs of the children to be
 833 served by a home or agency.

834 (f)~~(e)~~ The department may ~~shall~~ not adopt rules which
 835 interfere with the free exercise of religion or which regulate
 836 religious instruction or teachings in any child-caring or child-
 837 placing home or agency. This section may not; ~~however, nothing~~
 838 ~~herein shall~~ be construed to allow religious instruction or
 839 teachings that are inconsistent with the health, safety, or
 840 well-being of any child; with public morality; or with the
 841 religious freedom of children, parents, or legal guardians who
 842 place their children in such homes or agencies.

843 (g)~~(f)~~ The department's rules shall include adoption of a
 844 form to be used by child-placing agencies during an adoption
 845 home study that requires all prospective adoptive applicants to

846 acknowledge in writing the receipt of a document containing
847 solely and exclusively the language provided for in s. 790.174
848 verbatim.

849 (6)

850 (k) The department may not license summer day camps or
851 summer 24-hour camps. However, the department shall have access
852 to the personnel records of such facilities to ensure compliance
853 with the screening requirements. The department may adopt rules
854 relating to the screening requirements for summer day camps and
855 summer 24-hour camps.

856 (9)

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

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

862 2. A violation of the provisions of this section or of
863 licensing rules promulgated pursuant to this section.

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

866 4. Failure to dismiss personnel found in noncompliance
867 with requirements for good moral character.

868 5. Failure to comply with the requirements of ss. 63.0422
869 and 790.335.

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

871 proceedings in a court of competent jurisdiction to:

872 1. Enforce the provisions of this section or any license
873 requirement, rule, or order issued or entered into pursuant
874 thereto; or

875 2. Terminate the operation of an agency in which any of
876 the following conditions exist:

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

880 b. There is a violation of any of the provisions of this
881 section, or of any licensing requirement promulgated pursuant to
882 this section, which violation threatens harm to any child or
883 which constitutes an emergency requiring immediate action.

884 3. Terminate the operation of a summer day camp or summer
885 24-hour camp providing care for children when such camp has
886 willfully and knowingly refused to comply with the screening
887 requirements for personnel or has refused to terminate the
888 employment of personnel found to be in noncompliance with the
889 requirements for good moral character as determined in paragraph
890 (5) (b) ~~(5) (a)~~.

891 (b) If the department finds, within 30 days after written
892 notification by registered mail of the requirement for
893 licensure, that a person or agency continues to care for or to
894 place children without a license or, within 30 days after
895 written notification by registered mail of the requirement for

896 screening of personnel and compliance with paragraph (5) (b)
 897 ~~(5) (a)~~ for the hiring and continued employment of personnel,
 898 that a summer day camp or summer 24-hour camp continues to
 899 provide care for children without complying, the department
 900 shall notify the appropriate state attorney of the violation of
 901 law and, if necessary, shall institute a civil suit to enjoin
 902 the person or agency from continuing the placement or care of
 903 children or to enjoin the summer day camp or summer 24-hour camp
 904 from continuing the care of children.

905 (12)

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

908 1. Willfully or intentionally fail to comply with the
 909 requirements for the screening of personnel or the dismissal of
 910 personnel found not to be in compliance with the requirements
 911 for good moral character as specified in paragraph (5) (b)
 912 ~~(5) (a)~~.

913 2. Use information from the criminal records obtained
 914 under this section for any purpose other than screening a person
 915 for employment as specified in this section or to release such
 916 information to any other person for any purpose other than
 917 screening for employment as specified in this section.

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

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

923 (14) (a) In order to provide improved services to children,
924 the department shall provide or cause to be provided preservice
925 training for prospective foster parents ~~and emergency shelter~~
926 ~~parents~~ and inservice training for foster parents ~~and emergency~~
927 ~~shelter parents~~ who are licensed and supervised by the
928 department.

929 (b) As a condition of licensure, foster parents ~~and~~
930 ~~emergency shelter parents~~ shall successfully complete a minimum
931 of 21 hours of preservice training. The preservice training
932 shall be uniform statewide and shall include, but not be limited
933 to, such areas as:

- 934 1. Orientation regarding agency purpose, objectives,
935 resources, policies, and services;
- 936 2. Role of the foster parent ~~and the emergency shelter~~
937 ~~parent~~ as a treatment team member;
- 938 3. Transition of a child into and out of foster care ~~and~~
939 ~~emergency shelter care~~, including issues of separation, loss,
940 and attachment;
- 941 4. Management of difficult child behavior that can be
942 intensified by placement, by prior abuse or neglect, and by
943 prior placement disruptions;
- 944 5. Prevention of placement disruptions;
- 945 6. Care of children at various developmental levels,

946 including appropriate discipline; and

947 7. Effects of foster parenting on the family of the foster
948 parent ~~and the emergency shelter parent.~~

949 (c) In consultation with foster parents, each region
950 ~~district~~ or lead agency shall develop a plan for making the
951 completion of the required training as convenient as possible
952 for potential foster parents ~~and emergency shelter parents~~. The
953 plan should include, without limitation, such strategies as
954 providing training in nontraditional locations and at
955 nontraditional times. The plan must be revised at least annually
956 and must be included in the information provided to each person
957 applying to become a foster parent ~~or emergency shelter parent.~~

958 (d) Prior to licensure renewal, each level II through
959 level V foster parent ~~and emergency shelter parent~~ shall
960 successfully complete 8 hours of inservice training. Each level
961 I foster parent shall successfully complete 4 hours of inservice
962 training. Periodic time-limited training courses shall be made
963 available for selective use by foster parents ~~and emergency~~
964 ~~shelter parents~~. Such inservice training shall include subjects
965 affecting the daily living experiences of foster parenting as a
966 foster parent ~~or as an emergency shelter parent, whichever is~~
967 ~~appropriate.~~ For a foster parent ~~or emergency shelter parent~~
968 participating in the required inservice training, the department
969 shall reimburse such parent for travel expenditures and, if both
970 parents in a home are attending training or if the absence of

971 the parent would leave the children without departmentally
972 approved adult supervision, ~~either~~ the department shall make
973 provision for child care or shall reimburse the foster ~~or~~
974 ~~emergency shelter~~ parents for child care purchased by the
975 parents for children in their care.

976 Section 14. Subsection (5) of section 960.065, Florida
977 Statutes, is amended to read:

978 960.065 Eligibility for awards.—

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

983 Section 15. This act shall take effect July 1, 2018.